

# Planning and Rights of Way Panel

Tuesday, 26th June, 2012  
at 9.30 am

## **PLEASE NOTE TIME OF MEETING**

Conference Rooms 3 and 4 - Civic  
Centre

This meeting is open to the public

### **Members**

Councillor Mrs Blatchford (Chair)  
Councillor Claisse  
Councillor Cunio  
Councillor L Harris  
Councillor Lloyd  
Councillor Shields  
Councillor Smith

### **Contacts**

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## **PUBLIC INFORMATION**

### **Terms of Reference**

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

### **Public Representations**

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

### **Southampton City Council's Seven Priorities**

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings

**Mobile Telephones** – Please turn off your mobile telephone whilst in the meeting.

**Fire Procedure** – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2012/13**

<b>2012</b>	<b>2013</b>
<b>29 May 2012</b>	<b>15 January 2013</b>
<b>26 June</b>	<b>19 February</b>
<b>24 July</b>	<b>26 March</b>
<b>21 August</b>	<b>23 April</b>
<b>18 September</b>	
<b>16 October</b>	
<b>20 November</b>	
<b>11 December</b>	

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum**

The minimum number of appointed Members required to be in attendance to hold the meeting is three.

### **Disclosure of Interests**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

#### **Personal Interests**

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
  - any employment or business carried on by such person;
  - any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
  - any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

/Continued...

## **Prejudicial Interests**

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## **AGENDA**

**Agendas and papers are available via the Council's Website**

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

### **2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Panel Administrator prior to the commencement of this meeting.

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting held on 29 May 2012 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:30 AM**

### **5 BANISTER SCHOOL, BANISTER GARDENS SO15 2LX /12/00489/R3CFL**

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, attached.

### **ITEMS TO BE HEARD BETWEEN 10:30 AM TO 11:15 AM**

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

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, attached.

**ITEMS TO BE HEARD BETWEEN 11:15 AM TO 11:45 AM**

**7 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, attached.

**ITEMS TO BE HEARD BETWEEN 11.45 AM AND 12:15 PM**

**8 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, attached.

**ITEMS TO BE HEARD BETWEEN 12:15 PM TO 1:00 PM**

**9 21-22 HANOVER BUILDINGS /12/00166/FUL**

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, attached.

**ITEMS TO BE HEARD BETWEEN 1:00 PM AND 1:15 PM**

**10 28 - 30 ALMA ROAD, SO14 6UP /12/00339/OUT**

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, attached.

**ITEMS TO BE HEARD BETWEEN 2.00 PM AND 2.45 PM**

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

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, attached.

Monday, 18 June 2012

HEAD OF LEGAL, HR AND DEMOCRATIC  
SERVICES

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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 29 MAY 2012

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Present: Councillors Mrs Blatchford (Except Minutes 5-12) (Chair), Claisse, Cunio, L Harris, Lloyd, B Harris and Thomas

Apologies: Councillors Shields and Smith

1. **APPOINTMENT OF VICE-CHAIR**

**RESOLVED** that Councillor Cunio be elected Vice-Chair for the Municipal Year 2012/2013.

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

The Panel noted that Councillor B Harris was in attendance as a nominated substitute for Councillor Smith, and Councillor Thomas was in attendance as a nominated substitute for Councillor Shields, in accordance with Procedure Rule 4.3.

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

**RESOLVED** that the Minutes of the Meetings held on 29<sup>th</sup> March and 17<sup>th</sup> April 2012 be approved and signed as a correct record.

4. **21-35 ST DENYS ROAD / 11/01856/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal 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 for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 pumps with canopy.

Mr Cundale (Agent), Dr Buckle and Mr Reed (objecting) (Local Residents) and Councillors Norris and Vinson (objecting) (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** unanimously that planning permission be **refused** for reasons set out in the report.

**COUNCILLOR CUNIO IN THE CHAIR**

5. **THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00358/FUL**

The Panel considered the 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)

Extension and reconfiguration of existing car park hard standing

Mr Christopher (Applicant), Mrs Wilcox (objecting) (Local resident) and Councillor Mrs Blatchford (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. After speaking Councillor Mrs Blatchford withdrew from the meeting and was not present for the determination of this item.

The presenting officer reported amended plans for the ATM and a services management plan had been submitted. Additional representations had been received for the ATM, car parking, services and hours of operation.

The presenting officer reported amendments had been made to the following conditions so they should read:

**02. APPROVAL CONDITION - Servicing management plan [Performance Condition]**

An amended servicing management plan shall be submitted and agreed in writing with the Local Planning Authority within three months of the issuing of this decision. All servicing of the site shall be undertaken in strict accordance with the approved management plan unless otherwise agreed in writing with the Local Planning Authority and in accordance with the servicing hours set out in the conditions on this consent.

Reason:

To protect the amenity of neighbouring residential dwellings and in the interests of highways safety in line with SDP1(i) of the City of Southampton Local Plan (2006).

**03. APPROVAL CONDITION - Site access [Performance condition]**

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. Within 28 days of the date of this letter a bollard of similar design to the bollards approved on the site, but not more than 1m in height, shall be erected at the exit onto Heathfield Road in the position adjacent to the public highway so as to narrow the width of the exit by 2m and enable 2m visibility splays to be created along the pavement in Heathfield Road to the south-east of the site exit. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

**04. APPROVAL CONDITION - Servicing hours [Performance condition]**

All servicing of the premises, including loading and unloading, shall take place within the site in accordance with the revised service management plan required by condition 2 of this consent and only between the following hours:

7.00am and 8.00am (maximum of two deliveries during this time)

9.30am and 3.00pm

4.00pm and 10.00pm unless agreed otherwise in writing by the Local Planning Authority.

Reason:

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



**RESOLVED** unanimously to **grant** planning permission subject to the conditions in the report and the amended and following additional conditions:

Additional conditions

**07: APPROVAL CONDITION - Landscape Area [Performance condition]**

The landscaped area in the north-east corner of the site shall be retained and maintained as a soft landscape area. A planting scheme for this area shall be submitted within 3 months of the date of this consent and planting undertaken within the first planting season after the store first opens (November 2012 to March 2013). The area shall thereafter be retained and maintained in accordance with the approved landscape scheme.

Reason:

In the interests of the visual amenity of the site and the amenity of adjacent occupiers.

**08: APPROVAL CONDITION - Replacement of fence with wall [Performance condition]**

Within 3 months of the date of this consent the existing section of fencing along the south-east boundary of the site between the exit route and residential units in Heathfield Road shall be replaced by a brick wall using materials to match the existing wall.

Reason:

To protect the amenities of adjacent occupiers.

6. **THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00356/FUL**

The Panel considered the 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)

Installation of ATM to front of proposed store (description modified following amended plans)

Mr Christopher (Applicant), Mrs Wilcox (objecting) (Local resident) and Councillor Mrs Blatchford (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. After speaking Councillor Mrs Blatchford withdrew from the meeting and was not present for the determination of this item.

The presenting officer reported amended plans for the ATM and a services management plan had been submitted. Additional representations had been received for the ATM, car parking, services and hours of operation.

The presenting officer reported amendments had been made to the following conditions so they should read:

**02. APPROVAL CONDITION - Site access [Performance condition]**

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. Within 28 days of the date of this letter a bollard of similar design to the bollards approved on the site, but not more than 1m in height, shall be erected at

the exit onto Heathfield Road in the position adjacent to the public highway so as to narrow the width of the exit by 2m and enable 2m visibility splays to be created along the pavement in Heathfield Road to the south-east of the site exit. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

**REASON**

In the interests of highway safety.

**03. APPROVAL CONDITION - Servicing hours [Performance condition]**

All servicing of the premises, including loading and unloading, shall take place within the site in accordance with the revised service management plan required by condition 2 of this consent and only between the following hours:

7.00am and 8.00am (maximum of two deliveries during this time)

9.30am and 3.00pm

4.00pm and 10.00pm unless agreed otherwise in writing by the Local Planning Authority.

**REASON**

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

**RESOLVED** unanimously to **refuse** planning permission for the reasons set out below.

**Reasons for refusal**

The proposed introduction of an external ATM would be likely to result in increased activity leading to an increase in the disturbance through noise, general activity and a potential for an increase in anti-social behaviour that would be harmful to the residential amenity of the surrounding area. The proposal would therefore be contrary to Policies SDP1(i) of the City of Southampton Local Plan Review (Adopted version March 2006).

7. **THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00355/FUL**

The Panel considered the 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)

Erection of 11 no. steel bollards on Butts Road and Heathfield Road frontages (description modified following amended plans)

Mr Christopher (Applicant), Mrs Wilcox (objecting) (Local resident) and Councillor Mrs Blatchford (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. After speaking Councillor Mrs Blatchford withdrew from the meeting and was not present for the determination of this item.

The presenting officer reported amended plans for the ATM and a services management plan had been submitted. Additional representations had been received for the ATM, car parking, services and hours of operation.

The presenting officer reported amendments had been made to the following conditions so they should read:

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**REASON**

In the interests of highway safety.

**03. APPROVAL CONDITION - Servicing hours [Performance condition]**

All servicing of the premises, including loading and unloading, shall take place within the site in accordance with the revised service management plan required by condition 2 of this consent and only between the following hours:

7.00am and 8.00am (maximum of two deliveries during this time)

9.30am and 3.00pm

4.00pm and 10.00pm unless agreed otherwise in writing by the Local Planning Authority.

**REASON**

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

**RESOLVED** unanimously to **grant** planning permission subject to the conditions listed in the report and the amended conditions listed above.

8. **THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00360/FUL**

The Panel considered the 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)

Installation of external chiller/freezer unit to servicing area

Mr Christopher (Applicant), Mrs Wilcox (objecting) (Local resident) and Councillor Mrs Blatchford (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. After speaking Councillor Mrs Blatchford withdrew from the meeting and was not present for the determination of this item.

The presenting officer reported amended plans for the ATM and a services management plan had been submitted. Additional representations had been received for the ATM, car parking, services and hours of operation.

The presenting officer reported amendments had been made to the following conditions so they should read:

**03. APPROVAL CONDITION - Site access [Performance condition]**

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**REASON**

In the interests of highway safety.

**04. APPROVAL CONDITION - Servicing hours [Performance condition]**

All servicing of the premises, including loading and unloading, shall take place within the site in accordance with the revised service management plan required by condition 2 of this consent and only between the following hours:

7.00am and 8.00am (maximum of two deliveries during this time)

9.30am and 3.00pm

4.00pm and 10.00pm unless agreed otherwise in writing by the Local Planning Authority.

**REASON**

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

**RESOLVED** unanimously to **grant** planning permission subject to the conditions listed in the report and the amended conditions listed above.

9. **THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00359/FUL**

The Panel considered the 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)

Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

Mr Christopher (Applicant), Mrs Wilcox (objecting) (Local resident) and Councillor Mrs Blatchford (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. After speaking Councillor Mrs Blatchford withdrew from the meeting and was not present for the determination of this item.

The presenting officer reported amended plans for the ATM and a services management plan had been submitted. Additional representations had been received for the ATM, car parking, services and hours of operation.

The presenting officer reported amendments had been made to the following conditions so they should read:

**03. APPROVAL CONDITION - Site access [Performance condition]**

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**REASON**

In the interests of highway safety.

**04. APPROVAL CONDITION – Servicing Hours [Performance condition]**

All servicing of the premises, including loading and unloading, shall take place within the site in accordance with the revised service management plan required by condition 2 of this consent and only between the following hours:

7.00am and 8.00am (maximum of two deliveries during this time)

9.30am and 3.00pm

4.00pm and 10.00pm unless agreed otherwise in writing by the Local Planning Authority.

**REASON**

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

**RESOLVED** unanimously to **grant** planning permission subject to the conditions listed in the report and the amended conditions listed above.

10. **THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00353/FUL**

The Panel considered the 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)

External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

Mr Christopher (Applicant), Mrs Wilcox (objecting) (Local resident) and Councillor Mrs Blatchford (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. After speaking Councillor Mrs Blatchford withdrew from the meeting and was not present for the determination of this item.

The presenting officer reported amended plans for the ATM and a services management plan had been submitted. Additional representations had been received for the ATM, car parking, services and hours of operation.

The presenting officer reported amendments had been made to the following conditions so they should read:

**03. APPROVAL CONDITION – Site access [Performance Condition]**

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. Within 28 days of the date of this letter a bollard of similar design to the bollards approved on the site, but not more than 1m in height, shall be erected at the exit onto Heathfield Road in the position adjacent to the public highway so as to narrow the width of the exit by 2m and enable 2m visibility splays to be created along the pavement in Heathfield Road to the south-east of the site exit. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

**REASON**

In the interests of highway safety.

**04. APPROVAL CONDITION – Servicing hours [Performance Condition]**

All servicing of the premises, including loading and unloading, shall take place within the site in accordance with the revised service management plan required by condition 2 of this consent and only between the following hours:

7.00am and 8.00am (maximum of two deliveries during this time)

9.30am and 3.00pm

4.00pm and 10.00pm unless agreed otherwise in writing by the Local Planning Authority.

**REASON**

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

**RESOLVED** unanimously to **grant** planning permission subject to the conditions listed in the report and the amended conditions listed above.

11. **THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00357/FUL**

The Panel considered the 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)

Erection of open sided canopy to rear of building

Mr Christopher (Applicant), Mrs Wilcox (objecting) (Local resident) and Councillor Mrs Blatchford (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. After speaking Councillor Mrs Blatchford withdrew from the meeting and was not present for the determination of this item.

The presenting officer reported amended plans for the ATM and a services management plan had been submitted. Additional representations had been received for the ATM, car parking, services and hours of operation.

The presenting officer reported amendments had been made to the following conditions so they should read:

**03. APPROVAL CONDITION – Site access [Performance condition]**

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. Within 28 days of the date of this letter a bollard of similar design to the bollards approved on the site, but not more than 1m in height, shall be erected at the exit onto Heathfield Road in the position adjacent to the public highway so as to narrow the width of the exit by 2m and enable 2m visibility splays to be created along the pavement in Heathfield Road to the south-east of the site exit. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

**REASON**

In the interests of highway safety.

**04. APPROVAL CONDITION – Servicing hours [Performance condition]**

All servicing of the premises, including loading and unloading, shall take place within the site in accordance with the revised service management plan required by condition 2 of this consent and only between the following hours:

7.00am and 8.00am (maximum of two deliveries during this time)

9.30am and 3.00pm

4.00pm and 10.00pm unless agreed otherwise in writing by the Local Planning Authority.

**REASON**

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

**RESOLVED** unanimously to **grant** planning permission subject to the conditions listed in the report and the amended conditions listed above.

12. **THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00361/ADV**

The Panel considered the report of the Planning and Development Manager recommending express consent 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)

Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)

Mr Christopher (Applicant), Mrs Wilcox (objecting) (Local resident) and Councillor Mrs Blatchford (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. After speaking Councillor Mrs Blatchford withdrew from the meeting and was not present for the determination of this item.

**RESOLVED** unanimously to **grant** advert consent subject to the conditions listed in the report.

**COUNCILLOR BLATCHFORD IN THE CHAIR**

13. **FIRST FLOOR FLAT, WARWICK HOUSE, 12 CARLTON ROAD, SO15 2HL / 12/00053/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal 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 of upper floors to 1x 6-bed maisonette flat (C4 use [6 bed HMO]). Amended plans received 08/03/2012 which include internal alterations and alterations to the amenity space provision/car parking layout which reduces the number of available car parking spaces proposed on site from 3 to 2.

Mr Edmond (Agent), Mr Ebert (Applicant), Mrs Barter, Mr David, Dr Goodall and Ms Enright (objecting) (Local residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer updated the Panel reporting that the car parking spaces were allocated to the dentist which operates part time (2 days per week and that 6 cycle parking spaces would be provided. It was reported that paragraph 6.2.7 should say the concentration of HMO's surrounding the application site is 40% (2 out of 5) and that paragraph 6.2.9 should say that when the application site is included the concentration of HMO's would be 50% (3 out of 6).

**RESOLVED** unanimously that planning permission be **refused** for the reasons set out in the report.

14. **14 YORK TERRACE, HENSTEAD ROAD, SO15 2DD / 12/00245/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal 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 House To A 7-Bed House In Multiple Occupation (HMO, Sui Generis) (Submitted In Conjunction With 12/00246/Lbc).

Dr Lawrence (Applicant), Mrs Barter (objector) (Local resident) and Councillor Bogle (supporting) (Ward Councillor).

The presenting officer reported that paragraph 6.2.7 should say that the concentration of HMO's surrounding the application site is 85% (12 out of 14).

**RESOLVED** to **grant** planning permission and delegate the imposition of conditions to the Planning and Development Manager, set out below:

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Cunio, Lloyd and Thomas

AGAINST: Councillors Claisse, B Harris and L Harris

**APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not 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).

**APPROVAL CONDITION - 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.

**APPROVAL CONDITION - Refuse and Cycle Storage - Pre-occupation Condition.**

Notwithstanding the approved plans, prior to the occupation of the property as an HMO details of the proposed refuse and cycle storage shall be submitted to and approved in writing by the Local Planning Department.

Reason:

To encourage cycling as an alternative form of transport, in the interests of visual amenity and the amenities of future occupiers of the development.

**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 surrounding character and amenity, the economic and personal circumstances of the applicant, the proximity to the night time economy area of Bedford Place and the number of HMO's in the surrounding area have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H4, H5, and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS10, CS13, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H4, H5, and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS10, CS13, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

15. **97 REGENTS PARK ROAD, SO15 8NZ / 12/00096/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal 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)

Continued Use Of Garage For Car Repairs

Mr Andrea (Applicant) and Mr Newcombe (supporting) (Local resident) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the description of the development had been amended to remove reference to car sales.

**RESOLVED** unanimously to **grant** planning permission and delegate the imposition of conditions to the Planning and Development Manager, set out below:

**APPROVAL CONDITION - Personal Consent (Performance Condition)**

The development to which this consent relates shall only be undertaken by Mr Vasilis Andrea while he occupies the residential dwelling house at number 97 Regents Park Road and by no other person(s) unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to control the scale of the operation of the development and in order to reflect the extenuating circumstances for which planning permission is granted.

**APPROVAL CONDITION - Scope and Restriction of use of other Classes**

The use of the garage building shall be limited to the specific use (motor vehicle repairs) within the Town and Country Planning (Use Classes) Order 1987 (or any amendment to, replacement of, or reinstatement of that Order) Use Class B2 (General Industry) of Schedule 2 and for the purposes of clarity shall not be used for any Use Class B1 (Business) or B8 (Storage of Distribution) purpose or activity. No Body repairs work or paint spraying shall take place on the site.

Reason:

In the interests of the amenities of adjacent residential occupiers.

**APPROVAL CONDITION - Hours of Operation. [Performance Condition]**

The garage to which this permission relates shall only be use in connection with vehicular repairs between the hours of 09.30 and 15.30 Monday to Friday, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of those members of the public who live close to the facility.

**APPROVAL CONDITION - loading / unloading [Performance Condition]**

The front curtilage of the dwelling house to which this application relates shall at no time be used for the parking and or storage of any vehicles associated with the commercial use of the garage structure hereby approved.

Reason

In the interests of highway safety and residential amenity.

**APPROVAL CONDITION - Restricted use of garden area**

The garden area serving the main dwelling shall remain in residential use ancillary to the dwelling and shall not be used in connection with the commercial use of the garage hereby permitted, including for any storage purposes, unless otherwise agreed in writing by the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers

**APPROVAL CONDITION - Noise Report - [Pre Occupation Condition]**

Unless otherwise agreed in writing with the Local Planning Authority the hereby approved temporary consent shall be operated in accordance with the mitigation measures proposed by the 'Noise Impact Assessment' by KR Associates v1.1 dated 14th January 2011 for 97 Regents Park Road as supported by the Environmental Health Team (Pollution and Safety). The details/mitigation measures recommended in the approved 'Noise Impact Assessment' report shall be retained thereafter during the hereby approved operation of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

**APPROVAL CONDITION - Keep doors closed - [Performance Condition].**

All work to vehicles associated with this permission shall be carried out within the confines of the garage and whilst work associated with this permission is being undertaken all doors to the garage must remain closed.

Reason:

To limit the noise breakout from the workshop.

**APPROVAL CONDITION - 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.

**Reason for Granting Permission**

The development is acceptable for a temporary, personal consent, subject to the imposition of conditions, taking into account the small scale nature of the activity and the requirement for further mitigation works to be undertaken prior to consent be issued. Full regard has been had to the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character and amenity, in particular the potential for noise and odour disturbance to be caused, have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP7, SDP15, SDP16 and SDP21 of the City of Southampton Local Plan Review (March 2006); and PPS1 Delivering Sustainable Development, PPS23 Planning and Pollution Control and PPG24 Planning and Noise).

16. **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).

Mr Wiles (Agent and Mr Wirgman (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

The presenting officer provided an update to the Panel reporting that amended plans had been received which increased the number of parking spaces by 100% (2 – 4) in response to the parking survey and objection letters. The presenting officer also suggested that should planning permission be granted a condition requiring the hard surfacing at the front of the property should be added to require the materials to be permeable.

**RESOLVED** that planning permission be **refused** for the reasons set out below:

RECORDED VOTE:

FOR: Councillors Claisse, Cunio, B Harris and L Harris

AGAINST: Councillors Mrs Blatchford, Lloyd and Thomas

**Reason for Refusal – Unacceptable Intensification of use**

The redevelopment of the site taking into account the context and character of the area, will result in an intensification in the use of the site, which by reason of the additional general activity, on street car parking, noise and disturbance would be to the detriment of the amenity of nearby residents. As such the proposal represents an over-intensive use of the site and is therefore contrary Policies SDP1 (i) and SDP7 (v) of the City of Southampton Local Plan Review 2006.

17. **34 ALBANY ROAD, SO15 3EG / 12/00338/FUL**

The Panel considered the 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)

Erection of a part 2-storey, part single storey building to create 2 dwellings (comprising 1x3-bed and 1x2-bed ) with associated parking and cycle/refuse storage, following demolition of existing building (resubmission of 11/00896/FUL)

Mr Wiles (Applicant) was present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report and subject to the following additional condition:

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Cunio and Thomas  
AGAINST: Councillors Claisse, B Harris and L Harris  
ABSTAINED: Councillor Lloyd

**NOTE:** This item was carried with the use of the Chair's second and casting vote.

Additional condition

**12. APPROVAL CONDITION – Residential – Permitted Development Restriction [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,  
Class B (roof alteration),  
Class C (other alteration to the roof),  
Class D (porch),  
Class E (cartilage structures), including a garage, shed, greenhouse, etc.,  
Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

18. **LAND AT INKERMAN ROAD / JOHNS ROAD / 12/00039/R3OL**

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 to provide 11 houses (7 x 3-bedroom, 4 x 2-bedroom) with associated car parking and access involving diversion of an existing public right of way (outline application seeking approval for Access, Layout and Scale).

**RESOLVED** unanimously to delegate authority to the Planning and Development Manager to **grant** deemed outline planning permission subject to the criteria listed in the report and subject to the following amendment to condition 01 (i) (b):

Amendment to condition

**01 APPROVAL CONDITION – Outline Permission Timing Condition**

(i) b) Landscaping of the site specifying a planting plan (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), hard and soft treatments, all means of enclosure to be formed within the site and to site boundaries surface treatments for parking layout,

pedestrian access, surface areas and property frontages and ancillary objects (refuse bins, external lighting, lighting columns **in particular between X and Y the installation of a 1.8m brick wall** etc) (RESERVED MATTER);

19. **PEMBROKE COURT, 62 - 70 WESTWOOD ROAD / 11/02025/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 four-storey building to provide a 72 bedroom Residential Care Home with associated access, parking and landscaping.

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

The presenting officer reported that further information had been submitted by the applicant on relation to ecology. An additional 'Head of Term' to the Section 106 agreement was reported, detailed below:

- v. Submission and implementation of a Travel Plan to promote sustainable transport choices.

**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:

Additional condition

**22. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Bat Survey Report from WYG Environment reference A072004 dated November 2011 with the application] 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.

# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 26 June 2012 - Conference Rooms 3 and 4, 1<sup>st</sup> Floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH at or around 13.15 PM

Main Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<b><u>BETWEEN 9.30 AM AND 10.30 AM</u></b>					
5	SL	DEL	Q12	15	12/00489/R3CFL Banister School, Banister Gardens SO15 2LX
<b><u>BETWEEN 10.30 AM AND 11.15 AM</u></b>					
6	SH	DEL	Q12	15	12/00490/R3CFL Wordsworth Infant School, Stratton Road SO15 5RA
<b><u>BETWEEN 11.15 AM AND 11.45 PM</u></b>					
7	AA	CAP	Q20	5	12/00684/FUL 6 Denbigh Gardens SO16 7PH
<b><u>BETWEEN 11.45 PM AND 12.15 PM</u></b>					
8	AA	CAP	Q20	5	12/00677/FUL 30 Glen Eyre Drive SO16 3NR
<b><u>BETWEEN 12.15 PM AND 1.00 PM</u></b>					
9	JT	DEL	Q07	15	12/00166/FUL 21-22 Hanover Buildings
<b><u>BETWEEN 1.00 PM AND 1.15 PM</u></b>					
10	AA	DEL	Q07	15	12/00339/OUT 28 - 30 Alma Road SO14 6UP
<b><u>BETWEEN 2.00 PM AND 2.45 PM</u></b>					
11	ARL	DEL	Q12	15	12/00488/R3CFL Moorlands Primary School, Kesteven Way SO18 5RJ

### **Abbreviations:**

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TEMP – Temporary Consent

AA – Andrew Amery, ARL – Anna Lee, BS- Bryony Stala, MP- Mathew Pidgeon, RP – Richard Plume

# **Southampton City Council - Planning and Rights of Way Panel**

## **Report of Executive Director of Environment**

### **Local Government (Access to Information) Act 1985**

#### **Index of Documents referred to in the preparation of reports on Planning**

##### **Applications:**

##### **Background Papers**

1. **Documents specifically related to the application**
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. **Statutory Plans**
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
  - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)
  
3. **Statutory Plans in Preparation**
  - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)
  
4. **Policies and Briefs published and adopted by Southampton City Council**
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Provision of Community Infrastructure & Affordable Housing - Planning Obligation (2006)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)
  - (l) Economic Development Strategy (1996)
  - (m) Test Lane (1984)
  - (n) Itchen Valley Strategy (1993)
  - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)



- (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelbert Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)\*
- (dd) Bassett Avenue Character Appraisal (1982)\*
- (ee) Howard Road Character Appraisal (1991) \*
- (ff) Lower Freemantle Character Appraisal (1981) \*
- (gg) Mid Freemantle Character Appraisal (1982)\*
- (hh) Westridge Road Character Appraisal (1989) \*
- (ii) Westwood Park Character Appraisal (1981) \*
- (jj) Cranbury Place Character Appraisal (1988) \*
- (kk) Carlton Crescent Character Appraisal (1988) \*
- (ll) Old Town Conservation Area Character Appraisal (1974) \*
- (mm) Oxford Street Conservation Area Character Appraisal (1982) \*
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)\*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)\*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)\*
- (tt) Old Woolston Development Control Brief (1974)\*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

\* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

## 5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use
  - (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
  - (b) Planning controls for hazardous substances 04/00
  - (c) The Use of conditions in planning permissions 11/95
  - (d) Environmental Impact Assessment 2/99
  - (e) Planning Controls over Demolition 10/95
  - (f) Planning and Affordable Housing 6/98
  - (g) Prevention of Dereliction through the Planning System 2/98
  - (h) Air Quality and Land Use Planning 10/97
  - (i) Town and Country Planning General Regulations 19/92
  
7. Government Policy Planning Advice
  - (a) National Planning Policy Framework (27.3.2012)
  
8. Other Published Documents
  - (a) Planning for Daylight and Sunlight - DOE
  - (b) Coast and Countryside Conservation Policy - HCC
  - (c) The influence of trees on house foundations in clay soils - BREDK
  - (d) Survey and Analysis - Landscape and Development HCC
  - (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
  - (f) Shopping Policies in South Hampshire - HCC
  - (g) Buildings at Risk Register SCC (1998)
  - (h) Southampton City Safety Audit (1998)
  - (i) Urban Capacity Study 2005 – 2011 (March 2006)
  - (j) Strategic Housing Land Availability Assessment (March 2009)
  
9. Other Statutes
  - a) Crime and Disorder Act 1998
  - b) Human Rights Act 1998

Revised: 2.4.2012

# Agenda Item 5

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 26 June 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Banister School, Banister Gardens SO15 2LX			
<b>Proposed development:</b> 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)			
<b>Application number</b>	12/00489/R3CFL	<b>Application type</b>	Deemed Full
<b>Case officer</b>	Steve Lawrence	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	04.07.2012	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Major with objections	<b>Ward Councillors</b>	Cllr Shields Cllr Moulton Cllr Parnell

<b>Applicant:</b> Southampton City Council - Children's Services & Learning	<b>Agent:</b> Hunters
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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## Reason for granting Deemed Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan 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 protected by a Tree Preservation Order. The use of 'fritted glazing' on the east facing classroom windows is considered to adequately safeguard the privacy of certain occupiers of flats in 19-21 Archers Road, who enjoy outlook across the school site. 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, TI2

LDF Core Strategy (2010) Policies

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

<b>Appendices attached</b>			
1	Ministerial statement in respect of schools development proposals	2	Development Plan Policies

## Recommendation in Full

Delegate to the Planning and Development Manager to grant deemed planning permission following the completion of an Undertaking from the Head of Children's Services and Learning to secure:

- i. 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 (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. The funding of any Traffic Regulation Orders (TRO) required to enable the development to be implemented;
- iv. Submission and implementation within a specified timescale of a revised Travel Plan;
- v. Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- vi. Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;

That the Planning and Development Manager be given delegated powers to vary relevant parts of the S.106 Unilateral Undertaking and to vary or add conditions as necessary.

## **Procedural Context**

### Council's Own Development

The proposed scheme is a Regulation 3 application for Full Permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case as the Local Education Authority) for development that it wishes to undertake as part of its remit as a public sector service provider.

It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved, if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

### **1.0 The site and its context**

- 1.1 The (0.76 ha) overall school site is located on the north side of the street, some 127m west of the junction with Carlton Road and some 420m east of the junction with Hill Lane. The existing single storey buildings are generally surrounded by housing of varying scale between two and five storeys. Two storey housing abuts to the west in Archers Road, to the north in Banister Gardens and Mayfair Gardens. Five storey flats at 19-21 Archers Road (that development known as 'Banister Gate') adjoin to the east.

- 1.2 20 to 23 (consecutively) Mayfair Gardens back onto the school site. The back windows of those houses are set some 17m off the common boundary. A private vehicular access passes by the side of 20 Mayfair Gardens and partially returns at the rear of that property. This serves 16 to 19 (consecutively) Mayfair Gardens. The latter property is side onto the school boundary and surface car park, set some 3m off that boundary. There are no windows in the flank wall of 19 Mayfair Gardens facing the school. 1.8m high timber close-boarded fencing marks the common boundary with the school.
- 1.3 'Banister Gate's' west elevation has a north and a south 'wing' set 5m off the school's eastern boundary. This is inclusive of the 3m wide narrow strip of land believed to be owned by The Crown Estate separating the two sites. A recessed part of the west/south elevation, containing a number of residential balconies is set 11m off the school's eastern boundary. The flats positioned in this recessed part of the building only enjoy a single aspect towards the school each via two windows/patio doors. They enjoy a pleasant outlook towards the TPO trees on the school site.
- 1.4 A 2 storey private members social club 'Archers', with manager's accommodation in the roofspace exists on the opposite side of the street, which is otherwise predominantly residential in character and comprised of buildings ranging from 2 to 4 storeys in height, mostly in flatted blocks, generally set back from the street by between 13 and 18 m, opposite the school frontage. 27a to 27d Archers Road are set back between 12m and 14m from the street, with 'Banister Gate' being set back between 9-14m from the street.
- 1.5 Properties in the street are mostly of brick-faced construction, although the use of white rendered panels is also prevalent. There is a mixture of pitched and flat roofed buildings.
- 1.6 Archers Road is a classified highway and heavily trafficked. Banister Gardens currently acts as a pedestrian access point to the school as well as that from Archers Road. Banister Gardens is accessed off Westrow Road, which leads from Archers Road. There are parking restrictions in Banister Gardens with no waiting between 08.00 and 18.00. There is some limited waiting street parking (9 or so spaces) in Westrow Road. Both sides of Archers Road proximate to the side are marked with double yellow lines. A traffic light controlled pedestrian crossing exists by 27b Archers Road, with a bus stop shelter in front of the school opposite 34 Archers Road (This will need to be relocated at the developer's expense, so as not to conflict with the new pedestrian site entrance). The nearest bus stop shelter on the south side of the street is 48m east of the school outside Dorrick Court.
- 1.7 The site is divided in two by a line of 10 mature trees, protected by The Southampton (Banister Infant School) Tree Preservation Order (TPO) 2011. Each is approximately 18m high and represent a significant amenity feature locally. The trees are in good condition. A surface car park forms the eastern part of the school grounds, where the new school is proposed to be built, located between the TPO'd trees and 'Banister Gate' flats at 19-21 Archers Road.
- 1.8 Narrow strips of land separate the site from Mayfair Gardens and 19-21 Archers Road. These are believed to be owned by The Crown Estate. That between the site and 19-21 Archers Road/19 Mayfair Gardens was originally a cutway between Archers Road and an ice rink which existed before Mayfair Gardens was built, but is now fenced off and overgrown with self-seeded vegetation.
- 1.9 There are currently 182 pupils on the school roll, including 30 nursery school places. 10 teachers, 16 teaching assistants and 7 admin staff are employed equating to 27 full time equivalent (FTE) staff.

- 1.10 The existing surface car park has 73 marked parking spaces and a covered cycle parking shelter for 20 bicycles. The submitted Transport statement sets out that 30 spaces are made available to 'local services' and that some after school hours use is made of the site by Brownies/Girl Guides and an adult dance group.

## **2.0 Proposal**

- 2.1 The Council's Primary School Review has concluded that there is a requirement for additional school places within the Banister Park area. It is therefore proposed to construct a new school building on the existing surface car park within the school site. This would be a tandem build whereby the existing school facility will remain unaffected and pupils will continue to attend and then decant across to the new facility once it is completed. An existing building is being retained to house the nursery school. The capacity of the school will increase from 135 to 450 pupils (including 30 pre-school places) with staff levels listed to rise on the submitted application form from 27 to 45 FTE. The school will change from an infant school to become an all through primary school (4-11 years).
- 2.2 A public exhibition was held on 12 March 2012, prior to making this planning application. 16 of those who attended made written comments on an available form, most welcomed and were complementary about the plans on display. Some, however, were very concerned about the proposals – especially concerning the loss of protected trees and impact to their homes.
- 2.3 The new building, with a floor area of 2,108sq.m is located to front Archers Road and comprises an 'L' shaped three storey block (11.2 metres tall, including covered rear stairwell element) skirted by two, 2 storey elements (8.2 metres tall) and a further single storey plant room (4.2m high). A canopy will be formed to the west/south elevation to give the building entrance greater articulation. 14 classrooms, sports/assembly hall spaces, circulation spaces, sanitary accommodation and kitchen will be provided in the new building. The proposed materials include a brick plinth with white render above. The school colours are represented in the proposed aluminium glazing system. The north side of the building would be set between 3.5-4m off the northern boundary and the east elevation set 13.5m (3 storey element) and 5m (2 storey element) off the eastern boundary. The new building will be serviced from the existing car park access point and on-site turning space provided. A refuse compound, enclosed by 1.8m high fencing will be located off this servicing spur.
- 2.4 The existing buildings will be demolished following the completion of the new school, and a grassed sports pitch and hard surfaced playground pitch markings will be provided for the school with potential for community use (on the site of the existing school). No floodlighting is proposed to those playing surfaces. Block pavings will surface the plaza to be formed by the proposed entrance.
- 2.5 A new car park is proposed accessed from Archers Road, segregated from a new pedestrian access leading to a paved plaza in front of the new school entrance. The car park shows 26 spaces including 3 marked out to aid those with disabilities. Excepting those parents with disabled children, no parents will be allowed to use the car park to drop off or pick up their children at the beginning/end of the school day. 50 cycle parking spaces are proposed. 7 existing trees would be felled (1 Lime and 6 Horse Chestnuts) to facilitate the development, with a 18 shown to be replanted to heavy nursery standard in their place to mitigate such loss.
- 2.6 If deemed permission is granted it is anticipated that development could commence on site as early as July 2012 with completion ready for the September 2013 intake.

### **3.0 Relevant Planning Policy**

- 3.1 Secretary of States' (Eric Pickles and Michael Gove) 2011 have made a joint Ministerial statement regarding school development proposals (See **Appendix 1**) The Planning Service has fully engaged with the Head of Children's Services and Learning, through a pre-application process.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes. The National Planning Policy Framework has an overarching principle to achieve sustainable development.
- 3.3 The school site is shown as unallocated on the Proposals Map to the City of Southampton Local Plan Review (LPR - March 2006), but within an area where archaeological remains are likely (cf. LPR 'saved' Policy HE6 and Core Strategy (CS) Policy CS14.
- 3.4 The relevant policies that would apply to this proposal are taken from the Adopted LDF Core Strategy Development Plan Document (January 2010) and those policies 'saved' from the City of Southampton Local Plan Review (2006) as supported by the council's current list of approved Supplementary Planning Documents (SPD) and Guidance, more particularly the SPD on Car Parking. (See **Appendix 2**).
- 3.5 Policy CS11 (An Educated City) encourages "the development of new inspirational, high quality education and related facilities which encourage community use of their facilities". The principle of intensifying the school site for education purposes is, in planning terms, welcomed and supported and will assist the City in meeting its growing education requirements.
- 3.6 The supporting text to the policy recognises that Southampton has an ambition to make sure young people have the opportunity of a good education in new / refurbished buildings with up to date equipment. The text also gives reference to the Primary School Review which will provide the actions required to achieve this vision. The policy therefore provides us with the principle that supports redevelopment of the site to provide a new up-to-date facility.
- 3.7 The site does not include any formally safeguarded open space. The existing playing space comprises mostly of hard surface play areas with a few soft grass areas (on the edge of the site). The proposals seem to include a similar amount of play areas (if not more) including both hard surface and soft (grass) areas. The plans show an improvement from the current situation.
- 3.8 Policies SDP1 (i), SDP7 (i), SDP12 and CS13 (6) and CS22 all seek to safeguard amenity provided for through existing natural site features which make a positive contribution toward the character of the area and local biodiversity. Where existing natural site features are impacted, a suitable package of mitigation should be demonstrated by the applicant.
- 3.9 CS Policy CS20 requires all non residential development with a floorspace of more than 500sq.m to achieve a rating of BREEAM 'Excellent' with some 15% reduction in carbon emissions through the use of decentralised and renewable/low carbon energy sources. Low and zero carbon technologies should also be employed to offset a percentage of CO<sub>2</sub> emissions that each building generates through its functional operation.
- 3.10 Policy CS21, which explains that the Council will "retain the quantity and improve

the accessibility of the city's diverse and multi-functional open spaces". It is noted that provision of open space can be achieved with potential for dual 'community' use.

- 3.11 It is Officers' informal opinion that the environmental impacts from the proposed development were not so significant to require the submission of an Environmental Statement.
- 3.12 Whereas the site is located within the SPG boundary to the Banister's Park DC Brief (1991), Policies of that Brief have been superseded by the Residential Design Guide (2006 – p.10), albeit the character appraisal section of the brief still has general relevance and is a material planning consideration. In particular, paragraph 2.3 states – "Despite recent infilling of plots, the area retains a character of a spacious late Victorian leafy suburb, which is enhanced by its close proximity to the Common which provides a back drop of trees and open space", with paragraph 5.1 (a) acknowledging that – "The loss of trees...which are an integral part of the visual quality of the area. The reduction in tree cover is leading to a change in the landscaped sub-urban character of the area" - as being a problem in the area.

#### **4.0 Relevant Planning History**

- 4.1 The school was initially erected under permission 995/5, granted 9.5.1952 and was formally opened on 24.4.1953. The open surface car park which forms the eastern part of the site, was granted temporary planning permission for car parking purposes on 11 November 1948, under reference 529/915/BB. The temporary period expired on 31 December 1950. The permission does not appear to have been renewed since that time. It is believed that such use as such has subsisted for the last 10 years and will have become lawful.
- 4.2 Various applications to extend have been approved since.
- 4.3 A Tree Preservation Order was declared 2011.
- 4.4 Mayfair Gardens was approved as part of a phased residential development of land to the north mostly under permission 890756/32/W.
- 4.5 The flats in 'Banister Gate' (19-21 Archers Road) were built under planning permission 99/00969/FUL granted 19.6.2000.

#### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, and erecting a site notices (3.5.2012). At the time of writing the report **18** representations, mostly in the form of objections, have been received from surrounding residents. The planning related issues that are addressed in the Planning Considerations of this report include:

##### **5.2 Consultation**

- 5.2.1 Limited opportunities and too much being inferred from 13 feedback forms that were returned: objections now prove that point

##### **5.3 Design**

- 5.3.1 Strip of land between site and 19-21 Archers Road should be purchased to allow building to be moved east, so the TPO trees can be saved/Temporary classroom solution should be pursued so that school can be rebuilt on its existing position,



- thus saving TPO trees and avoiding overlooking/overbearing objections
- 5.3.2 Building of such prominence is too close to Archers Road with very little setting will harm the character of the area
  - 5.3.3 Entrance not articulated enough and use of white render considered inappropriate
  - 5.3.4 Flank wall of rear stairwell should all be in face brick

#### 5.4 **Impact to neighbouring amenity**

- 5.4.1 Proximity of building to northern and eastern boundaries will make it appear overbearing and cause loss of privacy via overlooking/interlooking principally from classroom/staff room windows, rooftop terrace and open sided rear (north) stairwell
- 5.4.2 Loss of use of balcony to 19-21 Archers Road west facing flats, whose only outlook is in that direction and adverse impact to light/outlook received.
- 5.4.3 Position of refuse compound will pose odour issues to occupiers of nearby dwellings: should be closer to Archers Road
- 5.4.4 Adverse noise from plant room and noise report appears to relate to earlier design solution
- 5.4.5 Increased school roll will mean increased:-

General disturbance – especially from proposed rear pathway/roof classroom

Noise and fumes from associated traffic/movement/activity

- 5.4.6 Disturbance and inconvenience during construction

#### 5.5 **Trees**

- 5.5.1 Loss of TPO trees and wildlife they support, educational stimulus they provide is wrong
- 5.5.2 New tree planting will take a long time to compensate/mitigate interlooking
- 5.5.3 How can the school retain the Horse Chestnut as part of its badge with such tree loss, which is only driven by budgetary considerations?
- 5.5.4 One resident in Mayfair Gardens want nearest Lime tree felled to improve light to her property
- 5.5.6 Several others consider the 3 Lime trees closest to the northern boundary can be saved by re-routing the proposed pathway and one Horse Chestnut closest to Archers Road by re-siting the construction crane position. One resident wants the closest Lime tree removed to improve the light to her property.

#### 5.6 **Access/Highways/Parking matters**

- 5.6.1 Parking insufficient for staff/visitors
- 5.6.2 Only allowing Nursery parents/pupils to enter via Banister Gardens unworkable
- 5.6.3 Concerns over where contractors will park during build (Parking restrictions already abused in Banister Gardens) and concerns for child safety – not enough information on how school will ‘police’ such issues and whether lollipop patrol will still operate. Why has no part of budget for project been put towards a “20 is plenty” scheme in Archers Road, etc.
- 5.6.4 Little detail on initiative to get children safely walking to school – e.g. ‘walking buses’.
- 5.6.5 Little consideration appears to have been given to congestion in Archers Road likely to result from parents setting down/picking up children from vehicles,

especially during morning peak traffic, where cyclists - (many students) - will be put at greater risk

5.6.6 No supported crossing in Westrow Road

5.6.7 The existing car park is used by other centres locally after school hours: fears for longevity of those centres which support community life

## 5.7 **Health and Safety**

5.7.1 Restricted egress from building in event of an emergency evacuation – especially to Archers Road, where boundary wall will constrain escape

5.7.2 Pupils will get around the back of the building and make mischief out of the sight of teachers or perhaps bully other children unobserved

5.7.3 Concern that pupils will stray onto construction areas or be endangered by being in such close proximity to building work

## 5.8 **Other matters**

5.8.1 Loss of long view of Civic Centre clock tower through site from Mayfair Gardens

5.8.2 If wider community use of the building is contemplated, no detail on how – for example – people will change/shower for sports use

5.8.3 Carriageway surface in Banister Gardens should be replaced

5.8.4 Adverse impact on property values

5.8.5 Financial constraints driving the project are understood

5.8.6 Criticism of submitted drawings not having a scale bar to allow others to check dimensions

5.8.7 Criticism that no contextual sectional drawings through the development to adjoining flats at 19 Archers Road have been submitted to allow proper assessment of impact to those flats

## 5.9 **Positive comments**

5.9.1 Design of the new school a significant improvement over the existing school building

5.9.2 Larger playing field admirable and long overdue

## 5.10 Consultee Comments

5.10.1 **SCC Highways** - The proposed location for the pedestrian and vehicular access is acceptable, in principle.

5.10.2 A revised travel plan will be required to ensure that the school engage with parents and pupils to ensure sustainable modes of travel to school, and reduce car borne trips at school times. The additional impact on traffic conditions in Archers Road, especially during morning peak hour traffic times, has been fully assessed/modelled. This demonstrates a 12.5% increase in daily vehicle flows between 08.00-09.00 hours and a 14.5% increase between 15.00-16.00 hours. This is however a worst case scenario and the assumptions of the submitted Transport Assessment may exaggerate the predicted flows, especially if a revised Travel Plan reduces the proportion of travel to the site by private car, having regards to:-

- An allowance for a staff increase proportional to the pupil increase, which may not be realistic,
- That parking provision will be reduced significantly after development and

this should reduce staff and parental trips directly to the site because there will be nowhere to park,

- That the age range of the pupils is going to change from 4-7 to 4-11 and many of the older children will be more capable of walking than the younger ones who made up the survey data,
- No allowance has been made for reductions achieved by the Travel Plan, and the school does have a very good record in this area.

5.10.3 The new servicing requirements for the school will utilise the existing access point onto Archers Road and include on site turning. This will mean no servicing will be required to be undertaken from the Banister Gardens access point, albeit that access will be retained to allow access by emergency services.

5.10.4 The level of proposed car parking is governed by the Council's recently revised parking standards (2011). Whereas the maximum that can be provided for 14 classrooms is 21 spaces, the plans show that common internal spaces and a roof terrace will also be used for teaching and with the nursery school to be considered the level of car parking put forward is acceptable in Policy terms. The Travel Plan (TP) includes measures to reduce the likelihood of parents arriving and collecting children by car and the transport statement reports that since the last review of the TP in 2008, there has been an almost 75% increase in car sharing.

5.10.5 Cycle parking has been located where there is a good level of natural surveillance, adjacent to the new school office/reception by the main entrance.

5.10.6 Conditions are recommended to require:-

- A strategy as to how the school will operate during the construction process, and where pedestrians/staff will enter the school.
- The vehicular accesses shall be provided as a dropped crossing facility, and the redundant dropped crossings shall be stopped up and replaced with standard footpath and kerbing.
- Cycle parking for staff and pupils shall be secure and covered.
- A wheel wash facility shall be provided on site.
- A delivery times and routing plan, avoiding school start and finish times to be agreed.

5.10.7 An undertaking from The Head Children's Services and Learning has been received including:-

- Providing a puffin pedestrian crossing on Archers Road with on crossing detection equipment
- Carrying out a new TRO process for relocated site entrance and parking/stopping restrictions
- Making a financial contribution towards footway improvements in the near vicinity of the site to include tactile paving and dropped crossings.
- All street furniture related to the school entrance/ requiring relocation (including the bus stop and shelter) to be done in accordance with a programme of works to be agreed.
- Making a financial contribution towards travel plan work with the school, and the provision of promotional equipment to encourage sustainable modes of travel.

5.10.8 **SCC Tree Team** – Trees on this site are protected by The Southampton (Banister Infant School) TPO 2011. This makes them a material consideration in the planning process

5.10.9 The proposed re-development as originally submitted would have required the

loss of some 6 mature Horse Chestnut and 4 Lime trees. The council's Trees Team are unable to support the loss of so many significant amenity trees all graded A or B, although the requirements of an improved educational facility are understood.

- 5.10.10 It was recommended at pre-application stage that tree retention to include some pruning is investigated further before a decision is made to fell any tree.
- 5.10.11 The applicant has adjusted the proposals to show 3 Lime trees retained, where a pathway position has been adjusted to achieve that.
- 5.10.12 Any further written views of the Trees Team will be reported at the meeting, but it is clear that the Trees Team has consistently objected to the loss of any of the trees covered by the TPO and sought refusal in the absence of:-
- An accurate land plot survey showing all trees on site (this has been submitted)
  - A tree survey carried out by a suitably competent arboriculturalist (this has been submitted)
  - A tree constraints plan
  - An Arboricultural implications assessment
  - An Arboricultural method statement including a tree protection plan.
- 5.10.13 **SCC Environmental Health (Pollution & Safety)** – It was advised at pre-application stage that any planning application should be supported by a Noise Survey of the likely impact to nearby residents from the enhanced playing field/pitch facilities. In the event, an acoustic report from December 2010 only addresses whether a satisfactory teaching environment can be provided, having regard to the most dominant external noise source – namely traffic from Archers Road. It concludes that it can without resorting to acoustic glazing, but suggests that mechanical ventilation may benefit spaces to be used for drama/music lessons. No assessment of the impact of a proposed plant room has been prepared, nor any general assessment of increasing the school numbers to 450 pupils.
- 5.10.14 Safeguarding conditions are recommended should the Panel be minded to grant deemed permission relating to hours of working, preventing bonfires during construction and the submission of a construction management plan. Greater clarity is also required on the design of the plant room and how its envelope will be adequate to not cause nuisance to neighbours. This can be secured through a suitably worded planning condition so that any noise breakout does not exceed prevailing background noise levels – especially at night.
- 5.10.15 **SCC Ecology** – The site is of generally low ecological value however, the trees and hedges around the boundary are likely to provide habitat for common birds and bats. It is noted that the positioning of the new school will require the removal of some trees which will result in a loss of habitat. Replacements that are of similar or greater biodiversity value should be secured by condition.
- 5.10.16 The proposed development appears to include the removal of at least one tree with bat roost potential however, emergence surveys have not been undertaken. The need to undertake emergence surveys was highlighted in pre-application comments.
- 5.10.17 Concerns are expressed that there doesn't appear to be any significant replacement tree planting to compensate for the loss of bird and bat foraging habitat.
- 5.10.18 Bat emergence surveys need to be undertaken to ensure protected species are not harmed and, if present, the necessary licences obtained for translocation prior to redevelopment. Any further comments having regard to the applicant's intention for greater tree retention will be reported at the meeting.

