

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (West) 2 June 2015
 Planning Application Report of the Planning and Development Manager**

Application address: Banister School, Archers Road			
Proposed development: Variation of condition 15 of previous planning permission ref 12/00489/R3CFL to allow use of the external staircase by pupils during two periods of the school day			
Application number	15/00486/R3CFL	Application type	R3CFL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	30 June 2015	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member or five or more letters of objection have been received	Ward Councillors	Cllr Moulton Cllr Parnell Cllr Shields

Applicant: Banister Primary School c/o David Hockin	Agent: Capita (Property Services)
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	N/A
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations, such as those listed in the report to the Planning & Rights of Way Panel on 2 June 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 thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1 and SDP16 of the City of Southampton Local Plan Review (as amended 2015) and CS11 and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached			
1	Development Plan Policies	2	12/00489/R3CFL Planning Permission
3	Applicant's Supporting Statement		

Recommendation in Full

Conditionally approve with variation to 12/00489/R3CFL Condition 15

Procedural Context - Council's Own Development

This type of application is known as a 'Regulation 3' application for a variation to a full planning permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case 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, 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/appeal.

1.0 The site and its context

1.1 This planning application affects the modern three storey Banister Primary School on Archers Road, which was approved by the Planning Panel in June 2012 as part of the City's school expansion project. A copy of the original Planning Permission is attached at **Appendix 2**. Banister School originally opened in 1953 and the site was redeveloped, expanded, and turned primary (4-11 years with 2 classes per year group) in 2013. Once full the school will have 460 pupils. Presently there are 340 children with an additional 60 expected for the 2015 and 2016 intake as the children move through into the upper years. It is proposed that the older children will be taught on the second floor, with the youngest children's main learning areas located at ground floor.

1.2 The school has residential neighbours on all boundaries and takes its principal access from Archers Road. 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.

2.0 Proposal

2.1 The school has been designed with classrooms over three floors and an internal staircase provides access to all floors. An external fire escape is also provided along the building's northern elevation, and a planning condition was imposed, following concerns raised by neighbours to the planning application, to restrict its use. The existing condition states that:

2.2 **CONDITION 15 - 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.

- 2.3 As part of the submission to deal with this planning condition it was agreed that the external fire escape would be used for emergency use only.
- 2.4 The situation has now changed and the School is seeking to use the external staircase at the start (between 8:30 and 9am) and end (between 2:55 and 3:30pm) of the day for pupil access, so as to take pressure away from the internal staircase, which is becoming overcrowded to the potential detriment of pupil wellbeing, particularly as older and younger children mix as the school role expands. The School foresee the volume of pupils entering and exiting one staircase will cause operational and health and safety issues. The school, therefore, seek to vary the above planning condition to enable supervised pupil access during term time – albeit for a short period at both the start and end of the school day.
- 2.5 To minimise any potential disturbance to the site's existing residential neighbours the school has offered to:
- Ensure the external stairway is always supervised by a member of staff during the arrival and dispersal windows, ensuring that children arrive and leave in an orderly manner;
 - Minimise the number of children using the external stairway as an entrance and exit to two classes (max 60 children). All other children on floors 1 and 2 will use the existing arrival/exit route i.e. 120 per floor using the internal staircase;
 - The school are not seeking permission to use the external staircase at any other time during the school day (i.e. lunchtimes and play-times) as this will be staggered allowing all children to safely use the internal staircase; and
 - The School have offered to install a glazed privacy screen to the stairwell's eastern elevation at a cost of £4,500. The screen will be added at both first and second floor levels of the stairwell to a height of approximately 1.7 metres - with confirmation to follow at the Panel meeting.
- 2.6 Due to the number of parents who have children across year groups the school does not intend to stagger arrival and departure times as this could, they suggest, cause public nuisance on the highway and pedestrian congestion on Archers Road, as parents would have to wait longer to collect children from various year groups arrival/dismissal time slots.

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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th 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 12/00489/R3CFL – Approved 24.08.2012

Erection of a new part two-storey, part three-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)

4.2 12/01313/DIS – Approved 27.02.2015

Application for approval of details reserved by Conditions 4 (Archaeological Investigation), 6 (Drainage), 7 (Sustainable Drainage Systems), 9 (Protection of Nesting Birds), 10 (Bat Survey), 13 ('Fritted' Glazing), **15 (Use Restriction to Rear [Northern] External Stairwell)**, 18 (Materials), 20 (Bicycle Parking), 21 (Construction Access), 23 (Energy), 24 (Ventilation), 25 (Landscaping), 26 (Tree Retention and Safeguarding), 28 (Arboricultural Method Statement), 29 (Arboricultural Protection Measures), 31 (Construction & Demolition Method Statement), 33 (Demolition & Phasing), 34 (Secured By Design), 35 (CCTV System), 36 (Refuse Enclosure), 37 (Vehicular Access) and 38 (Horse Chestnut Tree) of planning permission 12/00489/R3CFL for the erection of a part 2, part 3 storey school building.

