

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

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

Applicant: Southampton City Council - Children's Services & Learning	Agent: Hunters
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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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

Appendices attached			
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 27th 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 CO₂ 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 500m² 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 20th 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 an 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.

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.



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)

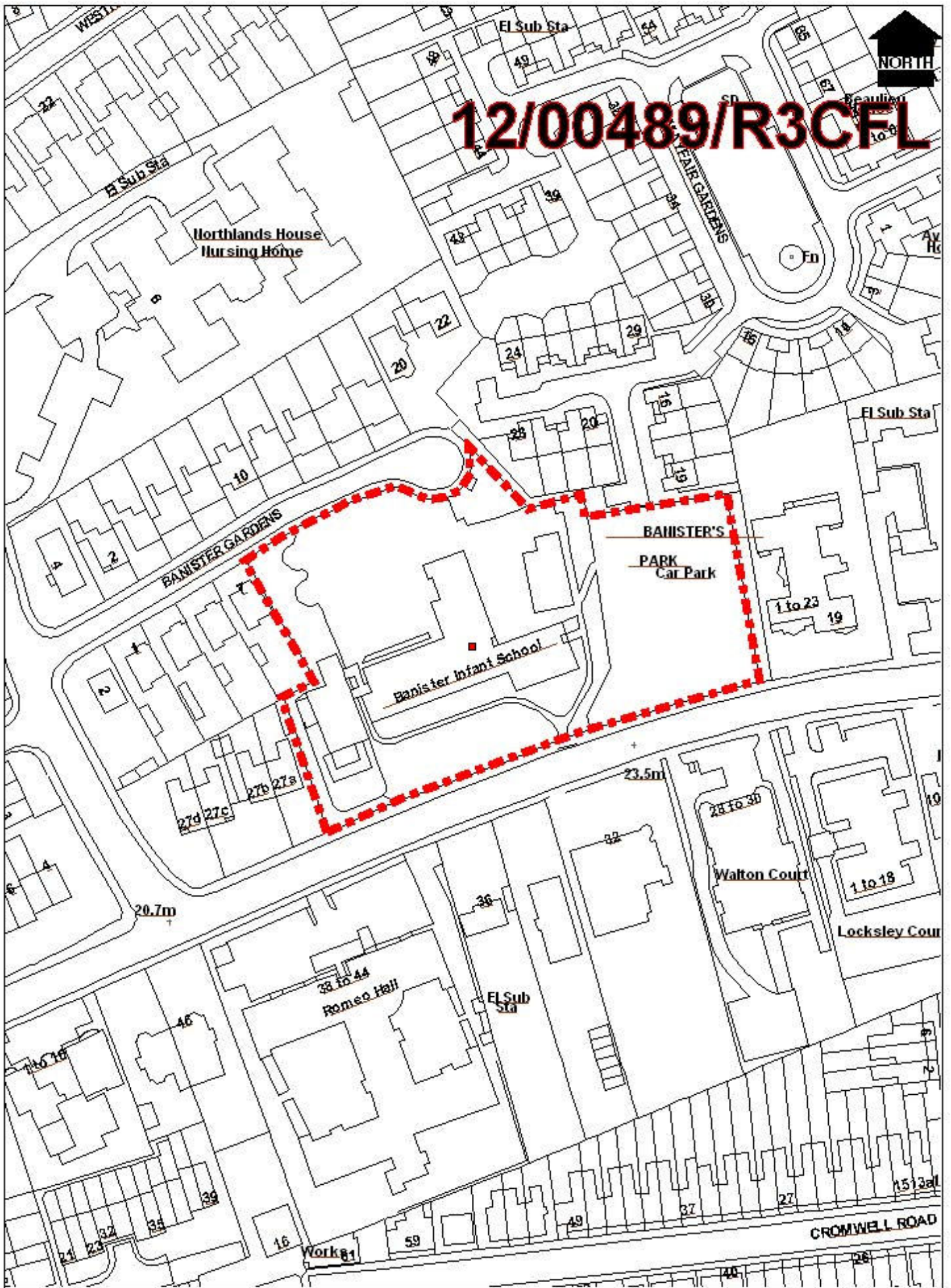
CS6	Economic growth
CS11	An educated city
CS13	Fundamentals of design
CS18	Transport: Reduce-manage-invest
CS19	Car and cycle parking
CS20	Tackling and adapting to climate change
CS21	Protecting and Enhancing Open Space
CS22	Promoting biodiversity and protecting habitats
CS25	The delivery of infrastructure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

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Scale : 1:1250

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