- 5.10.19 **SCC Sustainability Team** – Objection raised. In accordance with policy CS20, any application of this type received in 2012 must achieve BREEAM Excellent.
- 5.10.20 The development is new build non- residential over 500m<sup>2</sup> and a BREEAM pre-assessment estimator has been submitted however it indicates that the CS20 policy requirement of BREEAM ‘Excellent’ will not be met.
- 5.10.21 Therefore this is not compliant with policy, and the application cannot be supported. However if Panel is minded to approve the application, the sustainable measures proposed by the applicant should be secured by condition.
- 5.10.22 Sustainable Drainage Systems (SUDS) must be fully integrated with the overall plan for a development at an early stage to ensure that the maximum benefits are achieved and, most importantly, SUDS measures are not added after the key elements of the development layout have been determined. When this is achieved land-take is accounted for early and the SUDS features are invariably less costly to construct and are more effective as a drainage system. Features such as permeable paving, swales and greenroofs should be considered. A pond is to be relocated within the tabled proposals.
- 5.10.23 **SCC Environmental Health (Contaminated Land)** – No objection. Whereas reference is made to Annex 2 of PPS23 which previously considered the proposed land use as being sensitive to the affects of land contamination, that government advice has now been replaced paragraphs 109 and 121 of the National Planning Policy Framework. These state that the planning system should contribute to and enhance the natural and local environment by preventing new development being put at unacceptable risk from or being adversely affected by unacceptable levels of soil pollution and remediating contaminated land where appropriate.
- 5.10.24 The site was originally parkland to a grand house, with an ornamental fishing pond covering the greater part of the west part of the school grounds. That was drained in the early part of the 20<sup>th</sup> Century. The extensive submitted site investigation report reports that from borehole sampling there is little potential for the land to be contaminated albeit made ground from the infilling of the lake could influence foundation design for the new building. It is suggested that an informative is placed on any favourable decision the Panel may resolve to advise the developer to contact the council’s Contaminated Land Team, should any unusual or unexpected ground conditions be encountered during construction.
- 5.10.25 **SCC Archaeology** – No objection raised. There are no listed buildings affected by these proposals and the application site is not located within a designated conservation area. The site is located in an area defined as having high archaeological importance. In accordance with paragraph 128 of the National Planning Policy Framework the applicant has submitted a desk based assessment of the site’s archaeological potential. Its findings and recommendations are accepted and two planning conditions are recommended to ensure the archaeology of the site is properly investigated, should deemed permission be granted.
- 5.10.26 **Sport England** – Support. The site is not considered to form part of, or constitute a playing field as defined in the Town and Country Planning (Development management Procedure) (England) Order 2010. The application proposes to redevelop and improve the existing buildings. When completed a new area of playing field will be provided that will accommodate a single pitch. It is understood that the new playing field will be made available for community use.
- 5.10.27 **Southern Water** – A public water distribution main crosses the site. This will need to be protected during any build when its exact location should be determined and no tree planting occur within 3m of it. It may be possible to

divert it. An informative to this effect is suggested. There is currently inadequate surface water disposal capacity in the area. Proposals will need to be brought forward by the developer to address this. A planning condition securing details of the proposed means of foul and surface water drainage is recommended as well as an informative about connecting to the public sewer.

5.10.28 **Environment Agency** – No objection

5.10.29 **Local Architect's Panel** – Concern about use of the rear stairwell in terms of its impact – principally overlooking – of adjoining properties. Addition of breize soleil to south and west elevations could add interest, where fenestration considered bland and may assist with solar gain/glare issues in classrooms: otherwise no objection in principle to chosen materials palette. It is considered and opportunity has been missed to drop light from the roof into the central upper circulation space to reduce lighting costs and perhaps even lower through the building to make a dramatic internal feature.

5.10.30 **City of Southampton Society** – Support.

## **6.0 Planning Consideration Key Issues**

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

- i. Principle of development balanced against tree loss and ecological impact;
- ii. Highways and parking;
- iii. Residential amenity;
- iv. Design & Sustainability; and,
- v. Other issues.

### **6.1.1 Principle of Development balanced against tree loss and ecological impact:**

There is empirical evidence from population forecasting that those children of primary school age is increasing and current school space provision is inadequate to cater for the demand that will occur. Southampton needs to add approximately 2600 primary school places over the next 4-5 years, by September 2018. As a matter of principle therefore, it makes sound land-use planning sense to provide for such growth on a sustainable basis within the community, so as to reduce the potential for cross city vehicle travel which might otherwise occur if provision were to be made elsewhere. The existing school buildings are old and in need of replacement. The local community generally recognises that the school is an asset to the area and there is support in principle to redevelop the school.

6.1.2 The proposed layout seeks to ensure continuous education on the site during the construction and demolition phase. A plan showing how the development will be phased has been submitted and ensures that pupils retain access to external playspace at all times.

6.1.3 The chosen design solution to relocate the school to the open surface car park has been driven by phasing and budgetary considerations. The applicant has discounted a design solution involving temporary classrooms to enable redevelopment on the same footprint on grounds of cost and logistics in a race against time to meet the growing demand for primary school places.

6.1.4 Policy CS13 states that development should follow “a robust design process which should be analysis-based, context driven and innovative” when assessed against a series of ‘fundamental’ principles. It is the opinion of the Trees Team that insufficient consideration has been given to the amenity value of mature (18m high) trees on site, which have been sacrificed to accommodate the new

school building. One person has written in with their concerns and has put an alternative design solutions forward either involving moving the whole building east, through acquiring the Crown Estate strip between the school and 'Banister Gate' flats, or by shortening the length and compensating by increasing the width of the building, so as to at least make full use of the land occupied by the trees, whilst then be able to save the most southerly Lime tree. The applicant has been made aware of that letter and its enclosures. The Crown Estate has been approached but they are unwilling to sell the land in question. There are other adverse implications from moving the building and they are discussed below.

6.1.5 The key issue before the Panel therefore relates to whether it is acceptable to suffer some tree loss in view of the exceptional pressing need for more Primary school places, having regard to financial and logistical constraints. The applicant has advised that it will be possible to retain 3 Lime trees closest to the northern boundary and have confirmed in greater detail what quantum of trees is to be replanted to mitigate for the loss of protected Horse Chestnut trees. It is a matter for the Panel ultimately to determine whether such mitigation is adequate. Conditions are suggested to require felling only to be undertaken after a Bat emergence survey and outside the bird breeding season.

## 6.2 **Highways and parking:**

6.2.1 The applicant has prepared a transport assessment. There will be a 250% increase in the number of pupils attending/travelling to the site and an increase in staff numbers, at a time when on-site car parking is being reduced. If approved, the concerns about the safety of children during the build are fully understood and would be managed by the school and contractor. The undertaking by the Head of Children's Services and Learning will see monies set aside for traffic management measures close to the site and resource the revised travel plan that will need to be prepared.

6.2.2 Heavy reliance is placed upon the school revising its existing travel plan to encourage as many as possible to arrive at the site by foot. These 'smart' choices will need wider promotion and may include new initiatives such as 'park and stride' and 'walking buses'. 86% of the current post-code plot of where children at the school live are within walking distance of the school and a 2010 travel survey showed 62% walking to school, still leaving 33% (60 pupils) being driven though. If modal split remains the same, 139 pupils could be driven to the site, when it is at its full capacity.

6.2.3 Car sharing has increased 75% in recent times since a 2008 review of the Travel Plan. Walking had increased 14% and overall car use had dropped by 60%. Other figures of note from the 2010 Travel survey are that 19% of those driven are within walking distance (0.5 mile), whereas 23.7% within walking and cycling distance (1 mile) are driven. There is some scope here in the future to influence travel choices, but it is acknowledged that some parents will continue to seek to drop off as part of a trip to their place of work.

6.2.4 It is essentially how the school manages such matters which is of importance and the measures they put in place to deter such activity, which could cause further congestion in Archers Road. To a degree, because of the existing traffic lights outside the school, it is inevitable that some parents will set down or pick up their children when traffic is stationary. Currently researched accident statistics from the last 3 years, show these have generally only involved motorists and not pedestrians. Two incidents did involve cyclists though with vehicles stopping and doors opening into the path of the cyclist. This is a matter that will need careful monitoring. The only additional information received from the applicant is that a Lollipop man does currently provide pedestrian crossing outside the school across Archers Road.

- 6.2.5 On grounds of amenity it is recommended that pupils now only enter the site from Archers Road and that access from Banister gardens will be prohibited, albeit emergency egress from that point would still be permitted. Whilst some may still seek to drop-off their children in that cul-de-sac, the potential to do so should reduce.
- 6.2.6 The Transport Assessment sets out that – “The school has developed its own Transport and Road Safety policy which aims to engender an awareness of the dangers of public highways, support parents in their role in developing their child’s attitude to personal safety and put road safety into the context of a healthy lifestyle. Issues relating to Road and Transport safety are addressed as part of the PSHE curriculum and are also covered during assemblies at particular times of the year”.
- 6.2.7 The Transport Assessment sets out that – “The school has developed its own Transport and Road Safety policy which aims to engender an awareness of the dangers of public highways, support parents in their role in developing their child’s attitude to personal safety and put road safety into the context of a healthy lifestyle. Issues relating to Road and Transport safety are addressed as part of the PSHE curriculum and are also covered during assemblies at particular times of the year”. It makes sense to intensify educational use on this site that is at the heart of its local community, with good accessibility to the public transport network, encouraging healthier lifestyles by walking and cycling. The ongoing implementation of the Travel Plan will discourage parents from entering the school site for collection and drop off and will encourage the use of non-car modes and car sharing.
- 6.2.8 There is likely to be increased congestion in Archers Road during the morning peak traffic period and also mid afternoon when children are collected by a parent/parents. However, no significant adverse harm to highway safety is envisaged.
- 6.3 **Residential amenity:**
- 6.3.1 A series of shadow diagrams and an analysis of separation distances between the proposed building, and its neighbours, demonstrate that the proposed location and building height will not significantly affect the residential amenity of the site’s existing neighbours. However, moving the building eastwards, would be likely to begin to adversely affect the outlook of west facing flats at 19-21 Archers Road (‘Banister Gate’), especially lower down that building, where the new school building would begin to appear overbearing.
- 6.3.2 Through an iterative pre-application design process Officers are pleased that the orientation of the building has been adjusted to have less impact upon houses in Mayfair Gardens. Overall, the outlook to flats in 19 Archers Road will be adequate and issues of interlooking to lower classroom windows, may be mitigated by tree planting to heavy nursery standard and the use of ‘fritted’ glazing, designed to partially obscure, so that whilst adequate natural light will reach the new classrooms, the privacy of those wishing to use their balconies in Banister Gate will be maintained. It should also be remembered that at times most will wish to enjoy their balconies – in the evening after work and at weekends – the school will not be in operation. A sample of ‘fritted’ glass will be available at the Panel meeting for Members to review. If this is not deemed acceptable, the Panel can simply require the installation of fully obscured glazing by planning condition.
- 6.3.3 The massing of the building steps down to the north and also the eastern side projection to house the assembly/sports hall. This mitigates impact to neighbours’ outlook. The following separations between the new building and the two side elements of 19-21 Archers Road would be achieved across the



proposed service spur and narrow overgrown strip in the Crown Estate's ownership:-

2 storey mass – 10m and 16m respectively.

3 storey mass – 18.5 and 24.5m respectively (noting the mass steps down towards the external teaching terrace)

The external stairwell massing has not been adjusted. That limited 3 storey mass of 8m width, is set 19m off the rear walls of 20-23 Mayfair Gardens and diagonally 16m off the upper front face of 19 Mayfair Gardens. The architect has prepared sectional drawings to illustrate the relationship between those flats and the new building, in the context of BRE advice on natural light and outlook to habitable rooms. A similar sectional drawing has also been prepared to show the relationship between the new building and habitable room windows in the rear southern elevation of 20-23 Mayfair Gardens. Overall, the impact to outlook is considered to be acceptable and the shading exercise confirms that adequate natural light will still reach neighbours.

6.3.4 The degree of separation (28m) between the north-facing staff room and the back garden of 19 Mayfair Gardens is considered sufficient to protect the privacy to occupiers of that property, but the use of 'fritted' glazing will also be conditioned for that window, having regard to south facing balconies at 'Banister Gate', diagonally opposite that window position.

6.3.5 It is not considered necessary to use the rear stairwell as a point of access by pupils to the new school building. As such, a condition will be attached only allowing use of that stairwell in times of emergency to obtain egress from the building. This with details of screening to the northern edges and eastern edges of the proposed roof level external teaching space, will prevent intrusive overlooking of adjoining housing.

6.3.6 Whereas it is disappointing that the submitted acoustic report only addresses the internal teaching environment to be created, a condition has been recommended to cover the design of the plant room to ensure this does not pose a nuisance to neighbours. Whilst there is a significant increase in the school roll proposed, for the most part pupils will quietly be carrying out their education inside the building, with break time play noise confined to limited parts of the day when most neighbours are up and about. No floodlighting is proposed for the playing surfaces, so community use of them will be limited to the early evening. Peaceful enjoyment of adjoining gardens shall still be possible in the evenings and at weekends. Conditions have been recommended preventing use of the rear stairwell to access the new school building and to require all pupils to access the site via the Archers Road frontage. Disturbance during construction is also controlled through hours of working.

#### 6.4 **Design and Sustainability:**

6.4.1 The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. Whilst I share the reservations of the local architect's panel regarding the external appearance of the proposed school the external appearance is acceptable. The use of an 'L' shaped building with three storeys sited centrally makes good use of the space, and the retained tree screening will assist in achieving a building that fits comfortably into this context. Some objectors have commented upon the use of render materials, emphasising its prominence generally forward of other buildings in the street. Given the site constraints, it is not considered inappropriate to 'announce' a civic building in the street, forward of other buildings, given the remaining tree

frontage to Archers Road. Render is not an alien material to the existing street scene.

- 6.4.2 No objection is raised to the modern appearance of the building. Its simple elevational treatment, punctuated by good quality, recessed aluminium framed fenestration and coloured infill panels, are driven by the building's function.
- 6.4.3 The adopted LDF Core Strategy Policy CS20 continues the Council's commitment to securing sustainable development. The applicants propose to meet BREEAM 'Very Good' with a 15% reduction in predicted CO2 emissions through the use of 165sq.m of photo-voltaics located at roof level. This would have been policy compliant last year, but since January new developments are expected to achieve BREEAM 'Excellent'. A total of 70 credits are required to achieve this, compared to the 64 predicted. This has led to an objection from the Council's Sustainability Officer.
- 6.4.4 Whilst it is disappointing that a Council led scheme cannot meet its own policy requirements on sustainable building, as the scheme was conceived last year, is only 6 credits away from meeting policy and faces budget restraints in order to achieve the necessary delivery of additional school places it can, on balance, be supported. This latter need for school places to meet the 2013 intake outweighs the requirements of Policy CS20 in this instance.
- 6.5 **Other matters:**
- 6.5.1 **Degree of consultation with the local community** – Whilst some have expressed their disappointment about the degree of participation in the design process, the applicant did stage an exhibition and has responded in detail to points raised by the 16 people who took the trouble to comment on the design at that stage. This application has also been given wide notification and the case officer has met three parties separately to discuss their concerns about the proposals, which have also been fed back to the applicant. The applicant has subsequently made a number of changes to address some concerns.
- 6.5.2 **Refuse store position:** Amended plans show this in the same position, but now covered by a pergola type canopy structure. With the degree of separation to 19-21 Archers Road, screening by the Crown Estate overgrown strip and adequate ventilation, no amenity problems are foreseen, but a condition has been recommended to require the compound to be covered by a canopy.
- 6.5.3 **Existing use of the school's car park by other organisations:** The School has presumably contacted those to advise that the facility will no longer be available to them. A condition requiring details of dual use may still allow others in the area to use the new car park after school hours, which will be a matter for the school to manage.
- 6.5.4 **Emergency egress/evacuation:** Both stairwells in the building would be available for that purpose, which will be designed for in detail under a Building Regulations application. Ground floor outdoor teaching areas will also allow points of exit. Overall, the applicant is satisfied that children will be able to safely exit the building in the event of a fire.
- 6.5.5 **Unsafe access by children to servicing area:** It is for the school to manage the movement and behaviour of pupils within the grounds to ensure their safety.
- 6.5.6 **Long view of Civic Centre tower from Mayfair Gardens:** Whilst strategic views are important in defining a place, the view referred to is not from a vantage point that great numbers of the public have access to. The view is not protected or referred to in any statutory or supplementary planning policy.
- 6.5.7 **Community use:** Whilst the applicant has given very little detail of this, a planning condition will require such access in terms of details to be submitted later. The lack of changing facilities is not seen as a great impediment to such use, when

persons will be able to return to their own home after the activity to bathe.

- 6.5.8 Carriageway surface in Banister Gardens: It is not considered fairly related to the proposals at hand, especially when a planning condition will require pupil/pedestrian access from Archers Road.
- 6.5.9 Criticism of the submitted drawings having no scale bar to allow easy assessment: A scale is specified and this is considered adequate to allow assessment. Reference to building separations and heights has been set out in this report.
- 6.5.10 Adverse affect on property values: Not a material planning consideration. Impact to residential amenity and highway safety is covered in this report.

## **7.0 Summary**

- 7.1 The site is currently in an educational use (Use Class D1) and the redevelopment proposals for a larger school are considered appropriate. The new building will provide improved facilities for as growing number of children, thereby meeting Council as well as planning policy aims of the Development Plan for Southampton, principally Policy CS11 (An Educated City) from the adopted LDF Core Strategy (2010).
- 7.2 Furthermore the National Planning Policy Framework states that 'the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education' (paragraph 72 refers).
- 7.3 Whilst the design could be improved, making it more interesting and recognising the importance of good design to quality education provision, and the scheme marginally fails to comply with the requirement for BREEAM 'Excellent' it is, on balance, recommended for approval due to the urgent requirements for additional school places with the potential for additional community 'dual use'.

## **8.0 Conclusion**

- 8.1 The loss of protected trees is regrettable but in view of the pressing educational need this application is recommended for approval subject to the attached planning conditions.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1a-d, 2b-d, 4f, 4cc, 5e, 6a, c, d, i, 7a, 8a, 9a-b

**SL2 for 26/06/2012 PROW Panel**

## **PLANNING CONDITIONS for 12/00489/R3CFL:**

### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not 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).

### **02. APPROVAL CONDITION - 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.

### **03. APPROVAL/PERFORMANCE CONDITION - BREEAM Standards [Pre-Occupation Condition]**

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).

### **04. APPROVAL CONDITION - Archaeological 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.

### **05. APPROVAL CONDITION - Archaeological 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.

### **06. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]**

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 and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

#### **07. APPROVAL CONDITION - Sustainable Drainage Systems**

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing with the Local Planning Authority. A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and verified in writing by the Local Planning Authority as part of the detailed Reserved Matters stage. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

As recommended by the submitted Flood Risk Assessment and to conserve valuable water resources in compliance with policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and Code for Sustainable Homes: Category 4 - Surface Water Run-off

#### **08. APPROVAL CONDITION - Noise: plant and machinery [Pre-Commencement Condition]**

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development's plant room, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To protect the amenities of the occupiers of existing nearby properties.

#### **09. APPROVAL CONDITION - 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 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

#### **10. PRE-COMMENCEMENT/PERFORMANCE CONDITION - Bat survey**

Before any development or tree felling commences on site, the developer shall commission a Bat emergence survey across the application site, but particularly in

connection with trees, where it is the stated intention to fell those trees to facilitate the proposed development. If this reveals the presence of any Bat roost, the developer shall obtain the necessary licence from Natural England to translocate protected species from the site before any tree felling occurs.

Reason:

In the interests of nature conservation.

**11. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]**

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.

**12. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]**

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.

Any changes to the agreed remediation actions will require the express written consent of 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.

**13. APPROVAL/PERFORMANCE CONDITION – ‘Fritted’ glazing**

Prior to the commencement of development, a sample of 'fritted' glazing shall be submitted to the local planning authority for its approval in writing. Once approved that form of glazing shall be installed to all glazed areas on the eastern and northern elevations of the approved building prior to its first use. Any opening windows shall be top hung. Once so installed, that glazing shall be maintained and retained at all times in that condition.

Reason:

To protect the privacy of occupiers of adjoining residential properties.

**14. PERFORMANCE CONDITION - Rooftop terrace screening**

Prior to the first use of the rooftop external teaching area, the approved screening to the northern and eastern edges of that area shall be fully installed. Once so installed, that screening shall be maintained and retained at all times in that condition.

Reason:

To protect the privacy of occupiers of adjoining residential properties.

**15. APPROVAL/PERFORMANCE CONDITION - Use restriction to rear (Northern) external stairwell**

Before the development commences, the developer shall submit details of how use of the rear stairwell element, adjacent to the northern site boundary, shall be controlled to prevent it forming a point of access to the approved school building, both at the bottom of the stairwell and at the top of the stairwell for the approval of the local planning authority in writing. Once so approved, those measures shall be fully installed and this rear stairwell shall only thereafter be used as a means of achieving egress from the building in times of emergency.

Reason:

To protect the amenities of occupiers of adjoining residential properties, particularly from intrusive overlooking and from a general disturbance perspective.

**16. APPROVAL CONDITION - Use Restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the buildings shall only be used for educational purposes with ancillary sporting and refectory facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON:

To define the consent having regard to the level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

**17. APPROVAL CONDITION - Operation restriction**

The 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.

**18. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]**

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

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.

**19. PERFORMANCE CONDITION - Access and Parking**

Before the first use of the new school building, facilities for the loading/unloading/circulation of vehicles and for the parking of a maximum of 26 cars to serve the school (to include a minimum of 3 disabled spaces) shall be provided in accordance with the approved plans. 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.

**20. APPROVAL/PERFORMANCE CONDITION - Bicycle parking**

Before the development commences, elevational details of the enclosed, covered and secure bicycle parking shall be submitted to and approved by the local planning authority. A minimum of 50 cycle parking spaces shall be provided as part of the replacement school prior to the first occupation of the new building(s). Once provided, those facilities shall be retained for that purpose at all times thereafter.

REASON:

To promote cycling as a sustainable form of travel in accordance with Local Plan Appendix 2 requirements and to meet the aims of the submitted Travel Plan.

**21. APPROVAL CONDITION - Construction Access and Routeing**

Unless otherwise agreed in writing prior to the commencement of development all traffic associated with the construction and demolition works hereby approved shall enter and leave the site via the new Archers Road access 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.

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 college 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.

**23. APPROVAL CONDITION - Renewable Energy - Micro-Renewables**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be



feasible by the study, and that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

**REASON:**

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**24. APPROVAL CONDITION - Ventilation - control of noise, fumes and odour**

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans, associated refuse and other equipment from commercial cooking processes on site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

**REASON:**

To protect the amenities of the occupiers of existing nearby properties.

**25. APPROVAL CONDITION - Landscaping detailed plan**

Notwithstanding the submission of drawing Y9709 PL10 Rev B, a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, external lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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.

The approved scheme shall be carried out either prior to occupation of the new school building or during the first planting season following the full completion of building works or in accordance with a timescale that shall have been agreed in writing with the Local Planning Authority prior to the commencement of any building works. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

**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.

## **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. 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.

### **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.

### **REASON:**

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

### **29. APPROVAL CONDITION - Arboricultural Protection Measures**

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

#### **REASON:**

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

### **30. APPROVAL CONDITION - Floodlighting System**

No external floodlights shall be installed on the site (including the approved Multi Use Games Area, sports pitches and/or car parking) unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

#### **REASON:**

In the interest of protecting residential amenity, safeguarding highway safety and not causing undue distraction to aircraft approaching Southampton Airport.

### **31. APPROVAL CONDITION - Construction & Demolition Method Statement**

Before development commences a statement setting out the management of demolition and construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying (i) the areas to be used for contractor's vehicle parking and plant; (ii) storage of building materials, and any excavated material, huts and all working areas (including cement mixing and washings) required for the construction of the development hereby permitted; (iii) areas for the parking of vehicles of site personnel, operatives and visitors; (iv) areas for the loading and unloading of plant and materials; (v) the treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (vi) a scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing; (vii) a scheme for recycling waste resulting from the construction programme (viii) measures to be used for the suppression of dust and dirt throughout the course of construction (including wheel cleaning); (ix) a "hotline" telephone number shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period. The demolition and development works shall be implemented in accordance with the agreed statement. In particular, no bonfires shall be lit on the site during site clearance and the build programme.

#### **REASON:**

To safeguard pupils of Banister School and to protect the amenities of neighbours and the wider environment.



**REASON:**

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

**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 canopy 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.

**37. PERFORMANCE CONDITION - Vehicular access**

The two vehicular access points to Archers Road shall be provided as a dropped crossing facility and the redundant dropped crossings shall be stopped up and replaced with standard footpath and kerbing.

**Reason:**

In the interests of highway safety and to favour the pedestrian over the motorist, so as to promote walking locally.

**Notes to Applicant**

1. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel. 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

2. A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

3. Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

4. Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.



## Policy statement – planning for schools development

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) wish to set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. This statement supersedes the Statement of 26 July 2010.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their

planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants.** For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school.

The Government is today publishing a summary of the responses to its consultation, *Planning for Schools Development*, and will continue to explore whether there is further scope and need for the planning system to do more to support state-funded schools, and in particular, free schools in the future.

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**POLICY CONTEXT**

The relevant policies that would apply to this proposal are taken from the Adopted LDF Core Strategy Development Plan Document (January 2010) and those policies 'saved' from the City of Southampton Local Plan Review (2006) as supported by the council's current list of approved Supplementary Planning Documents and Guidance.

CS Policy CS11 (An Educated City) encourages "the development of new inspirational, high quality education and related facilities which encourage community use of their facilities". The principle of intensifying the school site for education purposes is, in planning terms, welcomed and supported and will assist the City in meeting its growing education requirements.

CS Policy CS20 requires all non residential development with a floorspace of more than 500sq.m to achieve a rating of BREEAM 'Excellent' with some 15% reduction in carbon emissions through the use of decentralised and renewable/low carbon energy sources. It is noted that further discussions are to be had on this issue.

LPR Policy CLT3 safeguards the existing playing field at the School and is supplemented by CS Policy CS21, which explains that the Council will "retain the quantity and improve the accessibility of the city's diverse and multi-functional open spaces". It is noted that a like-for-like re-provision of open space can be achieved and the potential for dual 'community' use will be explored with the School. CS21 (criterion 2) allows configuration of open space in order to achieve wider community benefits. The new school building would go a long way to meeting that criterion.