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, placing a press advertisement (17.04.15) and erecting a site notice (14.04.15). At the time of writing the report **9 objections** have been received from surrounding residents, including the Chair of the Mayfair Gardens Management Committee. The following is a summary of the ‘planning related’ points raised – generally objectors were not against improving education facilities:

- 5.2
- The movement of children up and down the metal staircase will cause increased noise-levels. The school had offered to retrofit noise-absorbing cladding to the metal steps – this does not form part of the current application. Alternatively the staircase should be replaced with a more suitable solution.

Response

The proposed relaxation of the planning condition will result in additional noise and disturbance to the nearest neighbours, as children enter and leave the

building. However, an assessment is needed before deciding whether or not this impact will be significantly harmful. The school propose to mitigate the impact be restricting the times for access and offering supervision of the stairwell. The Environmental Health team have assessed the impact as acceptable, given this mitigation, and there is no reason to reach a different conclusion providing the mitigation offered is implemented ahead of the fire escape's increased use. Further justification for the application has been offered by the applicant and their statement is appended to this report at **Appendix 3**.

- 5.3
- The fire escape should only be used for emergency purposes and its extended use will result in a loss of privacy to nearby residents. The school had offered to retrofit privacy screens to the open sides of the stairwell – as part of the current application screens are only proposed to the eastern side – neighbours to the west will be greatly affected by a loss of privacy.

Response

Without a privacy screen the fire escape provides direct inter-looking towards 18 and 19 Mayfair Gardens (to the east) at a minimum separation distance of approximately 14 metres. Condition 15 was imposed to prevent this direct inter-looking from occurring. Providing the offer of an additional privacy screen to this elevation of the fire escape is secured with a planning condition there will be no harmful overlooking caused by the variation of the planning condition as requested. The view from the fire escape to the west is largely across the school site and the canopy of the retained trees, which largely mitigate against any real impact in this direction. In winter months there may be an oblique view across to the rear garden of 23 Banister Gardens, but with a separation distance of approximately 24 metres to the rear of this property this is considered to be acceptable.

- 5.4
- The school has not properly consulted with affected residents before submitting the application

Response

Whether or not adequate consultation has taken place is a matter for the School and should not influence the outcome of this planning application.

- 5.5
- If allowed property prices will decline

Response

This is not a relevant consideration for a planning application.

- 5.6
- SCC Environmental Health** – No objection, but recommends that the staircase is supervised so as to minimise the disturbance caused.

6.0 **Planning Consideration Key Issues**

- 6.1
- The key issue for consideration in the determination of this planning application is the impact caused to residential amenity by the increased use of the fire escape.

6.2 Impact upon Residential Amenity

- 6.2.1
- The use of the fire escape at the start and end of the day by pupils is an operational requirement of the school. However, the use of the school's fire escape on a daily basis will impact, to a certain degree, on the nearest residential neighbours. Some residents have suggested that the school should have been designed properly in the first place and/or that the fire escape should be replaced with a more suitable staircase. Neither or these options are available now to the

school and a retro-fit compromise has been offered. The proposed mitigation is set out in the statement at **Appendix 3** of this report and offers a series of controls to limit the impact of this proposal on nearby residents. Providing the fire escape is properly managed and the additional screening is implemented ahead of first use then it is considered that the scheme complies with the requirements of Local Plan Policy SDP1(i). The Council's Environmental Health Officer agrees and a variation to LPA ref: 12/00489/R3CFL Condition 15 is, therefore, recommended for approval.

7.0 Summary

7.1 The existing fire escape was approved with the redevelopment proposals for Banister School in 2012. At that time it was recognised that the fire escape could lead to an unneighbourly form of development and a planning condition was imposed to control its use for emergency use only. As the school has expanded there is a concern that having the youngest children (four years old) and the oldest children (11 years old) mixing on the internal stairs, and within the associated circulation spaces, could lead to potential safety concerns. To overcome these operational concerns the School seeks permission from the Council to use the fire escape, but with the added controls and mitigation offered in the attached statement. Affected neighbours have been consulted of this change and some have objected for the reasons given above. The significance of the scheme's impact upon existing residential amenity has been considered by officers, including input from the Environmental Health team, and the change is considered, on balance, to be acceptable.

