

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel (EAST) 7 April 2015  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Former Oasis Mayfield Annexe, Porchester Road			
<b>Proposed development:</b> Redevelopment of the site, demolition of the existing buildings and erection of two, two and half and three-storey buildings to provide 40 dwellings (17 x one-bedroom, 10 x two-bedroom, 10 x three-bedroom and 3 x four-bedroom) with associated parking and vehicular access from Porchester Road (Outline application seeking approval for access, layout and scale).			
<b>Application number</b>	14/00101/R3OL	<b>Application type</b>	R3OL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	Major - 21.04.2014	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Chamberlain Cllr Hammond Cllr Payne
<b>Called in by:</b>	Cllr Payne	<b>Reason:</b>	Significant application in terms of its scale

<b>Applicant:</b> Southampton City Council	<b>Agent:</b> Capita Property And Infrastructure
--	--

<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
-------------------------------	---

<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
---	------------

**Reason for Granting Outline permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the existing education use and neighbouring residential properties. Other material considerations such as those reported to the Planning and Rights of Way Panel on 7<sup>th</sup> April 2015 have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and deemed outline planning permission should therefore be granted.

Policies - CS4, CS5, CS6, CS11, CS13, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the City of Southampton Local Plan Review (March 2006) and Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, H1, H2, H3, and H7 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide SPD (2006).

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

## **Recommendation in Full**

### **Delegate to Planning and Development Manager to grant outline planning permission subject to :-**

1. The receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application, will be conditional upon the purchaser and any other landowner entering into a S.106 legal agreement with the Council, prior to or simultaneously with the land transfer taking place, to provide the following planning obligations:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including any footpath works required under a s.278 agreement and/or any Traffic Regulation Orders (TRO), 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 SPD relating to Planning Obligations (September 2013);
  - ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013);
  - iii. Submission of a Highway Condition Survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
  - iv. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013);
  - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013); and,
  - vi Mitigation or compliance with the Solent Disturbance Mitigation Project, which seeks to ensure that additional residential development does not harm existing

habitat within existing Special Protection Areas as protected by the Habitats Regulations.

In the event that the Undertaking is not received within three months of the Panel resolution the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

2. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

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

- 1.1 The site lies on the corner of Porchester Road, Station Road and Portsmouth Road and has historically been a school for the last 80 years (both primary and, lately, secondary). The site is no longer in use as a school but has recently been used by the Council as a storage area for building materials (LPA ref: 13/01915/FUL). The site lies within a predominately residential area with some commercial units on Station Road.
- 1.2 The existing buildings on site are imposing and are in a perimeter block formation, which is three storey along Portchester Road. On the main frontage (Station Road and Portsmouth Road) the height increases by half a metre to 6.5m to eaves height. However, one building adjacent is 9m (to eaves) and the corner block on Porchester Road is 12m high. Access to the site is via Porchester Road where the internal part of the site is currently laid out for parking and a school playground.
- 1.3 There are a number of trees within the site and a group of mixed deciduous trees form a Tree Preservation Order (TPO) within the south-western corner of the site. A single TPO has been placed on a large London Plane fronting Porchester Road. These trees have impacted upon the proposed redevelopment of the site and have led to a number of revisions to the scheme to ensure the TPO trees can be retained successfully.

## **2.0 Proposal**

- 2.1 The proposed scheme is a 'Regulation 3' application seeking outline planning permission. A Regulation 3 application relates to proposals made by the City Council 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 and subsequent planning appeal.
- 2.2 The scheme put forward seeks to provide 40 dwelling units comprising of 17 x 1 bed units with one parking space, 10 x 2-bed units with one car parking space each, 10 x 3 bed units with two car parking spaces each and three 4 x bed units with either one parking space and a garage or two parking spaces. The overall site density is 53 dwellings per hectare in an area where guidance suggests 50 to 100 dwellings per hectare are appropriate in principle.

- 2.3 Permission is sought in an outline form with the Access, Layout and Scale being identified for consideration. Appearance and Landscaping are reserved from this application and will form part of a reserved matters application once the site has been marketed.
- 2.4 The proposed development is designed within a perimeter block with dwelling houses fronting Porchester Road and some dwelling houses located internally within the central area. The flatted units are all fronting both Portsmouth Road and Station Road. Access through the site is provided via a footpath located to the south west corner of the site.
- 2.5 Vehicular access to the site is still via Porchester Road but the access has been moved to reduce the impact on the TPO Plane tree. The properties fronting Porchester Road have driveways accessed from the road and the rest of the units parking and vehicular access is via the access way as a central parking area is provided within the site.
- 2.6 The application site lies within an area which has good public transport links, but results in the permanent loss of an existing education facility (see the Planning Considerations Section that provides further discussion on this issue).