**Adopted LDF Core Strategy for City of Southampton (2010)**

CS6	Economic growth
CS11	An educated city
CS13	Fundamentals of design
CS18	Transport: Reduce-manage-invest
CS19	Car and cycle parking
CS20	Tackling and adapting to climate change
CS21	Protecting and Enhancing Open Space
CS22	Promoting biodiversity and protecting habitats
CS25	The delivery of infrastructure and developer contributions.

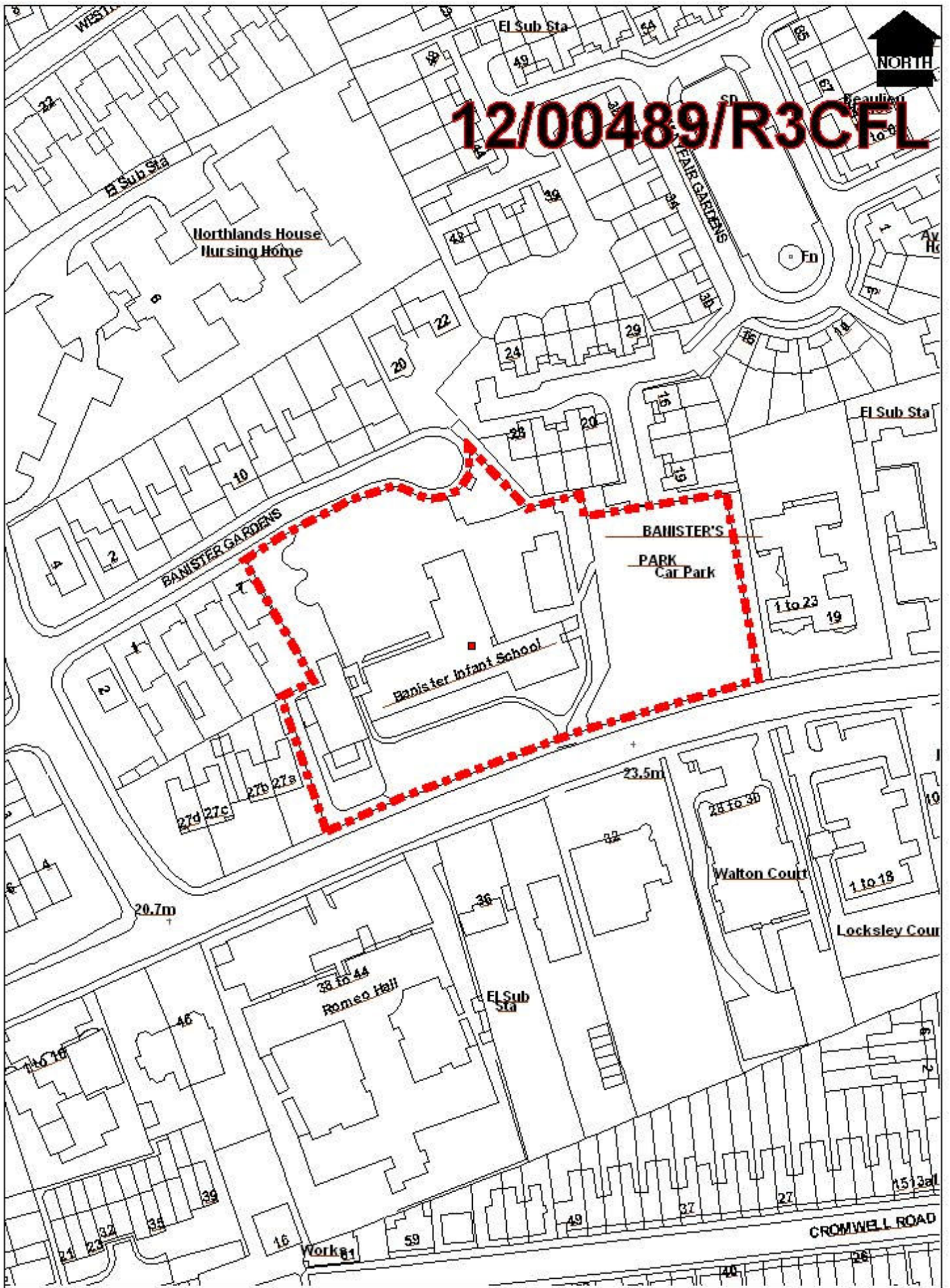
**Saved City of Southampton Local Plan Review Policies (March 2006)**

SDP1	General Principles
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and biodiversity
SDP13	Resource conservation
SDP14	Renewable Energy



SDP16	Noise
SDP17	Lighting
SDP22	Contaminated land
NE4	Protected Species
HE6	Archaeological remains
CLT3	Protection of Open Spaces
TI2	Vehicular access to classified highways

12/00489/R3CFL



Scale : 1:1250

Date : 14 June 2012

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# Agenda Item 6

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 26 June 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Wordsworth Infant School Stratton Road SO15 5RA			
<b>Proposed development:</b> 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)			
<b>Application number</b>	12/00490/R3CFL	<b>Application type</b>	R3CFL
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	04.07.2012	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	Major application with third party objection	<b>Ward Councillors</b>	Cllr Chaloner Cllr Kaur Cllr Mead

<b>Applicant:</b> Southampton City Council - Children's Services & Learning	<b>Agent:</b> Hunters
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant deemed planning permission subject to criteria listed in report</b>
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<b>Appendix attached</b>			
1	Ministerial statement in respect of schools development proposals	2	Development Plan Policies

## Reason for granting Deemed Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. 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. The proposed access onto Victor Street has been considered by Highways DC as acceptable and any impact on existing residents can be mitigated as explained in the report to the Planning and Rights of Way Panel on 26th June 2012. 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, L1

### LDF Core Strategy (2010) Policies

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

## **Recommendation in Full**

Subject to the receipt of amended plans to show a revised parking layout with a reduction of staff spaces in line with the Council's adopted maximum standards, delegate to the Planning and Development Manager to grant planning permission following the following the completion of an Undertaking from the Head of Children's Services and Learning to secure:

- i. 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 (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. The funding of any Traffic Regulation Orders (TRO) required to enable the development to be implemented;
- iv. Submission and implementation within a specified timescale of a Travel Plan;
- v. Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- vi. Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;

That the Planning and Development Manager be given delegated powers to vary relevant parts of the S.106 Unilateral Undertaking and to vary or add conditions as necessary.

## **Procedural Context**

### Councils Own Development

The proposed scheme is a Regulation 3 application for Full Permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case as the Local Education Authority) for development that it wishes to undertake as part of its remit as a public sector service provider.

It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved, if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

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

- 1.1 The 1.49 hectare application site is currently used by Wordsworth Infant School and has a capacity for 180 students with 60 pre-school places (total 240). The existing single storey building was constructed in the late 1960s and would require significant and costly remodelling to make it fit for extended purpose.

- 1.2 The school is served by 14 parking spaces and is well screened on all boundaries by mature trees, as protected by the Southampton (Wordsworth Infant School) Tree Preservation Order (TPO) (2011).
- 1.3 The school is located to the east of the public car park associated with Sainsbury's and Shirley Library. The local context is mixed in terms of land use, scale and architectural styles. It is defined by two storey semi-detached housing to the north, four storey flatted blocks and a single storey scout/community hut fronting Ridding Close to the south. A pedestrian access to the existing school with unrestricted parking along Ridding Close currently exists to the west. A pedestrian crossing provides access from the main car park across Victor Street to the doctor's surgery adjacent to the site. Stratton Road, to the north, provides access to the Crest Dairy and is also the school's principal access currently.

## **2. Proposal**

- 2.1 The Council's Primary School Review has concluded that there is a requirement for additional school places within Shirley. It is therefore proposed to construct a new school building on part of the existing playground within the school site. This would be a tandem build whereby the existing school facility will remain unaffected and pupils will continue to attend and then decant across to the new facility once it is completed. The capacity of the school will increase from 240 to 690 pupils (including 60 pre-school places) with between 56 and 63 full and part-time staff. This represents an increase of some 450 pupils (187.5% increase). The school will change from an infant school to become an all through primary school (4-11 years) The new building has a floor area of 3,348sq.m.
- 2.2 The new building is located to front Victor Street and comprises an 'L' shaped footprint of two storey development (8.2 metres tall) hinged by a three storey block (12 metres tall). The proposed materials include a brick plinth with white render above. The school colours are represented in the proposed aluminium glazing system.
- 2.3 The existing buildings will be demolished following the completion of the new school, and replacement sports pitches will be provided for school and community use (on the site of the existing school). No further details of the proposed "dual use" are provided. No floodlighting of these pitches is proposed.
- 2.4 Additional car parking is proposed and 35 staff parking spaces (including 2 disabled spaces) will be relocated and provided to the western part of the site served by a new vehicular access from Victor Street (although only 23 are shown on the submitted drawings). The school's main entrance is also accessed from Victor Street following this remodelling, with the Ridding Close and Stratton Road entrances closed for daily use. 73 cycle parking spaces are proposed. 14 existing trees (10 of which are covered by a TPO) would be felled to facilitate the development.
- 2.5 Following a successful planning stage it is anticipated that development could commence on site as early as September 2012 with completion ready for the September 2013 intake. The existing school would then be demolished and the land re-provided as playing pitch.

## **3.0 Relevant Planning Policy**

### LDF Core Strategy - Planning Southampton to 2026

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of

Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

3.3 The application site is not allocated in the current development plan, although the existing playing pitches are designated under Local Plan “saved” Policy CLT3. Core Strategy Policy CS21 supports Policy CLT3 and seeks to protect existing playing fields from inappropriate development. A presumption of no net loss of open space now exists.

3.4 LDF Core Strategy Policy CS11 supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours.

### Sustainability Implications

3.5 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted policies. In accordance with adopted Local Plan “saved” Policy SDP13 and Core Strategy Policy CS20 the applicants (in this case the Council) should make a commitment to securing a building with “Excellent” design credentials when assessed against the Building Research Establishment Environmental Assessment Method (BREEAM). Low and zero carbon technologies should also be employed to offset a percentage of CO<sub>2</sub> emissions that each building generates through its functional operation.

### **4.0 Relevant Planning History**

4.1 1346/19 - Erect infants school – Approved 12.03.1968  
Various applications to extend have been approved since with works to trees also controlled through the planning system.

### **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (3<sup>rd</sup> and 10<sup>th</sup> May) and erecting a site notice (3<sup>rd</sup> May). At the time of writing the report **2** representations have been received from surrounding residents. The planning related issues that are addressed in the Planning Considerations of this report include:

- Confirmation sought that Victor Street is safe enough to accommodate additional access points.
- Additional ‘school run’ parking along Victor Street will occur – leading to existing driveway serving 39 Anglesea Road being blocked.

#### Response

*Victor Street has double yellow lines along both sides and parents that chose to drive are likely to find it more convenient to use the existing public car park.*

- A barrier and/or a controlled crossing point is required to the front of the Victor Street pedestrian access to prevent children running out into the street
- Loss of mature trees is unfortunate

- Noise and disturbance caused by the location of the proposed Victor Street entrances in close proximity to 39 Anglesea Road.

Response

*The proposed vehicular access (for staff and servicing only) is located some 23 metres (to its centre) from the common boundary with 39 Anglesea Road. The pedestrian entrance is 36 metres away. These distances are considered to be sufficient enough to prevent significant nuisance.*

5.2 Consultee Comments

- 5.2.1 **SCC Highways** - Having read the D&A and TA there has been no justification put forward for is numbers of parking spaces. I would therefore suggest the numbers are reduced to 19 spaces plus 1 disabled space. The proposed alterations to the new access are acceptable.
- 5.2.2 **SCC Tree Team** – There are 10 of the 14 trees shown to be removed. It was accepted that there would be some tree loss with the creation of a new access off Victor Street although this was to be identified and agreed on site which has never happened. The removal of the Cedar (No.1) and others for the creation of the sports pitch is unfortunate but I presume an unavoidable necessity with this scheme. In general the tree loss on this site would not normally be acceptable for private development and does not include full arboricultural information as requested. However, I understand consideration needs to be given to an improved educational facility. There are some 25 new trees shown proposed which goes some way to providing mitigation. Further details for tree protection in an Arboricultural Method Statement will be required but could be conditioned.
- 5.2.3 **SCC Sustainability Team – Objection raised.** A BREEAM pre-assessment estimator has been submitted. However it indicates that the CS20 policy requirement of BREEAM Excellent will not be met. Therefore this is not compliant with policy.
- 5.2.4 **SCC Environmental Health (Contaminated Land)** – No objection. Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach.
- 5.2.5 **SCC Archaeology** – No objection raised. The site is not located in an area defined as having high archaeological importance and there are no known archaeological sites and findspots in the immediate vicinity of the development site.
- 5.2.6 **SCC Environmental Health** – No objections subject to the use of planning conditions to restrict noise during construction, the provision of a refuse strategy, the submission of a demolition and construction method statement and controlled hours of development works.
- 5.2.7 **SCC Ecology** – A bat roost assessment of the school building and trees has been undertaken as requested in the pre-application comments. This assessment concluded that the buildings have negligible potential for bat roosts and three trees have low potential. Two of these trees lie outside the zone of influence of the development whilst the third is offsite but close to the works compound. Provided lighting is not directed at this tree normal tree protection measures should be adequate to avoid disturbance. The only remaining potential impact is increased illumination of foraging areas around the boundary of the site.

The Bat Survey makes a number of recommendations in respect of appropriate lighting and I would like to see these implemented via a planning condition.

- 5.2.8 **Sport England** – No objection raised. The site is not considered to form part of, or constitute a playing field as defined in the Town and Country Planning (Development management Procedure) (England) Order 2010. The application proposes to redevelop and improve the existing buildings. When completed a new area of playing field will be provided that will accommodate a single pitch. It is understood that the new playing field will be made available for community use.
- 5.2.9 **Southern Water** – A surface water sewer crosses the site. Its exact location should be determined. It may be possible to divert it. An informative to this effect is suggested. A planning condition securing details of the proposed means of foul and surface water drainage is recommended.
- 5.2.10 **Environment Agency** – No objection
- 5.2.11 **Local Architect's Panel** - The chosen design is not very exciting and should be more fun. In their opinion, the building needs more articulation and colour and represents a 'missed opportunity'. They queried whether or not more natural light could be given to the inner circulation spaces (with openings in the roof and voids below added). They considered the factory-like regulatory of the windows to be poor. The overall recommendation was that the scheme should be 'deferred for further negotiation'.

#### Response

In response the applicant's have submitted the following:

*'We believe the use of white render is more appropriate than using different colours. It gives the building a sharp finish against the low level brick façade. The brick work provides the robustness a primary school requires. Also the use of school colours as part of the external window adds a sense of playfulness and identity appropriate to a primary school without overshadowing the local character'.*

- 5.2.12 **City of Southampton Society** – No objection

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development;
  - ii. Sports pitch re-provision and phasing;
  - iii. Design & Sustainability;
  - iv. Residential amenity;
  - v. Highways and parking; and,
  - vi. Other issues such as Trees and Archaeology.

### Principle of Development

- 6.2 The site is currently in an educational use (Use Class D1) and the redevelopment proposals for a larger school are considered appropriate. The new building will provide improved facilities for as growing number of children, thereby meeting Council as well as planning policy aims of the Development Plan for Southampton, principally Policy CS11 (An Educated City) from the adopted LDF Core Strategy (2010).
- 6.3 Furthermore the NPPF states that 'the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a



proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education' (paragraph 72 refers).

#### Sports Pitch Re-Provision & Phasing

- 6.4 As part of this application for the replacement school the applicant needs to satisfy the Local Planning Authority that the redevelopment can be undertaken without compromising the school's ability to provide continuous education provision, including access to external play space to serve the needs of the pupils. LDF Core Strategy Policy CS21 (Protecting and Enhancing Open Space) seeks to retain the quantity, and improve the quality, of existing open space provision. There is a presumption against developing existing school playing pitches unless alternative provision of equal (if not better) space is provided.
- 6.5 The applicants have submitted a phasing plan. This explains that the existing on-site external playspace will be fenced off during the construction of the new school building to maintain access to external playspace during the construction phase. Once the replacement school is completed the existing buildings can be demolished and the land developed as the proposed sports pitch. This phasing strategy is considered to be compliant with Policy CS21 and will deliver an improved sports pitch offer in terms of quality and quantity. Sport England have raised no objection to this approach.

#### Design and Sustainability

- 6.6 The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. Whilst I share the reservations of the local architect's panel regarding the external appearance of the proposed school the external appearance is acceptable. The use of an 'L' shaped building with three storeys sited centrally makes good use of the space, and the retained tree screening will assist in achieving a building that fits comfortably into this context.
- 6.7 The adopted LDF Core Strategy Policy CS20 continues the Council's commitment to securing sustainable development. The applicants propose to meet BREEAM 'Very Good' with a 15% reduction in predicted CO2 emissions through the use of 165sq.m of photo-voltaics located at roof level. This would have been policy compliant last year, but since January new developments are expected to achieve BREEAM 'Excellent'. A total of 70 credits are required to achieve this, compared to the 64 predicted. This has led to an objection from the Council's Sustainability Officer.
- 6.8 Whilst it is disappointing that a Council led scheme cannot meet its own policy requirements on sustainable building, as the scheme was conceived last year, is only 6 credits away from meeting policy and faces budget restraints in order to achieve the necessary delivery of additional school places it can, on balance, be supported. This latter need for school places to meet the 2013 intake outweighs the requirements of Policy CS20 in this instance.

#### Residential Amenity

- 6.9 The proposed school building has been sited centrally to the Victor Street frontage and is separated by some 56 metres from the rear of its nearest Anglesea Road neighbour. Although a roof terrace is proposed for outdoor 'science' learning any outlook towards residential neighbours is screened by the

- building itself. The common boundary is also marked by mature planting.
- 6.10 Shadow diagrams have been submitted to show that any shadow will fall wholly within the site itself. As such no significant privacy or amenity issues will arise as a consequence of the development. Instead, significant benefits arise for residents of Ridding Close and Stratton Road as built development is removed from these streets and the existing accesses are closed off. The application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v).

#### Highways, Access & Parking

- 6.11 A Transport Assessment (TA) and proposed travel plan have been submitted to support the application. The latter, which includes measures to reduce the likelihood of staff arriving by car and parents arriving and collecting children by car, can be secured through the S.106 unilateral undertaking.
- 6.12 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The level of proposed car parking should be governed by the Council's recently revised maximum parking standards (2011), which support a maximum number of 0.75 spaces per classroom for this area of high accessibility. In this instance 35 spaces are proposed which exceeds the standard, although 23 are shown on the submitted drawings. An amended plan is sought as part of the recommendation to secure 20 spaces in line with the Council's current standards.
- 6.13 From surveys undertaken as part of the 2010 Travel Survey it is estimated that 52% of students walk to school, 43% travel by car, 4% catch the bus and the remainder (1%) cycle.
- 6.14 It makes sense to intensify educational use on this large site that is at the heart of its local community, with good accessibility to the public transport network, encouraging healthier lifestyles by walking and cycling. The ongoing implementation of the Travel Plan will discourage parents from entering the school site for collection and drop off and will encourage the use of non-car modes and car sharing. The public car park opposite should reduce overspill car parking into neighbouring streets, especially Ridding Close. The proposed access from Victor Street has been designed to adoptable standards and can achieve the necessary sight lines onto Victor Street. In highway safety terms the proposed access has been assessed as acceptable.

#### Other Matters (Including Trees & Archaeology)

- 6.15 Adopted Local Plan policies SDP1(ii), SDP6(vii), SDP7(i), SDP12 seek to ensure that major planning applications are supported by tree survey work and details of tree protection. The application is supplemented by an Arboricultural Method Statement, which has assessed the trees on the site to establish an acceptable development area. Trees on this site are protected by The Southampton (Wordsworth Infant School) TPO 2011. This makes them a material consideration in the planning process. The principle of this re-development has been agreed and will have little effect on any significant trees, although 8 trees will be lost, mainly to facilitate the creation of the new access points. Any tree loss can be mitigated with new planting and has to be considered against an improved educational facility. The Council's Tree Officer has raised no objection to the removal of these trees subject to a 2:1 replacement being secured.
- 6.16 There are no listed buildings affected by these proposals and the application site

is not located within a designated conservation area. The Council's Archaeologist has confirmed that the site is not located in an area defined as having high archaeological importance, and there are no known archaeological sites and findspots in the immediate vicinity of the development site.

## **7. Summary**

- 7.1 There is a significant need for additional school places in this catchment. Failure to deliver by the intake for 2013 will result in more pupils than places. This is a significant material consideration in this case.
- 7.2 The proposed phasing allows for continuous education to take place on site, with the retention of direct access for pupils to a good quality external play space provision throughout (and after) the construction phase.
- 7.3 The proposed access onto Victor Street, and the closure of the existing access points, will reduce traffic movements along Ridding Close.
- 7.4 Whilst the design could be improved, making it more interesting and recognising the importance of good design to quality education provision, and the scheme requires the removal of TPO'd trees and marginally fails to comply with the requirement for BREEAM 'Excellent' it is, on balance, recommended for approval due to the urgent requirements for additional school places with the potential for additional community 'dual use'.
- 7.5 The parking numbers can be reduced to comply with the development plan.

## **8. Conclusion**

The application is recommended for approval subject to the attached planning conditions.

### **Local Government (Access to Information) Act 1985** **Documents used in the preparation of this report Background Papers**

1a-d, 2b-d, 4f, 4vv, 6a, c, d, i, 7a, 8a, 9a-b

### **SH2 for 26/06/2012 PROW Panel**

### **PLANNING CONDITIONS to include:**

#### **1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not 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. APPROVAL CONDITION - 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.

### **3. APPROVAL CONDITION - Use Restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the buildings shall only be used for educational purposes with ancillary sporting and refectory facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON:

To define the consent having regard to the level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

### **4. APPROVAL CONDITION - Operation restriction**

The college 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.

### **5. APPROVAL CONDITION - Details & Samples of Building Materials**

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the Local Planning Authority) to be used for external walls, fenestration and the roof of the proposed building(s) has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. 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.

### **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 **tbc** cars to serve the school (to include a minimum of **tbc** disabled spaces). 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.

## **7. APPROVAL CONDITION - Bicycle parking**

A minimum of 73 covered and secure cycle parking spaces shall be provided as part of the replacement school prior to the first occupation of the new building(s). Once provided, those facilities shall be retained for that purpose at all times thereafter.

### **REASON:**

To promote cycling as a sustainable form of travel in accordance with Local Plan Appendix 2 requirements and to meet the aims of the submitted Travel Plan.

## **8. APPROVAL CONDITION - Construction Access and Routeing**

Unless otherwise agreed in writing prior to the commencement of development all traffic associated with the construction hereby approved shall enter and leave the site via the new Victor Street access only. All traffic associated with the demolition hereby approved shall enter and leave the site via the new Stratton Road access only. Both phases 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.

### **REASON:**

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

## **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 college 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 CONDITION - BREEAM Standards [Pre-Occupation Condition]**

Written documentary evidence demonstrating that the development has achieved 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. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

### **REASON:**

To ensure the development minimises its overall demand for resources, whilst noting that the development is not in compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

## **11. APPROVAL CONDITION - Renewable Energy - Micro-Renewables**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted

consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

**REASON:**

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**12. APPROVAL CONDITION – Sustainable Drainage Systems**

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing with the Local Planning Authority. A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and verified in writing by the Local Planning Authority as part of the detailed Reserved Matters stage. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

**REASON:**

As recommended by the submitted Flood Risk Assessment and to conserve valuable water resources in compliance with policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and Code for Sustainable Homes: Category 4 - Surface Water Run-off

**13. APPROVAL CONDITION - Ventilation - control of noise, fumes and odour**

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans, associated refuse and other equipment from commercial cooking processes on site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

**REASON:**

To protect the amenities of the occupiers of existing nearby properties.

**14. APPROVAL CONDITION - Landscaping detailed plan**

A detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, external lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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.

The approved scheme shall be carried out either prior to occupation of the new school building or during the first planting season following the full completion of building works or in accordance with a timescale that shall have been agreed in writing with the Local Planning Authority prior to the commencement of any building works. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

**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

**15. APPROVAL CONDITION - Floodlighting System**

No external floodlights shall be installed on the site (including the approved Multi Use Games Area, sports pitches and/or car parking) unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

**REASON:**

In the interest of protecting residential amenity, safeguarding highway safety and not causing undue distraction to aircraft approaching Southampton Airport.

**16. 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. 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.

**17. 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.

**REASON:**

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

**18. 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.

**REASON:**

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

**19. APPROVAL CONDITION - Arboricultural Protection Measures**

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

**REASON:**

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

**20. APPROVAL CONDITION- Land Contamination Investigation**

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.

**21. APPROVAL CONDITION - Use of uncontaminated soils and fill**

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.

**22. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]**

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. Any changes to the agreed remediation actions will require the express written consent of 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.

### **23. APPROVAL CONDITION – Construction & Demolition Method Statement**

Before development commences a statement setting out the management of demolition and construction operations shall be submitted to and approved by the Local Planning Authority. This may be submitted and discharged in phases. The statement shall include detailed plans specifying (i) the areas to be used for contractor's vehicle parking and plant; (ii) storage of building materials, and any excavated material, huts and all working areas (including cement mixing and washings) required for the construction of the development hereby permitted; (iii) areas for the parking of vehicles of site personnel, operatives and visitors; (iv) areas for the loading and unloading of plant and materials; (v) the treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (vi) a scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing; (vii) a scheme for recycling waste resulting from the construction programme (viii) measures to be used for the suppression of dust and dirt throughout the course of construction (including wheel cleaning); (ix) a "hotline" telephone number shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period. For the avoidance of doubt any noise emissions from equipment shall be limited at the boundary to the levels in the Hann Tucker report submitted with this application. i.e. a daytime Leq(1hr)29dB(A) and a night time of Leq(5min)27dB(A). The demolition and development works shall be implemented in accordance with the agreed statement.