**3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

**4.0 Relevant Planning History**

- 4.1 **00/00402/FUL** **Conditionally Approved**  
**20.06.2000**  
 Construction of new school buildings
- 4.2 **13/01915/FUL** **Conditionally Approved 05.02.2014**  
 Change of use of the building from a Training Centre to storage of builders materials (Class B8)

## **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 undertaken which included notifying adjoining and nearby landowners and erecting a site notice (06.02.2015). At the time of writing the report **15 representations** (13 objections and 2 letters of support) have been received from surrounding residents. The following is a summary of the points raised:

### **5.2 Concern regarding access, parking and transport problems that will arise from the increase in dwellings. In particular, with respect to the parking.**

**Response**  
SCC Highways have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. Parking has been proposed to provide at least one for one (with 2 spaces for the larger units) and in this accessible location this is acceptable. A parking survey has been provided (undertaken on Wednesday 21<sup>st</sup> May 2014 at 5:30am and 9pm), which demonstrates should there be an over spill of parking (regardless of the loss of kerb space due to the introduction of dwellings) there is space on the public highway. Conditions are requested to provide sufficient sight lines to improve highway safety. Furthermore, following the loss of the school there is an argument to suggest that the scheme will bring betterment (particularly at the start and end of the school day) to local streets.

### **5.3 There is concern over the scale/ height of the buildings in relation to neighbouring properties**

**Response**  
The proposed height along Porchester Road is 7.7m to eaves and 10.4m to ridge and the existing buildings range from 6m (to eaves) through to 12m at the corner. The existing neighbouring houses have a slightly lower eaves and therefore the units will be taller but they are a similar height to the existing school buildings. The proposed privacy distances from the windows meet the required standards set out in the Residential Design Guidance.

### **5.4 Loss of the school**

**Response**  
The Council's education department has provided information to explain that the school is no longer needed and that future school growth can be accommodated using existing (and planned) capacity, despite the increase in population from Woolston following the implementation of the CQ development.

### **5.5 Overdevelopment**

**Response**  
The scheme provides a density of 53 dwellings per hectare and therefore the proposal is in line with policy, where a higher density could also be supported in principle.

### **5.6 Concern over noise**

**Response**  
Environmental Health have been notified of this application and no objection has been received on these grounds. There is no evidence to suggest that this residential scheme will exhibit unusually harmful noise levels.

## **Consultation Responses**

### **5.7 SCC Highways – No objection**

No objection is raised to this proposal subject to conditions relating to cycle storage, refuse storage, details of the construction of the roads and footpaths and parking courts. The parking areas shall be completed, marked out and made available for use prior to occupation of the development and the extent of adoption of the highway to be agreed. The footway surrounding the site shall be a minimum of 2m wide and shall be subject to reconstruction under a Section 278 agreement where vehicle dropped crossings are to be installed. The design of the proposed access onto Porchester Road and sight lines to be agreed prior to commencement of development.

### **5.8 SCC Housing – No objection**

As the scheme comprises of 40 dwellings in total the affordable housing requirement from the proposed development is 35%. The affordable housing requirement is therefore 14 dwellings.

### **5.9 SCC Trees – No objection**

With regard to the latest amended plan concern is raised that there are no up to date tree protection measures included with the amendment. Any previous plans that have been submitted will be out of date and will exclude the London Plane (T16) which is now to be retained. There is concern over the possible confusion of the extent of the Root Protection Area and the agreed incursion in to it by 200 mm. Therefore an accurate plan showing the RPA with the inclusion by 200 mm is to be provided as part of the full application.

An up to date method statement be supplied to show how the work will be undertaken whilst making sure the trees are fully protected throughout the demolition and construction phases is required. A landscaping plan should be submitted which includes species choice, size, location, planting pit design and the maintenance schedule. This will also need to be submitted as part of the full application.