#### **REASON:**

To safeguard pupils of Wordsworth School and to protect the amenities of neighbours and the wider environment.

### **24. APPROVAL CONDITION - Hours of Work for Demolition/Construction**

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 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays	09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

Mondays to Fridays	08.30 to 09.15 hours and 14.30 to 15.30 hours
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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 safeguard pupils of Wordsworth School and to protect the amenities of neighbours and the wider environment.

### **25. APPROVAL CONDITION - Demolition and Phasing**

Notwithstanding the submitted details the existing Wordsworth School buildings shall be demolished in accordance with a phasing programme to be agreed in writing with the local planning authority prior to the commencement of building works associated with the replacement School. This phasing strategy shall explain how continued education upon

the site will be achieved during the construction phase and shall include access to external sports pitches that are convenient and fit for purpose. All resultant materials from the demolition phase shall be removed from the site within a timescale that shall have been agreed in writing with the Local Planning Authority before the replacement school hereby approved is first brought into use.

**REASON:**

To secure a satisfactory comprehensive form of development and to safeguard the visual amenity of the locality.

**26. APPROVAL CONDITION - Site clearance restriction & ecology**

The development shall be carried out in accordance with the recommendations made in the Willmott Dixon Habitat Survey Report (2<sup>nd</sup> March 2012) hereby approved. Any clearance of trees and scrub shall avoid the bird breeding season 1st March to 31st August inclusive, unless otherwise agreed in correspondence with the Local Planning Authority.

**REASON:**

In the interests of biodiversity and nature conservation.

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

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

**REASON:**

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

**28. 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, and the MUGA 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.

**29. APPROVAL CONDITION - Storage / Removal of Refuse Material**

Before the building is 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 residential / commercial purposes.

**Reason:**

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

## Note to Applicant

### **Public Sewer Informative**

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel. 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

### **Southern Water Informative**

A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

### **Pre-Commencement Conditions**

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

### **Performance Conditions Informative**

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.



## Policy statement – planning for schools development

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) wish to set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. This statement supersedes the Statement of 26 July 2010.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their

planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants.** For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school.

The Government is today publishing a summary of the responses to its consultation, *Planning for Schools Development*, and will continue to explore whether there is further scope and need for the planning system to do more to support state-funded schools, and in particular, free schools in the future.

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**POLICY CONTEXT**

The relevant policies that would apply to this proposal are taken from the Adopted LDF Core Strategy Development Plan Document (January 2010) and those policies 'saved' from the City of Southampton Local Plan Review (2006) as supported by the council's current list of approved Supplementary Planning Documents and Guidance.

CS Policy CS11 (An Educated City) encourages "the development of new inspirational, high quality education and related facilities which encourage community use of their facilities". The principle of intensifying the school site for education purposes is, in planning terms, welcomed and supported and will assist the City in meeting its growing education requirements.

CS Policy CS20 requires all non residential development with a floorspace of more than 500sq.m to achieve a rating of BREEAM 'Excellent' with some 15% reduction in carbon emissions through the use of decentralised and renewable/low carbon energy sources. It is noted that further discussions are to be had on this issue.

LPR Policy CLT3 safeguards the existing playing field at the School and is supplemented by CS Policy CS21, which explains that the Council will "retain the quantity and improve the accessibility of the city's diverse and multi-functional open spaces". It is noted that a like-for-like re-provision of open space can be achieved and the potential for dual 'community' use will be explored with the School. CS21 (criterion 2) allows configuration of open space in order to achieve wider community benefits. The new school building would go a long way to meeting that criterion.

**Adopted LDF Core Strategy for City of Southampton (2010)**

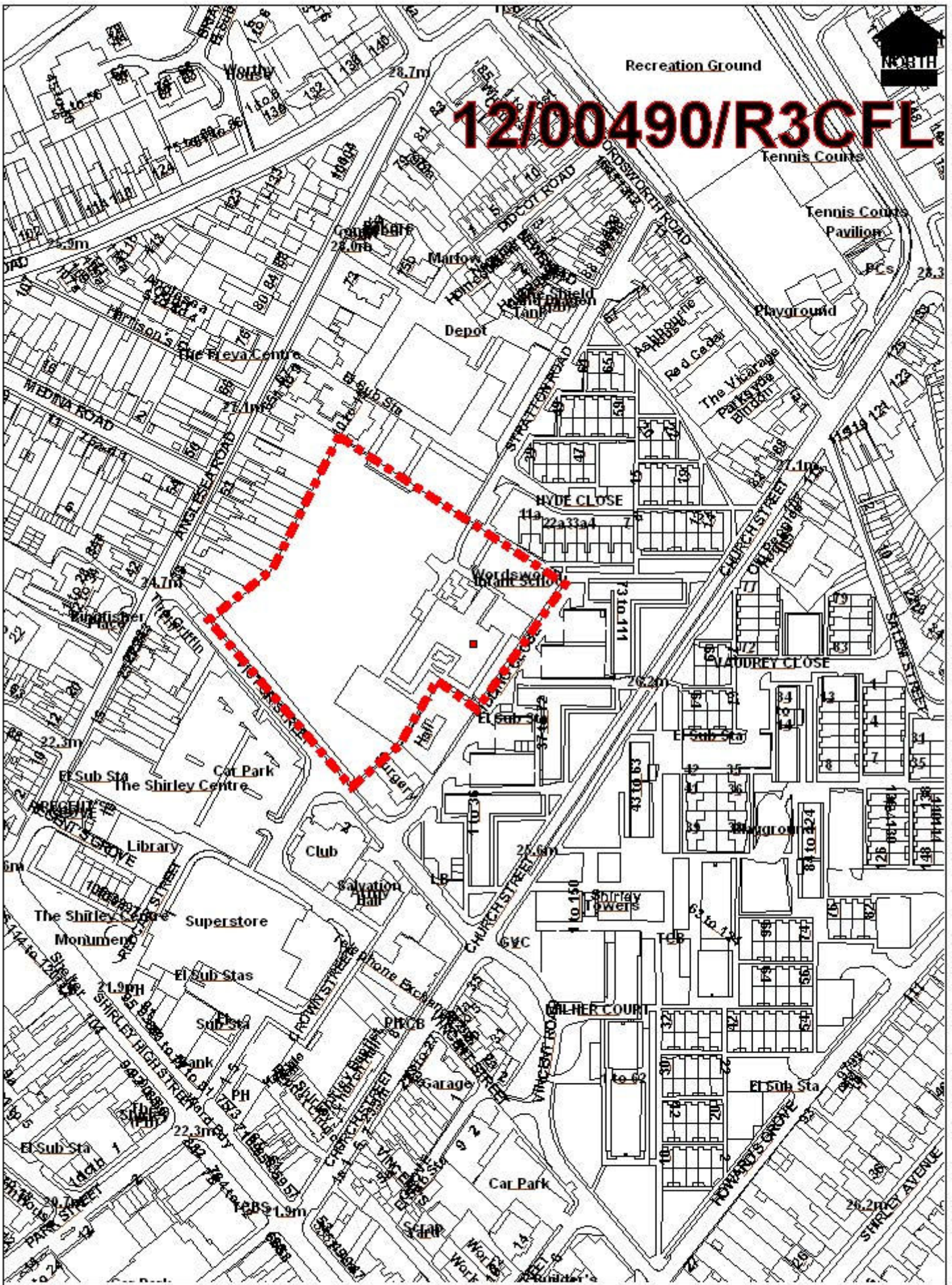
CS6	Economic growth
CS11	An educated city
CS13	Fundamentals of design
CS18	Transport: Reduce-manage-invest
CS19	Car and cycle parking
CS20	Tackling and adapting to climate change
CS21	Protecting and Enhancing Open Space
CS22	Promoting biodiversity and protecting habitats
CS25	The delivery of infrastructure and developer contributions.

**Saved City of Southampton Local Plan Review Policies (March 2006)**

SDP1	General Principles
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and biodiversity
SDP13	Resource conservation

SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated land
NE4	Protected Species
HE6	Archaeological remains
CLT3	Protection of Open Spaces
L1	School development





Scale : 1:2500

Date : 14 June 2012

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# Agenda Item 7

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 26<sup>th</sup> June 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 6 Denbigh Gardens SO16 7PH			
<b>Proposed development:</b> Change Of Use From A C3 Dwelling To A House In Multiple Occupation (HMO, Class C4)			
<b>Application number</b>	12/00684/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5
<b>Last date for determination:</b>	25.06.2012	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	In the wider public interest.	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides

<b>Applicant:</b> Mrs Devinder Sidhu	<b>Agent:</b> None
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The introduction of a HMO in this part of Denbigh Gardens will not have a detrimental impact on the overall character and amenity of the area surrounding the application site. The proposal maintains a sustainable mix and balance of households in the local community, whilst meeting the need for important housing in the city. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS4, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (March 2012) and the relevant sections of the Residential Design Guide Supplementary Planning Document (September 2006).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Survey of HMOs

## Recommendation in Full

### Conditionally approve

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

- 1.1 The application is located in Denbigh Gardens accessed from Bassett Crescent East which is north of Burgess Road. This is an attractive residential street comprised of detached family houses in well landscaped gardens.
- 1.2 The application site contains a 2 storey detached dwelling (C3 use) with rooms in the roofspace. The property has 4 bedrooms and shared bathroom on the first floor and 1 bedroom in the roofspace. On the ground floor there is a sitting room, lounge/dinning room, and kitchen/breakfast room. The area of the rear private garden is 168 square metres.

## **2. Proposal**

- 2.1 It is proposed to convert the existing C3 single family dwelling into a C4 small House in Multiple Occupation (HMO) dwelling with the provision for off street parking. There will be no external or internal changes to the building.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in Appendix 1 which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Bassett which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 refers).

## **4.0 Relevant Planning History**

- 4.1 The list below sets out the relevant planning history for the application site:
- 4.2 01/01659/FUL - Construction of two storey rear extension and single storey front extension - CAP 25.02.2002

## **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (09.05.2012). At the time of writing the report 10 representations have been received from surrounding

residents and 2 representations from local Ward Councillors. The representations raised have been summarised below:

5.2 Comment

Denbigh Gardens is characterised by family homes which should be protected under Core Strategy policy CS16.

Response

In principle, policy CS16 seeks to prevent the net loss of family homes. In this instance, the conversion of the family home to a HMO does not involve any subdivision of the property and, therefore, the property can be reused as a family home and the proposal does not result in the loss of a family home.

5.3 Comment

The Council should ensure that there is provision of good sized family homes for professional people (University lecturers, business managers, etc) to maintain a sustainable mixed community and support the city's economy.

Response

The 10% threshold limit for the Bassett ward set out in the HMO SPD takes into the need to maintain a sustainable mix and balance of households in the community by ensuring that there is not an overconcentration of HMOs within the area surrounding the application site.

5.4 Comment

Paragraph 50 of the NPPF states that local authorities should identify the size, tenure and range of housing that is required in particular locations, reflecting local demand. The property is in a location with the appropriate type of housing for occupation by the family of a staff member of Lloyds Register offices. The needs of transient occupation (such as student accommodation) should not be at the expense of the long term stable, sustainable, community. A HMO will be out of character with the character with the local area which consists of family homes and owner occupied properties.

Response

Policy CS4 and CS16 identifies the strategic sites for the supply and need of housing in the city over the next 15 years based on the Strategic Housing Land Availability Assessment (SHLAA) and Strategic Housing Market Assessment (SHMA). The HMO SPD has identified in terms of housing demand that there is a need for additional HMOs in the city (section 5.2 refers). Although the Council are unable to precisely identify the demand, HMOs provide accommodation for a wide range of groups including young professionals, students, migrants, and young people on low incomes, often on a transient basis. As such they fulfil a very important role in meeting housing need in the city. The application retains the property for future use as a family home in accordance with policy CS16. The 10% threshold set for the Bassett ward in the HMO SPD is to ensure that the sustainability, mix and balance of the community is maintained.

5.4 Comment

The intention of the Article 4 direction is to prevent further concentrations of HMOs like those existing in central and northern wards of the city.

Response

The HMO SPD has set a limit of threshold limit of 10% for the concentration of HMOs in the Bassett Ward. An application for a new HMO is likely to be refused where the threshold limit has been exceeded in the area surrounding the application site.

5.5 Comment

The 10% limit for HMOs in East Bassett is likely to be already reached as there are high concentration of HMOs in the highest housing density including Burgess Road, The Flower Roads, parts of Copperfield Road and The Parkway, spreading into Glen Eyre Road, Elmsleigh Gardens and westwards into Oaklands Way.

Response

The guidance in the HMO SPD requires the assessment of the existing and proposed concentration of HMOs for each application at local level surrounding the application site. The threshold limit will ensure that there is a mixed and balanced community is maintained.

5.6 Comment

The NPPF aims to empower local people to produce their own neighbourhood plans to reflect the needs and priorities of their communities. Within the Bassett Ward, a group of residents associations see the preservation and provision of housing for a sustainable and stable community as an urgent priority.

Response

There is currently no Neighbourhood Plan adopted within the Bassett ward and, therefore, this does not form a material policy consideration.

5.7 Comment

The conversion of the property to HMO will likely result in a permanent loss of family home as multiple landlords are likely to buy it and continue renting as a HMO. As a result more landlords will invest in properties in the local area, and this will deter families living in the area due to the gradual loss of good -sized professional family homes.

Response

The 10% threshold set in the HMO SPD will put a limit on the concentration of future HMOs in the rest of Denbigh Gardens and where the 40m radius intersects properties on adjacent streets. The HMO SPD identifies there is a need for additional HMO accommodation, however, the threshold limit balances the demand for new HMOs against the need to protect the character and amenity of the local community.

5.8 Comment

There are not enough bins are provided. The bins are unable to be stored to the rear so they will look unsightly stored at the front of the property.

Response

The standards set out in the Residential Design Guide (paragraph 9.2.2 refers) states that 2x240 litre wheeled bins (one with green lid, one with blue lid) are required for households with less than 6 residents. It is therefore considered that the same number of bins provided for a family would be sufficient for the needs of a small HMO. It is considered that the storage of the bins in their current location at the front and side of the property will not be harmful to the visual amenities of

the local area.

5.9 Comment

HMOs adversely impact on the quality of life of permanent residents. The property is built as a family home and not as a HMO. The pattern of young persons lifestyle living in a HMO, in terms of early morning and late night activity, additional vehicle movement, and additional refuse does not fit within the normal family timetable of the local area and leads to disturbance of local residents.

Response

The impact from the day to day comings and goings from the occupiers of a small HMO (between 3 and 6 people) when taking into account the enforcement of the 10% threshold is considered not to be significantly different to a family group and, therefore, will not have an adverse impact on the amenity of local residents. The Council has statutory powers under Environmental Health legislation to monitor and enforce against local nuisance and litter. The Private Sector Housing team have raised no objection to standard of living conditions for the future HMO residents.

5.10 Comment

Estate agents are not informing the Council about properties being converted to HMOs without planning permission following the Article 4 direction coming into affect on 23rd March.

Response

The Council's planning enforcement team will investigate concerns raised by the members of public with regards to unauthorised use of a property.

5.11 Comment

The property does not have a sufficient number of off-street parking spaces leading to increased pressure on on-street parking, increased traffic congestion, and restriction of driver's sightlines. Pedestrians will be forced to walk on the road at risk of injury due to the narrow width of the footpath along Denbigh Gardens and additional on-street parking caused by an increase in HMOs.

Response

The Highway Officer has raised no objection to the proposal on grounds of parking levels or highway safety.

5.12 Comment

Consideration should be had for a fall in revenue of Council tax due to student exemptions for HMOs and their increasing demand on SCC services. This is compounded by cuts to local government funding.

Response

Council tax rules are set by national legislation and therefore out of the control of the planning system, however the presence of a highly regarded University within Southampton has significant economic and commercial benefits for the city.

5.13 Comment

Will devalue property.

Response

This is not a material planning consideration.

5.14 Comment

The property at 15 Denbigh Gardens is already being used as a HMO.

Response

The property at 15 Denbigh Gardens falls outside the 40 metre radius and, therefore, is not counted against the threshold as set out in the HMO SPD.

5.15 **SCC Highways** - No objection raised.

5.16 **SCC Private Sector Housing** – No objection raised.

**6.0 Planning Consideration Key Issues**

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

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on residential amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

6.2.1 In principle the conversion of the dwelling into a small HMO is acceptable, providing that the threshold for the maximum number of HMOs in the street does not exceed 10% (Portswood ward) of the total number of residential properties within a 40m radius of the property (measured from the midpoint of the front door). Notwithstanding the threshold other considerations will apply such as intensification of use, parking and access issues, residential amenity, etc.

6.2.2 Policy CS16 seeks to provide a mix of housing types and more sustainable and balanced communities through no net loss of family homes. The application does not result in the loss of family homes as the property will not be subdivided and, therefore, can be used as family home in the future.

6.3 Impact on the character and amenity of the surrounding area

6.3.1 The area surrounding the application site in Denbigh Gardens, Bassett Close, and Bassett Crescent East is characterised by mainly family homes and owner occupied properties.

6.3.2 The property is established as a C3 dwelling and, therefore, must be assessed against the maximum threshold limit set by the HMO SPD which is 10% in Bassett ward. The threshold determines whether the concentration of existing and proposed HMOs will detrimentally affect the balance and mix of households surrounding the application site whilst ensuring that the citywide demand for HMOs is met.

6.3.3 Following the guidelines of the HMO SPD, the location of existing HMOs has been surveyed within a 40m radius of the application site (**see Appendix 2**). The Council does not have an upto date database of the location of HMOs in the city, though the location of HMOs was gathered using the best information available to the Council using the Electoral Register (1st December 2011), Council Tax records (1st May 2012), and verification by the case officer on site. The survey



shows that there is currently no HMOs within the 40m radius. The concentration of HMOs including the proposed HMO will be 6%, 1 HMO out of 17 residential properties with 16 family dwellings remaining. Local residents have stated that 15 Denbigh Gardens is an existing HMO, however, this property is not within the radius and, therefore, not counted towards the threshold level.

6.3.4 The concentration of the existing and proposed HMOs does not exceed the maximum threshold of 10% surrounding the application site. The intensity and nature of use of the dwelling associated with a small HMO will not be significantly different to a family group. The introduction of a small HMO within the surrounding 16 family dwellings will not result in a significant change to the character of the local area in terms of the mix and balance of households.

6.3.5 It is considered that the proposed HMO will not have a detrimental impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community.

#### 6.4 Impact on residential amenity of neighbouring occupiers

6.4.1 It is considered that there will be no adverse impact on the residential amenity of local residents following the conversion of the family dwelling to small HMO in terms of the intensity and nature of comings and goings and the level amount of refuse associated with the future residents.

#### 6.5 Impact on highway safety

6.5.1 The Highway Officer has raised no objection to the impact on highway safety, subject to agreeing secure cycle storage (1 space per bedroom) prior to occupation.

6.5.2 The proposed development does not increase the number of bedrooms or floor space therefore the increase in trips will be fairly limited. The on-street parking in this area is restricted with parking permits and that this property should be only eligible for a maximum of 2 parking spaces – which is the same as the existing site. So in terms of maximum impact on the local on-street parking, it remains the same. Therefore, it is considered that the proposal will have an acceptable impact on highway safety.

#### 6.6 Standard of living conditions for future residents

6.6.1 The Private Housing team are satisfied with the standard of accommodation for future residents, which will meet the SCC Amenity Standards for HMOs in relation to kitchen and bathroom facilities for 6 persons. The applicant will be informed that it is likely that the property will require works in relation to fire precautions such as a fire alarm system, emergency lighting and fire doors, as well the requirement for a mandatory HMO licence if occupied by 5 or more persons. Therefore, it is considered that the standard of living conditions will be acceptable for future occupiers.

### 7.0 Summary

7.1 In summary, the proposed HMO does not exceed the threshold limit of 10% surrounding the application site in accordance with the HMO SPD. The introduction of a HMO in this part of Denbigh Gardens will have an acceptable impact on the overall character and amenity of the area surrounding the application site. The proposal maintains a sustainable mix and balance of

households in the local community, whilst meeting the need for important housing in the city.

## **8.0 Conclusion**

In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval.

### **Local Government (Access to Information) Act 1985** **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d),4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

### **SB for 26/06/2012 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use**

The use hereby permitted shall begin not 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).

#### **02. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]**

The development to which this consent relates shall not be brought into use in full or in part until details for a secure, covered space has been laid out within the 5 bicycles to be stored and for cycle stands to be made available for the occupiers have been submitted and agreed in writing with the Local Planning Authority and thereafter implemented in accordance with the agreed details. The cycle store and cycle stand hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

#### **03. APPROVAL CONDITION - 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.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4            Housing Delivery  
CS16          Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance  
H4             Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Houses in Multiple Occupation (Approved – March 2012)

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Survey of HMOs surrounding the application site

<b>Street</b>	<b>Property</b>	<b>Flats</b>	<b>Council Tax</b>	<b>Electoral register</b>	<b>Planning history</b>	<b>Site visit (1/6/12)</b>
Denbigh Gardens	8		C3	C3 - 3 related, 2 unrelated	03/00594/FUL - n/a	
	10		C3	C3 - 2 unrelated		
	12		C3	C3 - 2 related	10/00465/FUL - n/a	
	4		C3	C3 - 2 related		
	2		C3	C3 - 2 related	06/01271/FUL - n/a	
	1		C3	C3 - 3 related		
	3		C3	HMO - 3 unrelated		C3 - Rented to family
	5		C3	C3 - 2 related	10/01418/FUL - n/a	
	7		C3	C3 - 3 related		
	9		C3	C3 - 2 related	882247/W - n/a	
	11		C3	C3 - 1 person	1546/M6 - n/a	
Bassett Crescent East	5		C3	C3 - 2 related	02/00329/FUL - n/a	
	7		C3	C3 - 1 person		
	9		C3	C3 - 2 related		
Bassett Close	15		C3	C3 - 2 related	1107/04 - n/a	
	14		C3	C3 - 3 related		

Total Residential properties for threshold level

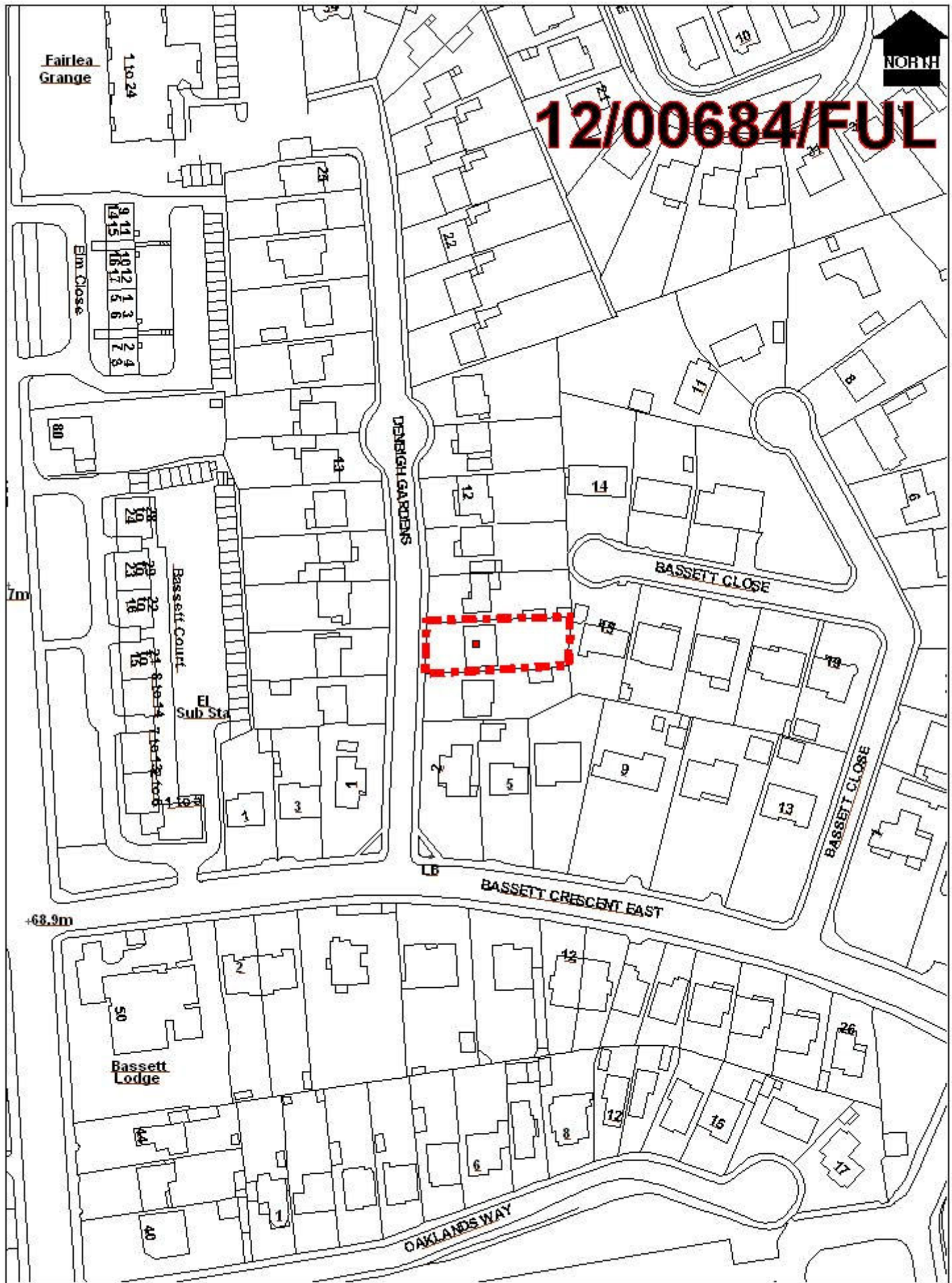
No properties discounted.