*Officer Response: The requested information can be sought either by planning condition or at the Reserved Matters stage and do not affect this recommendation for approval.*

### **5.10 SCC Planning Policy - No objection**

The recommended density of developments in this area is 50-100dph. The scheme provides a density of 53dph. The applicants state that the site is constrained by the trees and the sites overall shape and limitations on points of access, which prohibits the density rate being achieved. The density rate of the site could be increased with a greater mix of flats, however, there would be design compromises to achieve this regarding the quality and volume of amenity space and a development of this nature would not accord with the existing urban grain or be in keeping with the sites immediate surroundings of family housing.

Core Strategy Policy CS11 sets out that sites used for education purposes will be safeguarded unless it can be demonstrated that the site is (1) no longer needed for educational use (2a) any existing community or sports facility is retained (2b) The community /sports facility is relocated (nature of facility and catchment of users taken into account) (2c) there is no community need for the facility. The applicants state that all community activities within the property have transferred

to the new Oasis Mayfield facility at The Grove, which is able to provide improved community use with a range of sports facilities including a sports hall and playing fields, which were not available at the application site. The design and access statement provides further information which supports the loss of educational use.

The proposed development will result in a net increase of 40 dwellings, which would equate to the provision of 14 affordable dwellings (35%) under Policy CS15 of the adopted Core Strategy. The applicant states that the allocation of 13 of affordable units will be determined in association with the City Council's Housing Solutions team at the point of a reserved matters application by the developer. The units are designed to meet the DQI's (Design Quality Indicators) size requirements for Housing Associations. It is recognised the affordable units will be pepper-potted across the site.

The scheme complies with Policy CS16 (Housing Mix and Type) with a mixed housing scheme providing 40 dwellings. There is provision of 13 family houses (i.e. With a minimum of 3 bedrooms and a private garden space). This provides 32.5% family units which exceeds the policy minimum requirements of 30%.

The applicant states that each dwelling has the quality and minimum quantity of open space in accordance with the Southampton City Council residential design guide. Each house having a private rear garden in accordance of the minimum amenity design standards. The rear gardens are 10m in length or exceed this requirement.

- 5.11 **SCC Sustainability Team – No objection** subject to conditions securing Code for Sustainable Homes level 4.
- 5.12 **SCC Environmental Health (Pollution and Safety) – No objection** subject to conditions securing, a construction management plan, demolition suppression and working hours.
- 5.13 **SCC Historic Environment –Objection.** There are no archaeological issues with this application. More consideration could be given to the proposed layout, in particular the proposal to demolish the former Woolston Infant School. This is arguably an Undesignated Heritage Asset (as defined in the NPPF), and greater consideration should be given to retaining and re-using the building, and assessing the possibility for conversion to flats. The current building sits well in the street scene and has been a prominent feature of the area for over 80 years. Conversion is a more sustainable option than demolition, and retention of this building could provide the basis for a modern interpretation of the traditional building and materials prevalent in the area.

*Officer Response – Whilst officers agree with these sentiments the buildings are not listed and there is no control to prevent the loss of these buildings. It is important to note although the buildings are attractive the redevelopment will provide family housing which addresses the City's housing need. A conversion scheme could not achieve the same quality of living environment as a redevelopment*

- 5.14 **SCC Environmental Health (Contaminated Land- No objections** at this stage subject to conditions restricting the risk of land contamination being imposed.

5.15 **SCC Ecology – No objection**

The application site consists of the former Oasis academy school buildings and playground. In addition to the buildings and areas of hard standing, the site supports semi improved grassland, some scrub and a small pond. The environment around the school consists of housing, roads and a railway line. The application site has been subjected to a number of ecological surveys which concluded that the site does not currently support roosting or foraging bats but does contain habitat suitable for amphibians, reptiles and nesting birds.

The ecological surveys recommend a precautionary approach in respect of bats during the demolition of the buildings. This approach essentially involves hand stripping of features that could accommodate roosting bats and making site workers aware of the appropriate course of action to take should bats be discovered.

A reptile presence/absence survey was attempted however, due to theft of the tins, this was abandoned. Instead, a mitigation strategy based on the assumption that reptiles are present, has been provided.

The proposed layout appears to indicate that habitat capable of supporting nesting birds and amphibians will need to be removed. If this is the case, clearance works will need to be undertaken at a time of year that minimises the risks of adverse impacts. In addition, in respect of the pond, should the presence of amphibians be confirmed an appropriate receptor site will be required.