<b>Street</b>	<b>Residential properties</b>	<b>Proposed and Existing Use</b>	<b>Number of properties</b>
Denbigh Gardens	8	C3	1
	10	C3	2
	12	C3	3
	4	C3	4
	2	C3	5
	1	C3	6
	3	C3	7
	6	HMO	8
	5	C3	9
	7	C3	10
	9	C3	11
	11	C3	12
Bassett Crescent East	5	C3	13
	7	C3	14
	9	C3	15
Bassett Close	15	C3	16
	14	C3	17

HMO concentration =  $1/17 = 6\%$



**12/00684/FUL**



Scale : 1:1250

Date : 14 June 2012

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# Agenda Item 8

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 26/6/12  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 30 Glen Eyre Drive SO16 3NR			
<b>Proposed development:</b> Change Of Use From Residential (Class C3) To A 5-Bed House In Multiple Occupation (Hmo, Class C4). No External Change.			
<b>Application number</b>	12/00677/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	7/6/12	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Referred at request of Cllr Hannides, Cllr B Harris and public interest	<b>Ward Councillors</b>	Cllr Hannides Cllr L Harris Cllr B Harris

<b>Applicant:</b> Mrs Lena Chesney	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1 and H4 of the City of Southampton Local Plan Review (March 2006) and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning history

## Recommendation in Full

### Conditionally approve

#### 1. The site and its context

1.1 The site comprises a corner plot on the southern side of Glen Eyre Drive. The building itself is a detached two-storey dwelling which due to the slight curve of the street is set forward of the neighbouring property at number 32.

1.2 Immediately to the south and west of the site is the large halls of residence blocks comprising the Glen Eyre student residential accommodation owned and

managed by the University of Southampton. Other than this the surrounding area appears to be uniformly detached family dwellings set within attractive and well landscaped gardens.

## **2. Proposal**

- 2.1 The application does not propose any external alterations to the physical form of the dwelling.
- 2.2 The proposal is for the change of use from a Class C3 residential dwelling to a Class C4 house in multiple occupation (HMO). The application seeks permission for the occupation of the property by up to 5 individuals.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

## **4.0 Relevant Planning History**

- 4.1 A first floor level side extension was approved under planning application reference 10/00382/FUL on the 14.06.2010. Full details of the relevant application can be found in **Appendix 2**.

## **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **9** representations have been received from surrounding residents.

## **5.2 *Out of character with surrounding area***

### **5.3 Response**

Of the nine properties within the 40m radius of the site none are currently in HMO (including the application site). Therefore the development does not violate the 10% threshold outlined in the HMO SPD. Should this application be approved, the threshold limit would restrict any additional HMO’s being approved within the radius area and therefore prevent an over dominance of HMOs which could result a change in the character of the area. Taking into the spatial characteristics of the site including the set back and boundary treatments between properties it is not considered that a single HMO would generate such additional activity so as to represent a significantly harmful impact to the character of the surrounding area or the occupiers of adjoining properties.

## **5.4 *Permission will result in deterioration of maintenance of building/accumulation of rubbish***



5.5 **Response**

The adequate maintenance of a dwelling is the responsibility of the landlord, regardless of the occupancy of the dwelling. Adequate refuse storage can be provided within the site to conform to the Council's adopted standards.

5.6 ***Presence of halls of residence in immediate vicinity***

5.7 **Response**

The surrounding land uses have been assessed as part of the decision making process for the application. Please note, as per the HMO SPD, halls of residence are discounted from the survey of surrounding properties for the threshold criteria.

5.8 ***Site has insufficient on site parking for the proposed use***

5.9 **Response**

The maximum parking standards of the HMO SPD outline a maximum provision of 3 cars for a 5-bed HMO in this area. As such a condition will be included limiting the on site parking provision to a maximum of 3 cars.

5.10 ***Increase in noise associated with the property, particularly early morning***

5.11 **Response**

It is judged that the large plots and detached nature of the residence represent sufficient amelioration of any potential impacts for them not to represent significant enough harm to justify a reason for refusal based on these grounds.

5.12 ***Applicant will ignore planning restrictions and occupy the property with more than 5 people***

5.13 **Response**

The Enforcement team would investigate any potential breach of planning conditions and take action where appropriate.

**SCC Consultation responses:**

5.14 **SCC Housing** – Note that bedroom 5 falls under the size criteria specified in Appendix 1 – Guidance on Standards for HMOs of the SCC HMO Supplementary Planning Document (SPD).

5.15 **SCC Highways** – Under the parking permit zone the property will continue to benefit from the possibility of 2 parking permits, identical to the existing situation. As such it is judged that the impact of the proposal would be minimal. The provision of additional secure cycle storage is recommended.

**6.0 Planning Consideration Key Issues**

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

- I. Principle of conversion into an HMO
- II. Amenities provided for the occupants

## 6.2 Principle of Development

Within a 40m radius of the front door of the property there were less than 10 properties. As instructed by the HMO SPD, the nearest properties in the street were added to bring the total number of properties up to 10. The halls of residence were excluded from this count, as per paragraph 6.4.2 of the HMO SPD.

The concentration of HMOs surrounding the application site is **0%** (0/11). Were this application to be approved the concentration would be **9%** (1/11).

The development therefore does not appear to violate the 10% threshold for HMOs.

6.3 It is considered that the presence of the threshold of 10% would sufficiently protect the area from a potentially harmful future change in character. It is not considered that the presence of a single HMO in the immediate area would represent a significant enough harm to the character of the area sufficient to justify refusal of the application.

6.4 A HMO has potentially different impacts on amenity of neighbouring properties when compared to a Class C3 residential dwelling. A condition is recommended to limit the cars allowed on the site to the maximum provision of 3 under the HMO SPD. See paragraph 5.3 for an assessment of the Highways concerns raised in conjunction with this application. It is judged that the majority of potential issues (i.e. possible increase in noise) would be mitigated by the detached nature of the property and the ample amenity space afforded to the application site.

## 6.5 Amenities provided

As noted in paragraph 5.2, bedroom 5 has an area of 6.1m<sup>2</sup> which falls short of the 6.5m<sup>2</sup> identified for bedrooms where a separate communal living room is provided in Appendix 1 of the HMO SPD (Guidance on standards for HMOs). The proposal meets the other requirements.

On balance, taking into account that the property benefits from significant amounts of external amenity space and an additional 8m<sup>2</sup> of communal living space beyond the requirement outlined, it is not considered that this represents a significant enough reason to refuse the application.

## 7.0 Summary

7.1 The proposal does not violate the threshold criteria and it is not considered that the creation of a singular HMO will have a significantly detrimental impact on the character of the area. It is considered that the features of the site and its surrounds would be sufficient to mitigate any potential impacts of the development which cannot be controlled through the use of conditions.

## 8.0 Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

**Local Government (Access to Information) Act 1985**  
**Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d),4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

**JF1 for 26/06/12 PROW Panel**

**PLANNING CONDITIONS**

**01. APPROVAL CONDITION - Permitted change between Class C3 and Class C4 (time limited)**

The application hereby permitted shall allow the change between a residential dwelling (Class C3) and a House in Multiple Occupation (Class C4) for a period of up to 10 years from the date on which this decision is issued unless otherwise agreed in writing by the Local Planning Authority. After this period the occupied use on that date will become the lawful use of the property.

Reason:

To provide flexible use and comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

**02. APPROVAL CONDITION - Parking**

Notwithstanding the details hereby approved, no more than 3 cars shall be parked within the application site at any given time unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highways safety.

**03. Approval Condition - Cycle Storage (Performance condition)**

Within 3 months of the issuing of this decision details shall be submitted to the Local Planning Authority demonstrating the provision of 5 secure cycle storage spaces. These spaces shall be maintained as such thereafter for that purpose.

Reason

To ensure cycle storage is provided for future occupants of the site.

**04. APPROVAL CONDITION - 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.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS16          Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1          Quality of Development  
H4              Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation Supplementary Planning Document - (March 2012).

Web link to the Houses in Multiple Occupation Supplementary Planning Document:

<http://www.southampton.gov.uk/s-environment/policy/planningdocuments/hmo-spd.aspx>

**Application** 12/00677/FUL

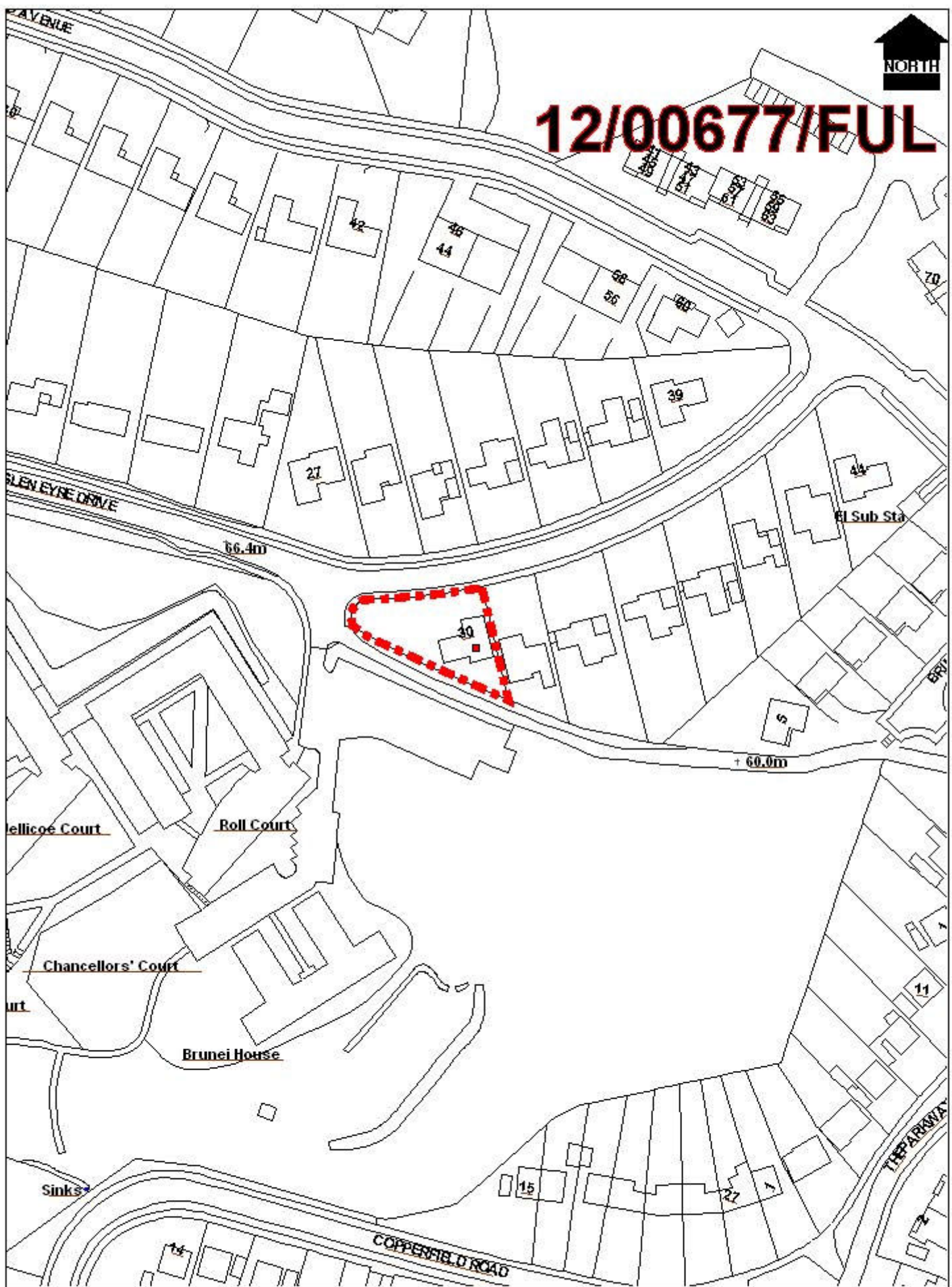
**APPENDIX 2**

**Relevant Planning History**

10/00382/FUL, First floor side extension including juliet balcony to side (West) elevation,  
Conditionally Approved 14.06.2010



**12/00677/FUL**



Scale : 1:1250

Date : 14 June 2012

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# Agenda Item 9

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 26 June 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 21-22 Hanover Buildings			
<b>Proposed development:</b> 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.			
<b>Application number</b>	12/00166/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	04.05.12	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager due to wider interest	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker

<b>Applicant:</b> Marcel Properties Ltd	<b>Agent:</b> Planning Works Ltd
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 26.06.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of neighbouring occupiers. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, planning permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) Policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
  - ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
  - iii. Financial contributions towards the relevant elements of open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
  - iv. The provision of affordable housing in accordance with adopted LDF Core Strategy Policy CS15.
  - v. 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.
  - vi. A financial contribution towards public realm improvements within the city centre, as part of the North/South Spine Strategy, in accordance with policies CS13 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005).
  - vii. A financial contribution towards community safety initiatives (CCTV) in accordance with policy.
  - viii. An obligation precluding future residents of the flats receiving car parking permits for the adjoining Controlled Parking Zones.
2. That the Planning and Development Manager be given delegated authority to add to or vary planning conditions and relevant parts of the Section 106 agreement.
  3. In the event that the legal agreement is not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

- 1.1 The application site is a three-storey, flat roofed building which forms part of Hanover Buildings which was a comprehensive development in the 1950s. The quality and appearance of buildings within Hanover Buildings varies, and includes 3 and 4 storey premises and the Locally Listed Nos 1-2 and 30-32 to the west of the site. Work is underway on the alteration and extension of the adjoining premises at Nos. 23-25 to provide 10 flats.
- 1.2 The site is currently vacant but previously contained a restaurant and a recruitment consultants on the ground floor with associated storage/offices as well as residential units on the floors above.
- 1.3 To the rear of the site is a substantial continuous section of the city's historic town walls which are a Scheduled Ancient Monument and Grade 1 listed building. Opposite the site lies Houndwell Park, which is on English Heritage's



register of Parks and Gardens of Special Historic Interest. Immediately to the east of the site, York Buildings provides access to the Bargate Shopping centre and the service yard which lies to the rear of the site.

## **2. Proposal**

- 2.1 The application seeks full planning permission for the demolition of the existing building on site and the construction of a block of 16 flats. The flats provide a mix of 1, 2 and 3 bedroom accommodation. In total, 3 family-sized units with access to private amenity space are proposed.
- 2.2 The ground floor unit would provide commercial floorspace for either retail, restaurant and cafe or financial and professional service use. A total of 414 sq.m of ground floor commercial space would be provided. The ground floor commercial unit would be accessed from Hanover Buildings and the entrance to the residential units would be via York Buildings.
- 2.3 No off-road car parking spaces are proposed to serve the development. Integral cycle and refuse storage to serve the residential accommodation is located to the east side of the building, to be accessed from York Buildings.
- 2.4 The proposed building steps up from 3 storeys in height at the rear of the site to 5 storeys fronting Hanover Buildings. The elevations would be constructed using red facing brick with elements of metallic cladding and render. The building would have a contemporary flat-roof design and the elevations articulated by balconies. Each flat would have access to a private balcony and in total 191 sq.m of amenity space would be provided. The balconies and roof terraces range in size between 6 and 33 sq.m in area.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site lies within the defined city centre and the Primary Shopping Area. Policies CS1 of the Core Strategy and MSA1 of the Local Plan Review seek high quality developments within the city centre. The ground floor of the application site is identified as secondary retail frontage and policy REI4 of the Local Plan require ground floor uses to provide a direct service to the public.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

## **4. Relevant Planning History**

- 4.1 There have been no recent or relevant applications for the site. The adjoining site of 23-25 Hanover Buildings benefits from planning permission for the

alteration and extension of the building, which includes a fourth floor of accommodation to provide 13 flats (reference 05/01212/FUL). Works are underway on this development. In addition to this 19a Hanover Buildings benefits from outline planning permission to construct a set-back fifth floor of accommodation to provide an additional four flats (reference 11/01321/OUT).

## **5. Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (01.03.12) and erecting a site notice (27.02.12). At the time of writing the report **1** representation has been received from a neighbour. The following is a summary of the points raised:

5.2 ***The development will result in a loss of symmetry with existing neighbouring development due to the greater height that is proposed***

### **5.3 Response**

Hanover Buildings are currently varied in terms of height and appearance and as such, it is considered that the increase in height proposed would not appear out of keeping.

5.4 ***The proposed residential density is excessive***

### **5.5 Response**

The proposed residential density would be 375 d.p.h which accords with policy CS5 of the Core Strategy which requires densities in excess of 100 d.p.h in high accessibility locations such as this.

## **5.6 Consultation Responses**

5.7 **SCC Highways** - No objection.

5.8 **SCC Planning Policy** - Raise concern that the development should include an active frontage to the rear of the site, facing onto the historic town walls.

5.9 **SCC Historic Environment Team** - No objection. Raise some concern regarding the types of materials to be used. A planning condition is suggested to secure details of the materials. Conditions are also suggested to secure the necessary archaeological investigation.

5.9 **SCC Housing** – No objection. There is a requirement to provide 3 affordable housing units and the preference for this is on site.

5.10 **SCC Sustainability Team** – No objection. The application demonstrates that the development will achieve level 4 of the Code for Sustainable Homes and a condition is suggested to secure this.

5.11 **SCC Ecology** - No objection or conditions suggested.

5.12 **SCC Architect's Panel** – Raise concern that the proposal is one-storey too high when compared with neighbouring sites.

- 5.13 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions to prevent disruption during the construction process and to secure details for any extract ventilation for the ground floor commercial unit.
- 5.14 **SCC Environmental Health (Contaminated Land)** - No objection. The site may be subject to historic land contamination and conditions are suggested to address this.
- 5.15 **SCC Ecology** – No objection or conditions suggested.
- 5.16 **English Heritage** – Raise concern that the scale of the building would dominate the adjacent section of the town walls. An archaeological evaluation will be required following demolition of the existing building.
- 5.17 **Southern Water** – No objection. Suggest condition to secure details of foul and surface water disposal.
- 5.18 **City of Southampton Society** - No objection providing the development does not compromise the Town Walls and the relationship with the Town Walls is taken advantage of.

## 6. **Planning Consideration Key Issues**

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area and the historic town walls;
- iii. The impact on residential amenity;
- iv. The quality of the residential environment proposed;
- v. Parking and highways and;
- vi. Mitigation of direct local impacts and Affordable Housing.

### 6.2 **Principle of Development**

6.2.1 The policies of the Core Strategy and saved policies of the Local Plan support the principle of making efficient use of this city centre, previously developed site to provide a mixed use development. The proposal incorporates ground floor, commercial uses which would provide a direct service to the public and therefore accords with saved policy RE14 of the Local Plan.

6.2.2 The application proposes a residential density of 375 dwellings per hectare in accordance with Core Strategy policy CS5, which recommends densities of over 100 dwellings per hectare in this location. The development includes the provision of 3 family sized units which is slightly less than the target of 4 units set out by policy CS16 of the Core Strategy. That said, policy CS16 confirms that within high density areas, such as the city centre, a lower percentage of family units could be acceptable. Having regard to the genuine mix of accommodation that would be achieved and the constrained nature of the site, the provision of 3 family housing units is therefore considered to be acceptable in this instance.

### 6.3 **Design, Character and impact on Town Walls**

6.3.1 In terms of scale, policy SDP9 of the Local Plan supports the principle of

buildings of 5 or more storeys in height adjoining the city centre parks and the adopted Development Design Guide SPG identifies that buildings of between 4-8 storeys would be acceptable in this location. The top floor of accommodation would be slightly recessed from the front parapet (by 1.5 metres) and treated in a contrasting material treatment to the rest of the front elevation, which would give the top floor the appearance of roof level accommodation. Due to the existing variation of storey heights within Hanover Buildings, and the approvals on the neighbouring sites for fourth and fifth level accommodation, it is considered that the additional two-storeys would not appear out-of-keeping within the street scene. Furthermore, the additional height that is proposed would assist in creating a strong built edge to Houndwell Park, which lies opposite the site. Notwithstanding the concerns raised by Architects Panel regarding the height of the proposal, the Council's City Design Manager has reviewed the scheme and confirmed that a building of a greater scale would be acceptable in this location. As such, the proposed 5-storey frontage to Hanover Buildings is considered to be acceptable.

- 6.3.2 The building provides an active street frontage to Hanover Buildings and has also been designed to address the York Buildings street to the east of the site. In particular, the fenestration to the front elevation turns the corner of the building to provide natural surveillance to both streets. The design incorporates elements of contrasting material treatment to the corner with York Buildings which reinforces the corner. In addition to this, the residential entrance to the building would be provided on the east side elevation, further improving the character of this street. The use of inset balconies to the front elevation provides articulation to the elevation and appear as a considered and integral part of the design. Overall it is considered that in design terms, the front elevation of the building would provide a lift to the Hanover Buildings street scene.
- 6.3.3 To the rear of the site, the scale and massing of the building is reduced with a series of set backs to the building, which steps the height of the building away from the mediaeval town walls. As such, the Historic Environment Team is satisfied that the proposal would not dominate the appearance of the town walls. Currently, the area to the rear of the site has the appearance of a service yard and the rear elevation of the existing building has a blank and unattractive facade. The scheme has been carefully designed to ensure that the building does not 'turn its back' on the walls. The introduction of habitable room windows, roof terraces and balconies which would look onto the town walls, would introduce the natural surveillance which is currently missing from the area and represent a significant improvement to this sensitive location.
- 6.3.4 The Council's Planning Policy Team have raised concerns that the rear elevation of the development does not contain an active ground floor frontage and that therefore the proposal does not take advantage of the opportunity to improve the site's relationship with the historic town walls. As detailed above, it is considered that the proposal would represent a significant improvement on the current appearance of the site in relation to the walls. The applicants have deliberately designed the ground floor frontage with a neutral appearance, which would provide flexibility for future alterations when the Bargate Centre is redeveloped. Currently, however there are issues of anti-social behaviour to the rear of the site and the inclusion of ground floor fenestration could leave the commercial units vulnerable to crime and anti-social behaviour. It is considered that it is more appropriate to tackle this issue comprehensively rather than on a piecemeal basis and as the proposal does not prejudice future redevelopment opportunities that would improve the settings of the walls, the proposal is considered to be acceptable in this respect.

## 6.4 Residential Amenity

- 6.4.1 The main consideration in this respect is the relationship of the development with the adjoining residential units currently under construction at 23-25 Hanover Buildings. The fourth floor accommodation within the neighbouring building is set-back from the front building line by over six metres and would be approximately 3 metres less in height than the proposed development. The neighbouring top-floor accommodation would still however enjoy a good level of outlook from the remaining frontage and furthermore, it is considered that this type of a relationship is not unusual within a city centre location. At the rear of the site, the set backs of the upper floors of the building ensures that the development would not have a harmful impact on the adjoining residential accommodation. Overall, it is considered that the proposals relationship with nearby residential properties is acceptable.

## 6.5 Residential Environment

- 6.5.1 A noise report has been submitted with the application and demonstrates that the proposed residential accommodation would not be subject to undue noise and disturbance from external noise sources. The Council's Pollution and Safety Team agree with the conclusions of this report.
- 6.5.2 The residential access from York Buildings would also be visible from Hanover Buildings and a condition is suggested to secure lighting to this entrance to provide a safe and attractive route to the building. Outlook from habitable room windows would afford an acceptable standard of residential amenity for prospective occupants.
- 6.5.3 All of the proposed flats would have access to a private balcony or terrace. Whilst some of the private balconies are less than the 20sq.m standard recommended by the Residential Design Guide, the guidance provides flexibility for areas where smaller amenity space areas are typical. As such, having regard to the constrained city centre nature of the site and its location, directly opposite Houndwell Park, the amenity space provision is considered to be acceptable.
- 6.5.4 Integral cycle and refuse storage would be provided and this is located conveniently in relation to the proposed flats. As such, it is considered that the prospective occupiers of the flats would have an acceptable residential environment.

## 6.6 Parking and Highways

- 6.6.1 No off-road car parking spaces are proposed to serve the development. The policies within the Core Strategy and Local Plan Review seek to reduce the need to travel by private car and set out that controlling the level of car parking is a key factor in ensuring more sustainable modes of travel. As the site lies within an area of High Accessibility to public transport (Public Transport Accessibility Level 6), the provision of no on-site car parking is in accordance with the adopted maximum car parking standards set out in the Local Plan Review. Having regard to the city centre location of the site which is within walking distance of services and facilities and good access to public transport, the proposal is therefore considered to be acceptable in this respect. An obligation in the Section 106 agreement could preclude the issue of car parking permits to future residential occupiers.

## 6.7 Direct Local Impacts and Affordable Housing

6.7.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

## 7. Summary

7.1 The proposal development makes good use of previously developed land to provide a genuine mix of accommodation on a city centre site. The proposal successfully responds to the constraints of the site without compromising the existing residential amenity and would have a positive visual impact on the area.

## 8. Conclusion

Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

### 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), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

**JT for 26/06/12 PROW Panel**

### PLANNING CONDITIONS

#### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not 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).

#### **02. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]**

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

**03. APPROVAL CONDITIONS – Elevation Detailed Plans [pre-commencement condition]**

Prior to the commencement of the development hereby approved a detailed plan of no less than 1:20 scale showing recessed panels to the ground floor, south elevation, shall be submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

In the interests of visual amenity and the setting of the adjacent historic town walls.

**04. APPROVAL CONDITION - Lighting [pre-commencement condition]**

Prior to the commencement of the development hereby approved a scheme for external lighting of the building shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include lighting to the refuse and cycle storage and the pedestrian entrances to the building. The lighting shall be installed as agreed before the development first comes into occupation and thereafter retained.

Reason:

To create an acceptable residential environment and in the interests of the amenities of neighbouring residential properties.

**05. APPROVAL CONDITION - Demolition Phasing [performance condition]**

The works of demolition hereby authorised shall not be commenced before a contract for the carrying out of the works of redevelopment of the site hereby approved is in place.