The mitigation and enhancement measures set out in the following reports are appropriate and that full implementation of them would be sufficient to avoid adverse impacts on local biodiversity :

- Section 8. Recommendations, Land at Porchester Road (former Oasis Academy), Southampton Preliminary Ecological Appraisal, July 2012
- Land at Porchester Road (former Oasis Academy), Southampton, Reptile Mitigation Strategy, July 2013' and
- Section 7: Recommendations', Land at Porchester Road (former Oasis Academy), Southampton, Bat and Reptile surveys

A planning condition requiring implementation of these measures and a report detailing their implementation to be attached to any planning consent.

5.16 **Hampshire Constabulary – No objection.** The Police have no objection to this outline application but reserve the right to comment at a later stage of application if necessary.

5.17 **Southern Water – No objection** subject to an informative requiring connection to the public sewerage system.

**6.0 Planning Consideration Key Issues**

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

- The principle of this form of development/site allocation
- Scale and layout
- Access and car parking
- Trees



- Ecology, landscaping and sustainability
- Appropriate off-site mitigation and affordable housing

## 6.2 Principle of Development

The principle of development is acceptable as the site has not been a school for some time. Evidence has been provided and supported by the Council's Policy team that a secondary school is no longer required in that location.

Information received from the Council's education department is that there is a lot of capacity in the secondary estate as it stands. In terms of this specific area of the city, both of the two schools that serve it are currently undersubscribed. Although the cohort in this area of the city is due to increase significantly, it is the area with the least pressure. The two schools will have to expand and the plan is to achieve this via onsite expansions.

Although Woolston was considered as a possible option for expansion, it was discounted on the following grounds:

- The key reason for this was that the message from all stakeholders (i.e. senior officers, members and head teachers) that have so far been consulted was that the creation of new schools should be avoided, wherever possible. Creation of new provision on this site in particular could well result in subsequent school closures should numbers drop again.
- The backlog maintenance issues that the building had when it was vacated (coupled with the fact that it has been effectively vacant and unmaintained for 2 years), refurbishing this building would be significantly more expensive than new build extensions on existing school sites, compared to new build extensions on existing sites.
- The site also doesn't have access to playing fields, which makes it unappealing for new secondary provision.

Therefore, the proposal complies with policy CS11 of core strategy and the site has been identified by the Council for disposal.

- 6.2.1 The proposal provides a range of accommodation types and would therefore contribute to the creation of a mixed and balanced community. The proposal is therefore considered to accord with the provisions of policy CS16 of the Core Strategy as the proposal provides family housing. In addition, the principle of making more efficient use of previously developed land to provide residential development is acceptable. The application also assists the Council in meeting its current housing need of 16,300 homes by 2026.
- 6.2.2 The site lies within an area of good links for public transport and the Core Strategy supports residential development of between 50 and 100 dwellings per hectare within such locations. The proposed density range of 50 dph is within this range and therefore compliant with policy.
- 6.2.3 The surrounding area is predominantly residential and characterised by two storey dwelling houses. The most appropriate use of this previously developed site is considered to be residential housing, of a similar scale and type as that within the immediate area.

### 6.3 Scale and Layout

The proposed development would make efficient use of previously developed land whilst retaining its spacious and verdant character. This is achieved largely through the plot sizes proposed, the separation of the proposed buildings from the site boundaries and the retention of the mature screening to the southern west boundary of the site. The provision of car parking spaces in front of some of the dwellings and for the rest of the units within a central area ensures the development would not appear to be dominated by hard standing when viewed from public vantage points. The perimeter block form of development is welcomed

6.3.1 As stated the proposed ridge heights are higher than adjacent neighbouring properties and are indicated to be 2.5 storey in height. However, these are considered to be appropriate given the separation distance of buildings from boundaries, the distance from neighbouring properties and given the height of the existing buildings on site which establish height on this junction. The development is broken up into two distinct parts; one block of flats fronting Station Road and Portsmouth Road, and blocks of semi-detached and detached dwellings.

6.3.2 In terms of amenity, all the units proposed meet the privacy distance between adjacent properties in terms of the relationship between side elevation and rear elevation at Portsmouth Road. There is no adopted privacy distance for front – front relationships as seen on Porchester Road as privacy is already compromised by the road itself. With respect to the privacy between the units within the site conditions will be imposed at the reserved matters stage to prevent overlooking from the flats proposed into the proposed units fronting Porchester Road.

6.3.3 The flatted block fronting Station Road which turns the corner into Porchester Road, addresses the corner and would be three storey in height. Given the existing height of the building this is appropriate. The central area within the perimeter block will be utilised for both parking and amenity space for the flats. The area provided would be private, usable and landscaping would separate the parking from the amenity space. In terms of residential amenities for potential occupiers of the dwelling units, an appropriate provision of useable garden space has been set out for each dwelling unit. Each dwelling house will be able to accommodate the storage of its own refuse and cycles. In terms of the flatted development an area for refuse is shown on the site plan but there are no further details provided but this element will be conditioned.

### 6.4 Access & Car parking

The site is accessed from Porchester Road, an unclassified residential road fronted by mature housing, with few properties benefitting from off street parking. The site has two other road frontages, onto Station Road and Portsmouth Road, both classified highways carrying larger numbers of vehicles, and double yellow lines restricting parking on the site boundaries. The site is adjacent to the traffic signal controlled junction of Station Road, St Annes Road and Portsmouth Road, Portsmouth Road being a commuter route into the city via the Itchen toll bridge.

6.4.1 Parking provision is provided in accordance with the adopted Parking Standards SPD. Some of the proposed dwellings take direct access from Porchester Road and have tandem on plot parking spaces for 2 cars per property. The main site access is between these proposed dwellings serves. The parking court area is to

serve the remainder of the properties. The 13 houses will all benefit from 2 parking spaces, and the flats will have one space each. 4 additional visitor parking spaces will be marked out to try to reduce the impact of overspill parking onto Porchester Road.

6.4.2 The current school restriction road markings will be removed, and a traffic regulation order will be instigated to provide some parking restrictions locally to ensure sight lines at the new junction are recognised, and within the site the area for the refuse vehicle turning remain unhindered. There is also a requirement of the developer to remodel the one way restriction at the end of Porchester Road at its junction with Station Road to reinforce the operation of that junction and provide a segregated bypass for cycles. This will reduce down the risk of rat running traffic through Porchester Road by traffic trying to avoid the traffic signals on Portsmouth Road. These works can be secured with the S.106 legal agreement.

6.4.3 The development provides for cycle parking for all the properties, and is located on a major bus corridor, adjacent to bus stops, and there are pedestrian facilities at the traffic signals on Portsmouth Road to aid pedestrians wishing to cross this road. A footpath route is provided from the site directly onto Portsmouth Road to make walking routes more direct. The eastern cycle corridor is being introduced which runs adjacent to the site into the city, all of which means the site is sustainably located providing residents with alternative transport options to the car. Schools, shops and other facilities are all available within reasonable walking distance, via lit routes. Subject to the suggested conditions the general layout is acceptable.

#### 6.5 Trees

The site contains a large number of mature trees, most notably to its Southern boundary with Portsmouth Road and along Porchester Road where a TPO Plane Tree is located. Although, insufficient information has been received to ensure the proposal will not result in development significantly encroaching within the Plane's trees root protection zone Southampton City Council Trees Team is satisfied that development works can take place without harming the root protection areas of the retained trees. This can be secured by conditioning safeguarding and protection measures for the trees during development. The group TPO to the rear will not be harmed as the development is located a distance from these. Therefore subject to the conditions suggested the proposal is acceptable.

#### 6.6 Landscaping, Ecology and sustainability

Landscaping is to be a reserved matter. However, provision has been made within the layout of the site for 2 for 1 tree replacement for any trees lost. With regard to ecology, detailed methodology statement and conditions securing the development to the ecology reports submitted will be imposed. The development has been designed to meet Level 4 of the Code for Sustainable Homes which is welcomed.

#### 6.7 Appropriate off-site mitigation and affordable housing

As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated

with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application. Including 35% of the units being secured for affordable housing and highway contributions to support improvements to the footway and junction at Porchester Road and Station Road. In addition the scheme triggers the Community Infrastructure Levy (CIL).

- 6..7.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has not complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7.0 Summary**

- 7.1 The principle of redevelopment of this site for housing is accepted. Sufficient evidence has been provided to state that a school no longer needed/required in this location. The scheme has been designed around the site restrictions in terms of the TPOs of site. It also provides family housing and affordable units and is acceptable in parking and highways terms. The impact on neighbouring dwellings has been mitigated through the layout and proposed scale of dwellings. An appropriate residential environment to conform with at least minimum standards can be achieved.