Reason:

To prevent the site remaining vacant following demolition, in the interests of the visual amenity of the street.

**06. APPROVAL CONDITION - Demolition Statement [Pre-Commencement Condition]**

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. The scheme shall include measures to provide satisfactory suppression of dust during the demolition works to be carried out on site. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of adjacent residential properties.

**07. APPROVAL CONDITION – Archaeological 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.

**08. APPROVAL CONDITION – Archaeological 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.

**09. APPROVAL CONDITION – Archaeological damage-assessment [Pre-Commencement Condition]**

No development shall take place within the site until the type and dimensions of all proposed groundworks (including details of foundations, ground beams, all services etc) have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To inform and update the assessment of the threat to the archaeological deposits.

**10. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]**

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.

**11. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]**

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.

**12. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]**

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.

Any changes to the agreed remediation actions will require the express written consent of 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.

**13. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes, in the form of a design stage assessment, 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).

**14. APPROVAL CONDITION - Code for Sustainable Homes [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 Level 4 of

the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate certification body, 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).

**15. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)**

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

**16. APPROVAL CONDITION - 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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.

**17. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]**

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

**18. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]**

The ground floor commercial floorspace shall not come into A3 use (restaurants and cafes) before a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

**19. APPROVAL CONDITION - Foul and Surface Water Disposal [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of means of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

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

Before the building is 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 residential / commercial purposes.

Reason:

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

**21. APPROVAL CONDITION - Cycle and Refuse Storage [performance condition]**

Before the development hereby approved first comes into occupation, the cycle and refuse storage shall be provided in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason:

To secure an acceptable residential environment.

**22. APPROVAL CONDITION - 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.

**23. APPROVAL CONDITION - Hours of Use - Class A3 use [Performance Condition]**

The Class A3 use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0700 to midnight on any day.

Reason:

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

## Note to Applicant

### 1. Connection to the Public Sewerage System

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
MSA1	City Centre Design

Supplementary Planning Guidance

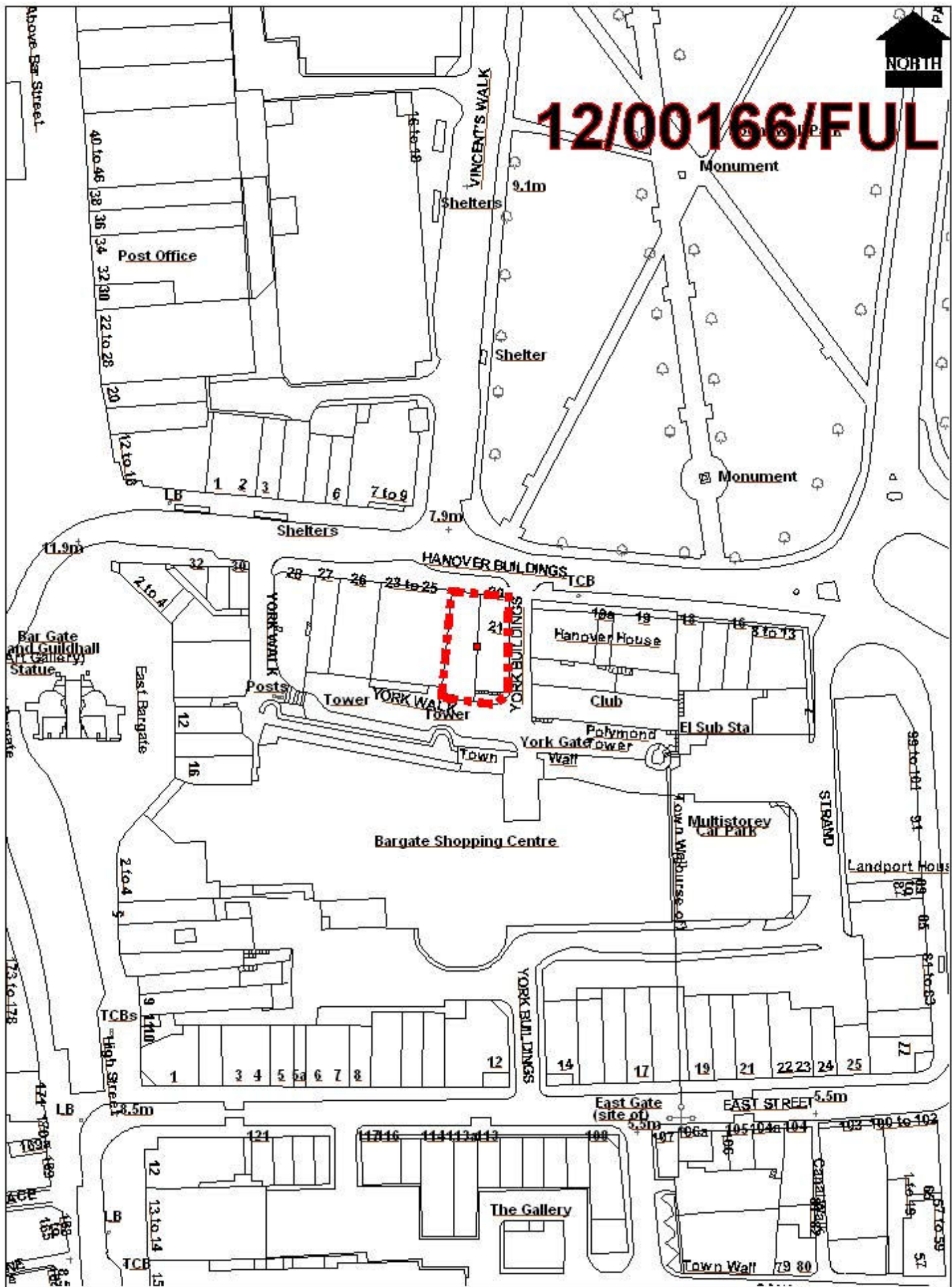
Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards (September 2011)

Other Relevant Guidance

The National Planning Policy Framework



# 12/00166/FUL



Scale : 1:1250

Date : 14 June 2012

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# Agenda Item 10

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 26 June 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 28-30 Alma Road SO14 6UP			
<b>Proposed development:</b> 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).			
<b>Application number</b>	12/00339/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	17/05/2012	<b>Ward</b>	Bevois
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager to agree reasons for refusal.	<b>Ward Councillors</b>	Burke Rayment Barnes-Andrews

<b>Applicant:</b> Mr K Mohmed	<b>Agent:</b> Concept Design & Planning Llp - Mr Rob Wiles
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## Recommendation in Full

That the reasons for refusal are updated to include all reasons drafted in this report.

<b>Appendix attached</b>	
1	Previous report to panel (meeting date, 29/05/2012)

## Recommendation in Full

The Planning and Rights of Way Panel are requested to add a reason for refusal, to those previously given, based on the applicants failure to complete a Section 106 agreement.

### 1.0 Background

1.1 This planning application was considered by the Planning and Rights of Way Panel on the 29<sup>th</sup> May 2012. Panel overturned the officer recommendation for approval and vote to refuse the application for the reason set out below.

The original officer report recommended to Panel that planning permission be granted and is set out in full as Appendix 1. The Panel resolved to refuse the application.

Development proposals of this scale are required to make appropriate contributions via a s106 agreement. Should the applicant appeal the decision to refuse the application, a reason for refusal identifying the necessary s106 provision needs to be added to ensure this can be secured in the event of a successful appeal.

### Refusal Reason - Intensification in the use

The redevelopment of the site taking into account the context and character of the area, will result in an intensification in the use of the site, which by reason of the additional general activity, on street car parking, noise and disturbance would be to the detriment of the amenity of nearby residents. As such the proposal represents an over-intensive use of the site and is therefore contrary Policies SDP1 (i) and SDP7 (v) of the City of Southampton Local Plan Review 2006.

- 1.2 In addition to the above reason for refusal, were the application approved, it would have triggered the need for a Section 106 agreement to mitigate the direct impacts on the development on local infrastructure as well as to secure affordable housing. As such, confirmation is also sought that the following deemed reason for refusal should be added:

### **Refusal reason - Failure to enter into a Section 106 Agreement**

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

a) As the scheme triggers the threshold for the provision of affordable housing it is expected to provide a contribution to affordable housing to assist the City in meeting its current identified housing needs as required by Policy CS15 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010)

b) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.

c) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.

d) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

e) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted



Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

f) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network.

g) A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).

**MP3 for 26/06/2012 PROW Panel**



# Agenda Item 10

Appendix 1

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 29 May 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 28 -30 Alma Road SO14 6UP			
<b>Proposed development:</b> 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).			
<b>Application number</b>	12/00339/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	17.05.2012	<b>Ward</b>	Bevois Valley
<b>Reason for Panel Referral:</b>	Major scheme with objection	<b>Ward Councillors</b>	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

<b>Applicant:</b> Mr K Mohmed	<b>Agent:</b> Concept Design & Planning LLP - Mr Rob Wiles
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant outline planning permission subject to criteria listed in report</b>
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### Reason for Granting Outline Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact on the character of the street scene, car parking, the number and layout of units, the amenity and privacy of adjacent occupiers and the residential environment created have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus outline planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP13 and H7 of the City of Southampton Local Plan Review (March 2006).

Policies- CS4, CS5, CS13, CS16, CS19 and CS20 of the Core Strategy 2010.

<b>Appendix attached</b>	
1	Development Plan Policies
2	Relevant Planning History

### Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to 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 (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);  
Amenity Open Space (“open space”)  
Playing Field;
- iv. Provision of affordable housing in accordance with Core Strategy CS15.
- v. 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.
- vi. A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).

In the event that the legal agreement is not completed by 31st July 2012 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

- 1.1 The site is located on the north western side of Alma Road, within the centre of the road. The residential street is characterised by late Victorian two storey dwelling houses.
- 1.2 The semi-detached pair of dwellings have direct external access to the rear of the property. To the rear there are reasonable sized amenity areas. The pair of properties has previously been extended at single storey level. Front gardens have been paved over to provide parking.

## **2. Proposal**

- 2.1 The application seeks permission to demolish the original two storey pair of semi detached dwelling houses and replace them with a single building containing ten flats (2 x 3 bed and 4 x 1 bed and 4 x studio flats). Only landscaping has been left as a Reserved Matter.
- 2.2 The footprint of the building will alter. However, overall it will not exceed the existing footprint.
- 2.3 The proposed new build will have a slightly increased ridge height which will allow the 4 studio flats to be located within the roof space.
- 2.4 In design terms, the proposed dwelling mimics the character and features of the existing semi detached pair and their neighbouring properties. Traditional design features have been incorporated including recessed entrances, bay windows and a hipped roof.

### **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

### **4.0 Relevant Planning History**

- 4.1 There is no planning permission relating to the single storey rear extensions there are however building control records that indicate that the extensions were built in 1994.
- 4.2 **09/00124/FUL** - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car - Refused
- 4.3 **09/00410/FUL** - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking (resubmission). Refused
- 4.4 **09/00588/FUL** - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking, with the provision of a single storey detached store to the rear to serve 30 and 32 Alma Road (resubmission and variation to 09/00410/FUL). Refused
- 4.5 **10/00511/OUT** - Redevelopment of site of 6 flats. Erection of a 2.5 storey building comprising (2x2 bed flat and 4x3 bed flat) with associated parking and cycle storage following demolition of existing building (outline application). Conditionally Approved.
- 4.6 **11/01646/OUT** - Redevelopment of site to provide 5 flats. Erection of a 2.5 storey building comprising (2 x 1-bed, 2x bedsit and 1x3-bed flats) with associated parking and cycle/refuse storage, following the demolition of existing building. (Outline application seeking approval for access, appearance , layout and scale.) Refused.
- 4.7 Please refer to **Appendix 2** for the reasons for refusal used in determining the above applications.

### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a

site notice (enter date). At the time of writing the report 2 representations have been received, one from a local residents' group and one from a nearby resident.

- Insufficient off road car parking.
- Inappropriate and insufficient outside amenity space for the number of residents.
- Design of building is out of character.
- Overdevelopment of the site.
- Loss of family housing.
- Increased occupancy placing pressure on local services.
- Loss of front boundary walls.
- Poor refuse storage provision.
- Cycle store is not large enough.

5.2 **Environmental Health, Pollution and Safety** - No objection subject to conditions.

**Environment Agency** - No objection.

5.2 **SCC Highways** - Alma Road is subject to parking pressures. A parking survey is required to determine whether or not the proposal will create a harmful impact on the public highway.

## 6.0 **Planning Consideration Key Issues**

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

- i. The principle of development,
- ii. The impact on character of the local area and street scene,
- iii. The impact on the amenity of the surrounding area,
- iv. The adequacy of the living environment for the residents; and
- iv. Whether previous refusal reasons have been overcome.

### 6.2 **Principle of Development**

6.2.1 The principle of redeveloping the site which involves the loss of two family dwelling houses and erection of a block which has ten flats split between two halves of the building is not objectionable in principle.

6.2.2 The proposal also involves the formation of two three bedroom units which both have direct access to their own private amenity space and as such the scheme would not result in the net loss of 'family dwelling units'. The amenity space provided for the two family units is sufficient in scale and is fit for its intended purpose.

### 6.3 **The impact on character of the local area and street scene**

6.3.1 In design terms, the proposed dwelling mimics the character and features of the existing semi detached pair and neighbouring properties. The ridge height of the proposed building is slightly higher than the existing. The building would also be slightly wider than existing; the projection of the building into the site would however be less than the existing houses.

6.3.2 The properties within Alma Road are not all uniform in character and/or design. There is a change in height along the road and properties have been extended to the rear. Yet dwellings are similar by way of having many common features.

- 6.3.4 The scale and mass of the building is considered acceptable given its context within the wider street scene.
- 6.3.5 In terms of the detail of the design, at ground and first floor level the size and proportion of windows respect those of the surroundings and improve upon the situation which exists at present on the site. Front facing bay windows add architectural interest to the front elevation and dormer windows in the roof would break up the roof form in a similar fashion to surrounding roofs which have a combination of chimneys, dormer windows and parapet walls.
- 6.3.6 The dormer windows are set well into the plane of the roof and are significantly smaller than the main windows in the building and therefore do not dominate or give the impression that the building is top heavy.
- 6.3.7 The building maintains an active frontage.

#### 6.4 Impact on the amenity of the surrounding area.

- 6.4.1 At present there are habitable room windows within the side elevation which face habitable room windows of the neighbouring property. This is not an ideal situation and at present is made worse by the fact that all boundary treatments between neighbouring properties have been removed (due to being in the same ownership). With appropriate boundary treatment the overlooking/privacy issue at ground floor level can be overcome.
- 6.4.2 At first floor level there are habitable room windows proposed to be added to a side are secondary windows serving kitchen/living rooms and therefore can be obscurely glazed to prevent harm to neighbouring privacy.
- 6.4.3 The building respects neighbouring outlook.
- 6.4.4 The applicant has been asked to provide a parking survey and it is hoped that the results will be able to reported to Panel members on the day of the Planning and Rights of Way Meeting.

#### 6.5 The adequacy of the living environment for the residents

- 6.5.1 The shared amenity space proposed is considered large enough to be both high quality and fit for purpose. Southampton Common would provide mobile occupants with a larger space to use for amenity purposes.
- 6.5.2 The dwelling is located close to Portswood District Centre and therefore is close to community facilities including retail services.
- 6.5.3 Adequate refuse and cycle storage facilities can be provided on site.

#### 6.6 Whether previous refusal reasons have been overcome

- 6.6.1 All previous reasons for refusal are not applicable to the scheme put forward for determination.

### **7.0 Summary**

- 7.1 The proposals are compliant with relevant policies of the development plan.

### **8.0 Conclusion**

- 8.1 The development is acceptable taking into account the development plan and relevant guidance. Accordingly the scheme is recommended for approval subject to relevant planning conditions.

**Local Government (Access to Information) Act 1985**  
**Documents used in the preparation of this report Background Papers**

1 (a), 1(b), 1(c), 1(d), 1(b), 1(d), 4(f), 6(c), 10(a), 10(b)

**MP3 for 29/05/12 PROW Panel**

**PLANNING CONDITIONS**

**01. APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, and the scale, massing and bulk of the structure, of the site is approved subject to the following:

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

The landscaping of the site specifying both the hard surface treatments to be used on external areas and the planting to be undertaken within the soft landscape areas to include a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas.

- (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 either before the expiration of five years from the date of this Outline permission, or before the expiration of two years from the date of approval of the last application of the reserved matters to be approved whichever is the latter.

Reason:

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

**02. APPROVAL CONDITION - Details & samples of building materials to be used [Pre-Commencement Condition]**

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed detail.

REASON:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.



**03. APPROVAL CONDITION Cycle Storage Facilities [Pre-Occupation Condition]**

The approved cycle storage facilities shall be constructed in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.

REASON:

To encourage cycling as an alternative form of transport.

**04. APPROVAL CONDITION, Refuse & Recycling [Pre-Occupation Condition]**

The hereby approved refuse storage facilities shall be constructed in accordance with the approved plans prior to the occupation of the hereby approved scheme. Such facilities as approved shall be permanently retained for that purpose.

REASON:

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

**05. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)**

Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

REASON

For the avoidance of doubt and in the interests of the amenities of nearby residents.

**06. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

REASON:

In the interests of highway safety.

**07. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]**

The windows in the side elevation of the hereby approved development [at first floor level] shall be glazed in obscure glass and shall only have a top light opening above a height of 1.7m above the floor level of the room to which it serves. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

REASON:

To protect the privacy enjoyed by the occupiers of the adjoining property.

**08. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]**

The approved landscaping scheme pursuant to the reserved matters application as required by condition 1 of this consent shall be implemented prior to first occupation of any

of the flats or within the first planting season following completion of development whichever is the sooner.

**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

**09. APPROVAL CONDITION, Boundary fence [Pre-Occupation Condition]**

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained.

**REASON:**

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property

**10. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]**

The dwelling(s) shall achieve a Code Level 4 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

**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).

**11. APPROVAL CONDITION, Renewable Energy - Micro-Renewables**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions of at least 20% must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [by at least 20%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

**REASON:**

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**12. APPROVAL CONDITION - 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 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.

**Note to Applicant**

1. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo Street, James Hous, 39A Southgate street, Winchester, SO23 9EH (tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

2. Due to the nature of the residential units hereby approved if any of the units are proposed to be occupied by three or more unrelated individuals you are advised to check with the Local Planning Authority to see whether or not the proposal would require a change of use from C3 to C4 use.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4 (Housing Delivery)  
CS5 (Housing Density)  
CS13 (Fundamentals of Design)  
CS16 (Housing Mix and Type)  
CS19 (Car and Cycle parking)  
CS20 (Tackling and Adapting to Climate Change)

City of Southampton Local Plan Review – (March 2006)

SDP1 (Quality of Development)  
SDP4 (Development access)  
SDP5 (Parking)  
SDP7 (Context)  
SDP9 (Scale, Massing and Appearance)  
SDP13 (Resource Conservation)  
H7 (Residential Environment)

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)

**Relevant Planning History**

**09/00124/FUL** - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking - REF

REFUSAL REASON: Excessive Parking and Poor Site Layout

Notwithstanding the existing site layout and parking arrangements the proposed scheme makes provision for 4 parking spaces on site, with potential for more taking access from the existing driveway along the side of 30 Alma Road. The proposal therefore makes an over-provision in on-site car parking that will discourage alternative modes to the private car in an area of "high" accessibility to local services and public transport alternatives, and results in a poor residential layout with a car dominated site frontage and a loss of amenity to prospective residents as vehicles manoeuvre onto and from the site (particularly from headlight glare in the evening). Furthermore, as proposed, the refuse storage has been poorly integrated into the development and has been sited outside of a dedicated store adjacent to the window of the proposed sun lounge without an area identified on the site frontage for the presentation on refuse collection days. As such the application is not considered to assist in reducing the need to travel and will not result in design led improvements to the site frontage, the wider streetscene or the residential amenity of prospective residents. The application has been assessed by the Local Planning Authority as contrary to policies SDP1, SDP5 (and Appendix 1), SDP7, SDP9 and H7 of the adopted City of Southampton Local Plan Review (2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006)

Note to Applicant

Plan ref: 09/1501/P03 incorrectly shows a side dormer window on the front elevation

**09/00410/FUL** - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking (resubmission)

REFUSAL REASON - Insufficient plans

The submitted plans are not a true representation of existing development on the site. The submitted plans indicate the provision of garden space in the location where unauthorised works are currently being undertaken at the rear of the premises. On the basis of the contradictory information the local planning authority is unable to fully assess the impact that the accumulation of development on this site may have on future occupants, including the ability to provide adequate private amenity space for occupiers of the house as proposed to be extended, or the amenities of occupiers of neighbouring dwellings contrary to policies SDP1, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (March 2006).

**09/00588/FUL** - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking, with the

provision of a single storey detached store to the rear to serve 30 and 32 Alma Road (resubmission and variation to 09/00410/FUL).

Refusal Reason - over development

The proposed single storey detached store to the rear of the 30 and 32 Alma Road by reason of its siting height, scale and footprint creates a cramped and overdeveloped layout of the site which results in insufficient amenity provision for occupants of 30 and 32 Alma Road and would appear over dominant when viewed from the rear dwelling and curtilage of 45 – 53 Livingstone Road. The proposal is therefore contrary to the provisions of policies SDP1, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (March 2006) and the relevant provisions of the Residential Design Guide (September 2006).

Note to applicant:-

Please be advised that an enforcement action to remove the rear store will be forthcoming.



**12/00339/OUT**



Scale : 1:1250

Date : 17 May 2012

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# Agenda Item 11

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 26 June 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Moorlands Primary School Kesteven Way SO18 5RJ			
<b>Proposed development:</b> 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			
<b>Application number</b>	12/00488/R3CFL	<b>Application type</b>	R3CFL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	4.7.2012	<b>Ward</b>	Harefield
<b>Reason for Panel Referral:</b>	Departure and Major with objections	<b>Ward Councillors</b>	Councillor Smith Councillor Daunt Councillor Fitzhenry

<b>Applicant:</b> Southampton City Council	<b>Agent:</b> Hunters
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant deemed planning permission subject to criteria listed in report</b>
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<b>Appendices attached</b>			
1	Ministerial statement in respect of schools development proposals	2	Development Plan Policies

## Reason for granting Deemed Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan 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

## **Recommendation in Full**

Delegate to the Planning and Development Manager to grant deemed planning permission following the completion of an Undertaking from the Head of Children's Services and Learning to secure:

- i. 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 (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. The funding of any Traffic Regulation Orders (TRO) required to enable the development to be implemented;
- iv. Submission and implementation within a specified timescale of a revised Travel Plan;
- v. Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- vi. Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;

That the Planning and Development Manager be given delegated powers to vary relevant parts of the S.106 Unilateral Undertaking and to vary or add conditions as necessary.

## **Procedural Context**

### Council's Own Development

The proposed scheme is a Regulation 3 application for Full Permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case as the Local Education Authority) for development that it wishes to undertake as part of its remit as a public sector service provider.

It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved, if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

### **1.0 The site and its context**

- 1.1 The site is located on the eastern side of Townhill Way with vehicular access currently from Kesteven Way. The existing school building is located in the south-eastern part of the site closer to houses in Epping Close and Kesteven Way. To the north of the existing school building, towards Townhill Way the site is mainly open grassed sportsfield with a smaller area of hardsurface play. This part of the site is used and maintained for a range of formal and informal sport and leisure activities associated with the school with perimeter planting that

offers some screening to occupants of houses in Adur Close to the east and the Community centre to the north. The western part of the site has significant tree cover acting as an effective screen to occupants of houses in Rutand Way to the west of the site.

- 1.2 The present school was approved in 1968 but its context changed significantly in the 1980's with the development of Townhill Way and the modern housing estate to the north and east of the site (Adur Close, Rother Close and a more recent extension to Epping Close) which extended earlier housing developments (Edelvale Road, Kesteven Way, Epping Close, Meggeson Avenue) which the school originally served.

## **2.0 Proposal**

- 2.1 The Council's Primary School Review has concluded that there is a requirement for additional school places within the Harefield Ward area. It is therefore proposed to construct a flat-roofed, single storey 678 sq. m extension (33m long x 13m wide x 4.3m high) incorporating 6 classrooms to the existing school building on part of the existing grassed playing area within the school site. The simple elevational treatment proposed is a brick plinth and upper white rendered panels. Coloured panels will be introduced to the powercoated aluminium framed fenestration, reflecting the school's colours. The capacity of the school will increase from 210 to 420 pupils with staff levels listed to rise on the submitted application form from 26 to 44 FTE. The school will change from an infant school to become an all through primary school (4-11 years). A public exhibition was held at the school on 14 March 2012 and 9 written responses were handed in. Most supported in principle, subject to some concerns related to increased traffic and impacts to wildlife
- 2.2 In addition a new vehicular access is proposed from Townhill Way serving 23 new parking spaces of which 2 would be designed for disabled use, together with a range of ancillary works to provide pedestrian links to the existing school, including ramped and covered routes, new refuse storage and additional cycle store facilities
- 2.3 A retaining wall would be required to be provided along the western side new access road due to level changes on the site resulting in the loss of council trees for which mitigation scheme of replacement planting has been submitted.
- 2.4 The combination of the footprint of the new building, the access road into the site and the car parking to serve it would also result in the loss of protected open space.
- 2.5 The proposal will introduce improvements to the local transport network by relocating the main vehicle access away from an otherwise quiet residential road onto a local distributor road. Traffic volume through the estate roads will be reduced. The school is ideally located at the centre of a network of footpaths and residential streets which provide a safe, direct route for young children and encourage walking over car travel. No adverse transport impacts are predicted.
- 2.6 A BREEAM score of 'very good' is predicted in terms of sustainable construction measures to be employed.

## **3.0 Relevant Planning Policy**

- 3.1 Secretary of States' (Eric Pickles and Michael Gove) 2011 have made a joint Ministerial statement regarding school development proposals (See **Appendix 1**) The Planning Service has fully engaged with the Head of Children's Services and Learning, through a pre-application process.

- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes. The National Planning Policy Framework has an overarching principle to achieve sustainable development.
- 3.3 Part of the school site (including where these development proposals are shown) is allocated on the Proposals Map to the City of Southampton Local Plan Review (LPR - March 2006) as protected open space (Policy CLT3 & Policy CS21, which explains that the Council will “retain the quantity and improve the accessibility of the city’s diverse and multi-functional open spaces”. It is noted that provision of open space can be achieved with potential for dual ‘community’ use).
- 3.4 The relevant policies that would apply to this proposal are taken from the Adopted LDF Core Strategy Development Plan Document (January 2010) and those policies ‘saved’ from the City of Southampton Local Plan Review (2006) as supported by the council’s current list of approved Supplementary Planning Documents (SPD) and Guidance, more particularly the SPD on Car Parking. (See **Appendix 2**).
- 3.5 Policy CS11 (An Educated City) encourages “the development of new inspirational, high quality education and related facilities which encourage community use of their facilities”. The principle of intensifying the school site for education purposes is, in planning terms, welcomed and supported and will assist the City in meeting its growing education requirements.
- 3.6 The supporting text to the policy recognises that Southampton has an ambition to make sure young people have the opportunity of a good education in new / refurbished buildings with up to date equipment. The text also gives reference to the Primary School Review which will provide the actions required to achieve this vision. The policy therefore provides us with the principle that supports redevelopment of the site to provide a new up-to-date facility.
- 3.7 Policies SDP1 (i), SDP7 (i), SDP12 and CS13 (6) and CS22 all seek to safeguard amenity provided for through existing natural site features which make a positive contribution toward the character of the area and local biodiversity. Where existing natural site features are impacted, a suitable package of mitigation should be demonstrated by the applicant.
- 3.8 CS Policy CS20 requires all non residential development with a floorspace of more than 500sq.m to achieve a rating of BREEAM ‘Excellent’ with some 15% reduction in carbon emissions through the use of decentralised and renewable/low carbon energy sources. Low and zero carbon technologies should also be employed to offset a percentage of CO<sub>2</sub> emissions that each building generates through its functional operation.

#### **4.0 Relevant Planning History**

- 4.1 The school was initially erected under permission 1347/25, granted 26.03.1968.
- 4.2 Various applications to extend have been approved since.

#### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, and erecting 2 site notices (26.4.2012) and advertising (3.5.2012) the proposals as a departure from the Development Plan. At the time

of writing the report **3** representations, mostly in the form of objections, have been received from surrounding residents. The planning related issues that are addressed in the Planning Considerations of this report include:

## 5.2 Highway matters

- 5.2.1 Increase in intensity of site usage would further exacerbate existing traffic issues, leading to increased issues of highways safety and access problems for emergency vehicles

## 5.3 Character

- 5.3.1 Over intensification of use in what is a predominately residential area
- 5.3.2 Concern regarding loss of Bassett House as part of the character of the local area

## 5.4 Amenity

- 5.4.1 Concern regarding issues of noise and dust during construction process

## 5.5 Consultee Comments

- 5.5.1 **SCC Tree Team** – The trees on this site are under Council ownership, they are therefore considered to have the same protection as a Tree Preservation Order. They do, therefore constitute a material consideration in the planning process.
- 5.5.2 Although the loss of trees and shrubs to create the new access is unfortunate it was agreed on site that this can be kept to a minimum and will have little affect on the visual amenity in the area. The proposed route was identified to require the least amount of tree removal.
- 5.5.3 As requested at the pre-application stage full arboricultural detail has not been provided apart from a basic survey.
- 5.5.4 The location of the extension will have no impact on any amenity trees. A number of conditions are recommended to safeguard retained trees during the build.
- 5.5.5 **SCC Access Officer** – Any views received will be reported at the meeting.
- 5.5.6 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions preventing bonfires and controlling the hours of construction.
- 5.5.7 **SCC Ecology** – The proposed classroom block and new staff car parking are both located on areas of amenity grassland which have minimal biodiversity value. The route of the new vehicle and pedestrian access will however, require the removal of and number of trees and shrubs on the edge of the woodland and creation of a gap in the boundary vegetation. Both of these actions are likely to have adverse impacts on the biodiversity value of the woodland and hedgerow.
- 5.5.8 The existing school buildings and trees were subjected to a visual inspection to assess their potential for bat roosts. This survey indicated that the trees scheduled for removal lacked features that could accommodate bat roosts whilst the buildings had only low potential. In addition, the potential bat access points were located far enough away from the position of the new building for direct impacts to be unlikely. As a consequence, the proposed development is unlikely to have any direct adverse impacts on bats however, indirect impacts are possible. These consist of loss of foraging habitat and a break, both physical and through increased illumination, in a foraging corridor.
- 5.5.9 The removal of trees and shrubs also has potential to adversely affect breeding birds. All breeding birds receive protection under the Wildlife and Countryside

Act 1981 (as amended). As a consequence, vegetation clearance should be undertaken outside the breeding season which runs from March to August inclusive. If this is not possible the vegetation should be inspected by a suitably qualified ecologist prior to removal. If nesting activity is detected a buffer must be placed around the nest until the chicks have fledged.

- 5.5.10 **Mitigation:** The submitted landscaping plan indicates that replacement trees will be provided. Provided these trees are of native species, appropriate to the locality, this measure would help to mitigate the loss of foraging habitat.
- 5.5.11 Artificial lighting can adversely impact bat foraging activity and it is important that light is not permitted to spill onto the woodland or boundary hedgerow. New lighting columns should therefore be located away from the edge of the woodland and hooded to prevent light spilling beyond where it is required.
- 5.5.12 The submitted tree survey recommends turning the hedgerow on the northern boundary into a line of trees however, this would remove lower level habitat and diminish structural diversity resulting in an adverse impact on its biodiversity value. A management plan that includes new planting, with locally native species, and selective coppicing of the existing vegetation should be developed.
- 5.5.13 **Conclusion:** The proposed development has some potential for adverse impacts on bats and breeding birds. These impacts can be mitigated through appropriate timing of vegetation removal, replacement tree planting and sensitive lighting design. In addition, appropriate management of the boundary hedgerow would improve its foraging value. Conditions are recommended to restrict when tree felling can be undertaken, to require a package of ecological mitigation and to control external lighting.
- 5.5.14 **SCC Sustainability Team** – Objection raised. The development is new build non-residential over 500m<sup>2</sup> and a BREEAM pre-assessment estimator has been submitted to demonstrate the development has been designed to meet the requirements.
- 5.5.15 A BREEAM pre-assessment estimator has been submitted; however it indicates that the CS20 policy requirement of BREEAM Excellent will not be met. Therefore this is not compliant with policy.
- 5.5.16 **SCC Environmental Health (Contaminated Land)** – No objection. Whereas reference is made to Annex 2 of PPS23 which previously considered the proposed land use as being sensitive to the affects of land contamination, that government advice has now been replaced paragraphs 109 and 121 of the National Planning Policy Framework. These state that the planning system should contribute to and enhance the natural and local environment by preventing new development being put at unacceptable risk from or being adversely affected by unacceptable levels of soil pollution and remediating contaminated land where appropriate.
- 5.5.17 Whilst no site investigation report has been submitted, no evidence has been brought forward of likely historic sources of contamination either on or adjoining the site, which originally would have been the open countryside. In view of those considerations, it is not though reasonable to require a full site investigation by condition, but rather to impose conditions ensuring that any unexpected ground conditions encountered are properly dealt with and that any fill materials brought onto the site for landscaping are certified free of prescribed contaminants.
- 5.5.18 **SCC Archaeology** – No objection raised. There are no listed buildings affected by these proposals and the application site is not located within a designated conservation area. The site is not located in an area defined as having high archaeological importance. No conditions are therefore recommended.
- 5.5.19 **Sport England** – Support and withdraw earlier holding objection, as are now satisfied that a drained junior sports pitch will still be able to be provided on site with community use to be allowed, subject to these matters being controlled by

condition.

- 5.5.20 **Southern Water** – A public water distribution main crosses the site. This will need to be protected during any build when its exact location should be determined and no tree planting occur within 3m of it. Safeguarding conditions are recommended. Details of drainage are reserved by condition.
- 5.5.21 **Eastleigh Borough Council** – No objection.
- 5.5.22 **SCC Highways** - The proposed location for the pedestrian and vehicular access is acceptable, in principle.
- 5.5.23 The number of parking spaces shown exceeds the standards we have for a 14 classroom school, the maximum should be 21 spaces, but would permit a further 2 disabled spaces, rather than including these as part of the 21 allowance.
- 5.5.24 The new vehicular access from Townhill Way will be via a dropped crossing entrance to ensure pedestrian dominance on footpaths. The new vehicular access is separated from principle pedestrian entrance to reduce down vehicle/pedestrian conflict. This new access will help to reduce the pressure currently experienced in Kesteven Way, although school service traffic will still use this old access route. Via contributions through the Section 106/Unilateral Agreement there will be a contribution made to a school travel plan liaison scheme, which will involve the school and pupils with a stronger emphasis on walking/cycling and scooting to school. This will further mitigate against the impact of parent drop off as pupil numbers increase.
- 5.5.25 Conditions required are as follows:

The new school access shall be provided with a dropped crossing entrance, to be constructed in accordance with SCC standard specifications.

Sight lines for the new access shall be provided as 2.4m x 70m in each direction, and these sight lines shall be kept clear of obstruction.

The staff parking provision shall be 21 spaces, plus 2 disabled spaces, and this parking shall be constructed of an agreed material, and provided and marked out prior to the new development being brought into use.

Construction traffic shall avoid school start and finish times to reduce down the risk of incidents.

Any redundant vehicular accesses shall be reinstated with full height kerbing and reconstructed in accordance with standard SCC specifications.

Increased pupil cycle/scooter parking provision shall be provided with a safe lockable and covered store, in accordance with details to be agreed.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development balanced against tree loss and ecological impact;
  - ii. Highways and parking;
  - iii. Residential amenity;
  - iv. Design & Sustainability; and,
  - v. Other issues.

### **6.1.1 Principle of Development balanced against tree loss and ecological impact:**

There is empirical evidence from population forecasting that those children of primary school age is increasing and current school space provision is inadequate to cater for the demand that will occur. Southampton needs to add approximately 2600 primary school places over the next 4-5 years, by September 2018. As a matter of principle therefore, it makes sound land-use planning sense to provide for such growth on a sustainable basis within the community, so as to reduce the potential for cross city vehicle travel which might otherwise occur if provision were to be made elsewhere.

- 6.1.2 The proposed layout seeks to ensure continuous education on the site during the construction and demolition phase. A plan showing how the development will be phased has been submitted and ensures that pupils retain access to external playspace at all times.
- 6.1.3 The chosen design solution to position the extension on the grassed playing area has been driven by phasing and budgetary considerations.
- 6.1.4 **Highways and parking:** The applicant has prepared a transport assessment. This concludes no adverse impact to highway safety and no objections are raised by the Highways Development Management Team, subject to the imposition of conditions and undertakings from the Head of Children's Services and Learning.
- 6.1.5 Heavy reliance is placed upon the school revising its existing travel plan to encourage as many as possible to arrive at the site by foot.
- 6.1.6 **Residential amenity:** The school exists within the community and pupils arrive and depart from the school at times of the day when those living nearby have risen and are about their daily business. No overall harm to the amenities of neighbours is concluded.
- 6.1.7 **Design & Sustainability:** The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. The external appearance is acceptable in the context of the existing school buildings.
- 6.1.8 No objection is raised to the modern appearance of the building. Its simple elevational treatment, punctuated by good quality, recessed aluminium framed fenestration and coloured infill panels, are driven by the building's function.
- 6.1.9 The adopted LDF Core Strategy Policy CS20 continues the Council's commitment to securing sustainable development. The applicants propose to meet BREEAM 'Very Good' with a 15% reduction in predicted CO2 emissions through the use of 165sq.m of photo-voltaics located at roof level. This would have been policy compliant last year, but since January new developments are expected to achieve BREEAM 'Excellent'. A total of 70 credits are required to achieve this, compared to the 64 predicted. This has led to an objection from the Council's Sustainability Officer.
- 6.1.10 Whilst it is disappointing that a Council led scheme cannot meet its own policy requirements on sustainable building, as the scheme was conceived last year, is only 6 credits away from meeting policy and faces budget restraints in order to achieve the necessary delivery of additional school places it can, on balance, be supported. This latter need for school places to meet the 2013 intake outweighs the requirements of Policy CS20 in this instance.
- 6.1.11 **Other matters: Ecological impact** – Whilst there would be impact by loss of trees, the grassland itself has low ecological value. A package of mitigation and new landscaping will ameliorate such losses.

## 7.0 Summary

- 7.1 The site is currently in an educational use (Use Class D1) and the extension proposals for a larger school are considered appropriate. The new building will provide improved facilities for a growing number of children, thereby meeting



Council as well as planning policy aims of the Development Plan for Southampton, principally Policy CS11 (An Educated City) from the adopted LDF Core Strategy (2010).

7.2 Furthermore the National Planning Policy Framework states that 'the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education' (paragraph 72 refers).

7.3 The scheme marginally fails to comply with the requirement for BREEAM 'Excellent' it is, on balance, recommended for approval due to the urgent requirements for additional school places with the potential for additional community 'dual use'.

## **8.0 Conclusion**

8.1 The application is recommended for approval subject to the attached planning conditions.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1a-d, 2b-d, 4f, 4cc, 5e, 6a, c, d, i, 7a, 8a, 9a-b

#### **ARL for 26/06/2012 PROW Panel**

##### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not 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).

##### **02. APPROVAL CONDITION - 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.

##### **03. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]**

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

Reason

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

**04. APPROVAL CONDITION - 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 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.

**05. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]**

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

**Reason:**

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

**06. PERFORMANCE CONDITION - Sewer protection (Performance Condition)**

Notwithstanding the approved plans, no development or new tree planting should be located within 3m either side of the centreline of the water mains, foul sewers and surface water sewers respectively and all existing infrastructure should be protected during the course of construction works.

**Reason:**

In the interests of public health and maintaining water/sewerage supply in the area.

**07. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]**

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 and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

**Reason:**

To ensure satisfactory drainage provision for the area.

**08. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]**

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.

**09. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]**

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.

Any changes to the agreed remediation actions will require the express written consent of 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.

**10. APPROVAL CONDITION - Bonfires [Performance Condition]**

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

**11. APPROVAL CONDITION - Hours of Work for Demolition/Construction**

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 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays	09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

Mondays to Fridays	08.30 to 09.15 hours and 14.30 to 15.30 hours
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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 safeguard pupils of Moorlands School and to protect the amenities of neighbours and the wider environment.

**12. PRE-COMMENCEMENT CONDITION - Improvement to playing pitch drainage**

Prior to the commencement of the development hereby permitted, details of a scheme to improve the quality of the existing and proposed playing pitch, including adequate drainage and a subsequent management programme shall be submitted to and approved by the Planning Authority in consultation with Sport England. The works should be sufficient to ensure that the quality of the playing pitch meets the requirements of the school and community use. The approved improvement scheme shall be implemented in full prior to the commencement of use of the development and subsequent management shall be in full accordance with the approved programme.

Reason: To ensure that the sports pitch is of an appropriate quality and fit for purpose as playing fields.

### **13. PRE-OCCUPATION CONDITON - Community use programme**

Prior to the first occupation of the development hereby permitted, a report setting out expected community use of the playing field shall be submitted to and approved by the Planning Authority in consultation with Sport England. The report shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

### **14. PERFORMANCE CONDITION - Site access**

The new school access shall be provided with a dropped crossing entrance, to be constructed in accordance with SCC standard specifications. Sight lines for the new access shall be provided as 2.4m x 70m in each direction, and these sight lines shall be kept clear of obstruction.

In the interests of highway safety and to favour the pedestrian over the motorist, so as to promote walking locally.

### **15. PERFORMANCE CONDITION - Parking**

The maximum staff parking provision shall be 21 spaces, plus 2 disabled spaces, and this parking shall be constructed of an agreed material, and provided and marked out prior to the new development being brought into use.

Reason:

In the interests of highway safety and to encourage the use of more sustainable modes of travel.

### **16. PERFORMANCE CONDITION - Redundant vehicle access points**

Any redundant vehicular accesses shall be reinstated with full height kerbing and reconstructed in accordance with standard SCC specifications.

Reason:

In the interests of highway safety.

### **17. PRE-COMMENCEMENT & PRE-OCCUPATION CONDITION - Cycle parking**

Before the development commences, increased pupil and staff cycle/scooter parking provision to provide a minimum of 37 such spaces within a safe lockable and covered store shall be submitted to the local planning authority for its approval in writing. Once approved, those facilities shall be provided before the first use of the extension hereby approved and subsequently retained at all times thereafter.

Reason:

To promote sustainable modes of travel.

### **18. APPROVAL/PERFORMANCE CONDITION - BREEAM Standards [Pre-Occupation Condition]**

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).

### **19. APPROVAL CONDITION - Sustainable Drainage Systems**

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing with the Local Planning Authority. A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and verified in writing by the Local Planning Authority as part of the detailed Reserved Matters stage. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

As recommended by the submitted Flood Risk Assessment and to conserve valuable water resources in compliance with policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and Code for Sustainable Homes: Category 4 - Surface Water Run-off

### **20. APPROVAL CONDITION - Renewable Energy - Micro-Renewables**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

### **21. APPROVAL CONDITION - Use Restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the buildings shall only be used for educational purposes with ancillary sporting and refectory facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

**REASON:**

To define the consent having regard to the level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

**22. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]**

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

**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.

**23. APPROVAL CONDITION - Landscaping detailed plan**

Notwithstanding the submission of drawing Y9710 PL10 Rev A, a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, external lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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.

The approved scheme shall be carried out either prior to occupation of the new school building or during the first planting season following the full completion of building works or in accordance with a timescale that shall have been agreed in writing with the Local Planning Authority prior to the commencement of any building works. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

**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.

**24. APPROVAL CONDITION - 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. 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.

**25. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]**

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

**Reason:**

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

**26. APPROVAL CONDITION - No floodlights**

No external floodlights shall be installed on the remarked grass junior football pitch unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

**REASON:**

In the interest of protecting residential amenity, safeguarding highway safety and not causing undue distraction to aircraft approaching Southampton Airport.

## **27. APPROVAL CONDITION - Construction & Demolition Method Statement**

Before development commences a statement setting out the management of demolition and construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying (i) the areas to be used for contractor's vehicle parking and plant; (ii) storage of building materials, and any excavated material, huts and all working areas (including cement mixing and washings) required for the construction of the development hereby permitted; (iii) areas for the parking of vehicles of site personnel, operatives and visitors; (iv) areas for the loading and unloading of plant and materials; (v) the treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (vi) a scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing; (vii) a scheme for recycling waste resulting from the construction programme (viii) measures to be used for the suppression of dust and dirt throughout the course of construction (including wheel cleaning); (ix) a "hotline" telephone number shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period. The demolition and development works shall be implemented in accordance with the agreed statement. In particular, no bonfires shall be lit on the site during site clearance and the build programme.

### **REASON:**

To safeguard pupils of Moorlands School and to protect the amenities of neighbours and the wider environment.

## **28. APPROVAL/PERFORMANCE CONDITION - Secured By Design**

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

### **REASON:**

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

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

Before the use is first commenced details of a scheme for a CCTV system to comprehensively cover the site including all public entry points, servicing spur, car parks, and the playing surfaces 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.

### **Notes to Applicant**

1. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo, St James House,



39A Southgate Street, Winchester, SO23 9EH (tel. 01962 858688), or  
www.southernwater.co.uk.

2. A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.

3. Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

4. Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

5. It is recommended that the drainage assessment and improvement/management scheme is undertaken by a specialist turf grass consultant.



## Policy statement – planning for schools development

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) wish to set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. This statement supersedes the Statement of 28 July 2010.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their

planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school.

The Government is today publishing a summary of the responses to its consultation, *Planning for Schools Development*, and will continue to explore whether there is further scope and need for the planning system to do more to support state-funded schools, and in particular, free schools in the future.

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**POLICY CONTEXT**

The relevant policies that would apply to this proposal are taken from the Adopted LDF Core Strategy Development Plan Document (January 2010) and those policies 'saved' from the City of Southampton Local Plan Review (2006) as supported by the council's current list of approved Supplementary Planning Documents and Guidance.

CS Policy CS11 (An Educated City) encourages "the development of new inspirational, high quality education and related facilities which encourage community use of their facilities". The principle of intensifying the school site for education purposes is, in planning terms, welcomed and supported and will assist the City in meeting its growing education requirements.

CS Policy CS20 requires all non residential development with a floorspace of more than 500sq.m to achieve a rating of BREEAM 'Excellent' with some 15% reduction in carbon emissions through the use of decentralised and renewable/low carbon energy sources. It is noted that further discussions are to be had on this issue.

LPR Policy CLT3 safeguards the existing playing field at the School and is supplemented by CS Policy CS21, which explains that the Council will "retain the quantity and improve the accessibility of the city's diverse and multi-functional open spaces". It is noted that a like-for-like re-provision of open space can be achieved and the potential for dual 'community' use will be explored with the School. CS21 (criterion 2) allows configuration of open space in order to achieve wider community benefits. The new school building would go a long way to meeting that criterion.

**Adopted LDF Core Strategy for City of Southampton (2010)**

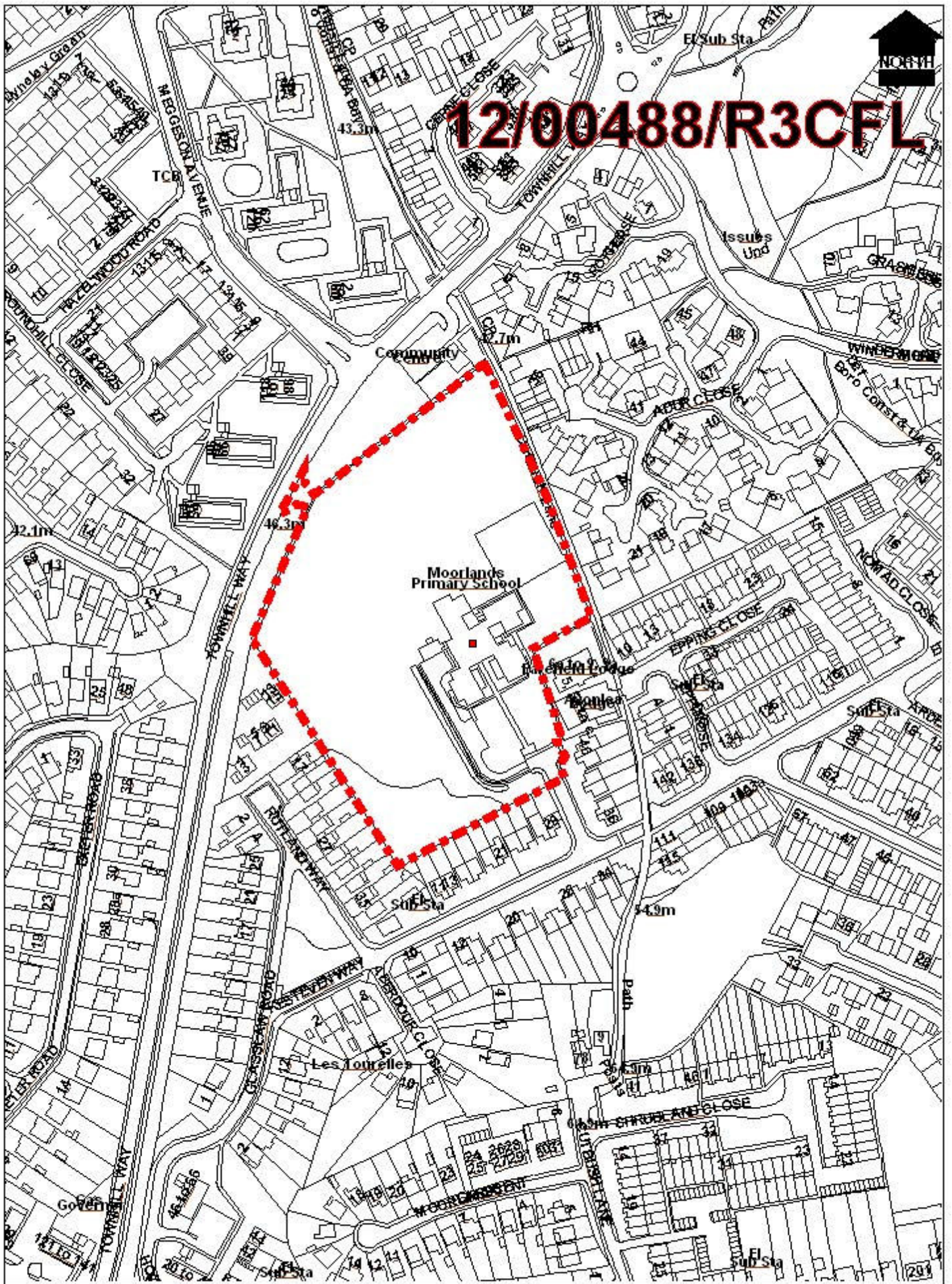
CS6	Economic growth
CS11	An educated city
CS13	Fundamentals of design
CS18	Transport: Reduce-manage-invest
CS19	Car and cycle parking
CS20	Tackling and adapting to climate change
CS21	Protecting and Enhancing Open Space
CS22	Promoting biodiversity and protecting habitats
CS25	The delivery of infrastructure and developer contributions.

**Saved City of Southampton Local Plan Review Policies (March 2006)**

SDP1	General Principles
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and biodiversity
SDP13	Resource conservation

SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated land
NE4	Protected Species
HE6	Archaeological remains
CLT3	Protection of Open Spaces
TI2	Vehicular access to classified highways

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Scale : 1:2500

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