## **8.0 Conclusion**

- 8.1 It is recommended that planning permission is granted subject to a Section 106 agreement, reserved matters and the attached conditions.

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

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

**ARL for 07/04/2015 PROW Panel**

### **PLANNING CONDITIONS**

### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, and the scale, massing and bulk of the buildings, of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:-
  - a) The appearance and architectural design specifying the external materials to be used (RESERVED MATTER);
  - b) Landscaping of the site specifying a planting plan (written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate), hard and soft treatments, all means of enclosure to be formed within the site and to site boundaries surface treatments for parking layout, pedestrian access, surface areas and property frontages and ancillary objects (refuse bins, external lighting, lighting columns etc) (RESERVED MATTER);
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission.
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

### **02. APPROVAL CONDITION - Residential - Permitted Development Restriction**

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

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

Reason:

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

### **03. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]**

Pedestrian two metre by two metres forward visibility sight lines (measured from the back edge of the footpath) shall be provided for each parking space before the use of any dwelling hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600mm above carriageway level within the sight line splays. In addition the car parking spaces for units 10 and 11 shall be

assessed via the shared parking area unless agreed otherwise in writing by the Local Planning Authority.

Reason:

To provide safe access to the development and to prevent congestion on the highway.

**04. APPROVAL CONDITION - Refuse and Recycling Bin Storage (Pre-commencement conditions)**

Details of the location, type and appearance of the facilities to be provided for the storage and removal of refuse and recycling from each dwelling shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained thereafter.

Reason

In the interests of the visual appearance of the building and the area in general.

**05. APPROVAL CONDITION - Cycle storage (Pre-commencement Condition)**

Notwithstanding the information already submitted no development shall commence until plans and elevational details of the secure, covered cycle storage for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided prior to the first occupation of the dwellings hereby approved and thereafter retained for that purpose at all times.

Reason

To ensure an appropriate provision of cycle storage is made for future occupants of the site in accordance with saved policy SDP5 of the adopted Local Plan.

**06. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]**

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

A specification of the type of construction proposed for the roads, cycle ways, parking areas and footpaths (showing a minimum width round the site of 2m) including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water. .A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

The development shall be implemented in accordance with the agreed details

Reason:

To ensure that the roads [cycle ways] and footpaths are constructed in accordance with standards required by the Highway Authority.

**07. APPROVAL CONDITION - Parking area [Pre occupation Condition]**

The parking area shown on the approved shall be laid out and ready for use prior to the occupation of development unless agreed otherwise in writing by the Local Planning Authority. These parking spaces shall be retained during the lifetime of the development for use by residents and their visitors only.

Reason:

To prevent off site highway safety issues.

**08. APPROVAL CONDITION - Use of garage [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all

times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

Reason:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**10. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**11. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]**

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

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

Reason:

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

**12. APPROVAL CONDITION - replacement trees [Performance Condition]**

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or

become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

**13. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]**

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.

**14. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan 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.

**15. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]**

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

**16. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]**

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

Reason:

To ensure the provision of adequate amenity space in association with the approved flats.

**17. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)**

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and



submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. 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 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:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

#### **18. APPROVAL CONDITION - Ecological Survey (by exception) [Pre-Commencement Condition]**

The development hereby approved shall be carried out in accordance with the following reports;

- Section 8. Recommendations, Land at Porchester Road (former Oasis Academy), Southampton Preliminary Ecological Appraisal, July 2012
- Land at Porchester Road (former Oasis Academy), Southampton, Reptile Mitigation Strategy, July 2013' and
- Section 7: Recommendations', Land at Porchester Road (former Oasis Academy), Southampton, Bat and Reptile surveys

In addition a detailed report shall be submitted to and be approved in writing by the Local planning Authority (detailing how the measures set out in the reports above will be implemented) prior to the commencement of development. The development shall be carried out in accordance with the above reports and the report to be approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity as the site is potentially of ecological interest.

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

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

Reason:

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

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

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;  
historical and current sources of land contamination

results of a walk-over survey identifying any evidence of land contamination  
identification of the potential contaminants associated with the above  
an initial conceptual site model of the site indicating sources, pathways and receptors  
a qualitative assessment of the likely risks  
any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

#### **21. APPROVAL CONDITION- 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.

#### **22. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance 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.

#### **23. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]**

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

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

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

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

#### **24. 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.

Note to Applicant - Public Sewerage system

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

Note to Applicant – S106 Legal Agreement

Please note that a Section 106 agreement is to be completed as part of the land sale transaction and should be read in conjunction with this planning consent. A full copy of the Section 106 Agreement will be available to view on Public Access via the Southampton City Council website, once completed.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated land
NE4	Protected Species
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

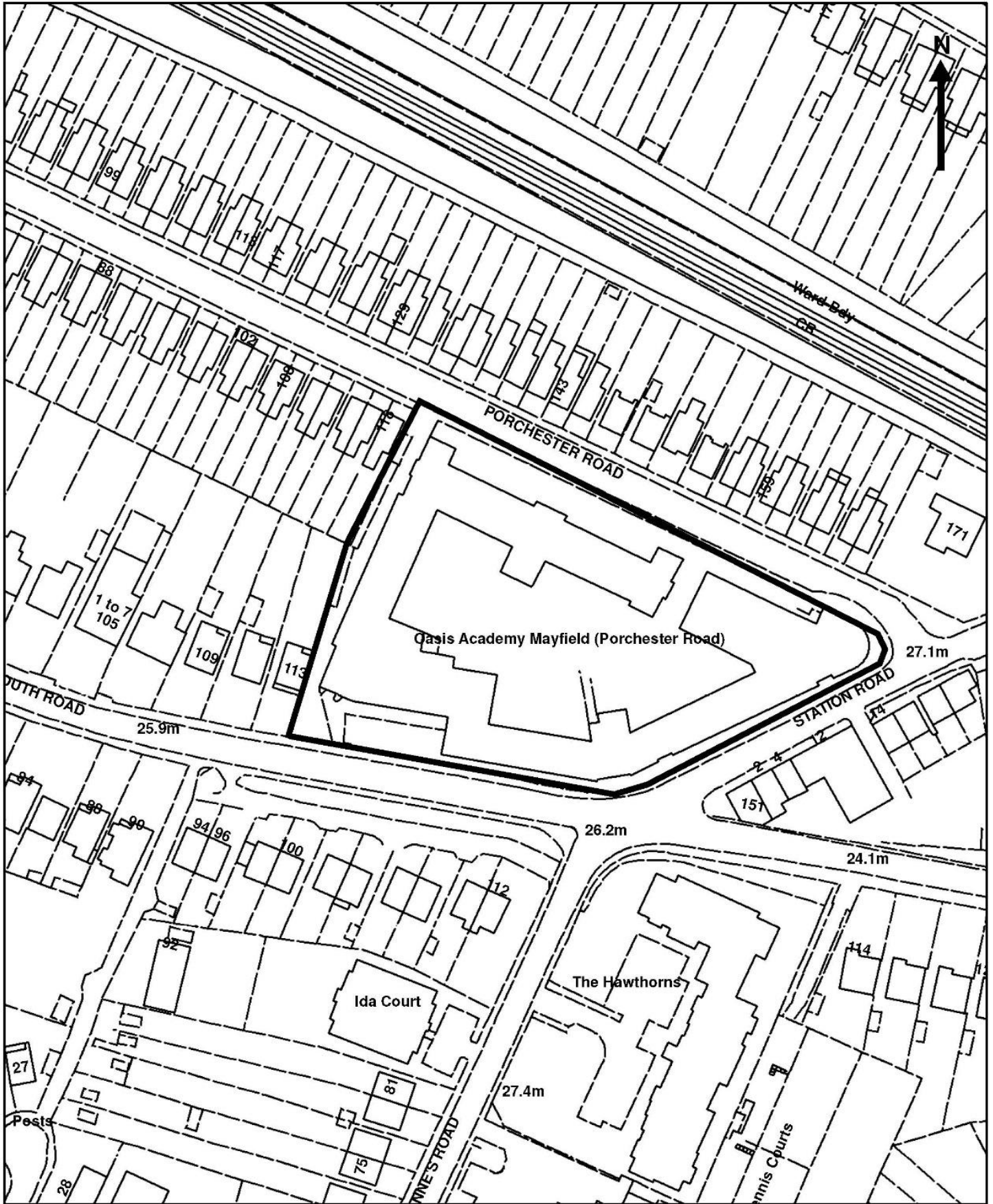
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

# 14/00101/R30L



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