8.0 Conclusion

8.1 It is recommended that condition 15 can be varied to enable use of the external staircase by the School at the start and end of the school day without significant detriment to existing residential amenity.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d, 2 b, d, 4f & 9b

SH2 for 02/06/15 PROW Panel

CONDITIONS to include:

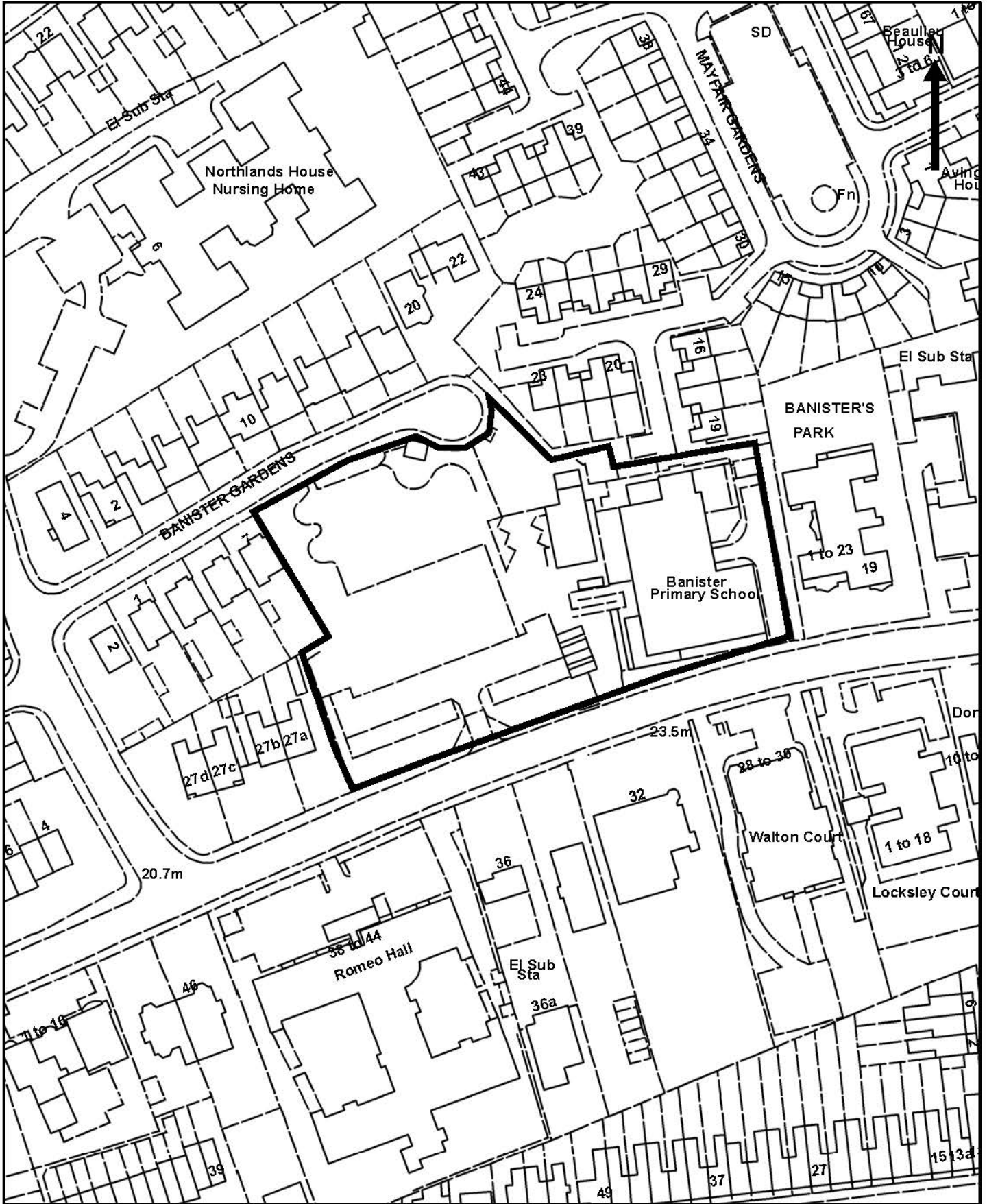
Re-issue permission 12/00489/R3CFL with condition 15 amended to read:

15.APPROVAL CONDITION – Use restriction to rear (Northern) external stairwell

The use of the northern external stairwell shall principally be used only as a means of achieving egress from the building in times of emergency. Following the installation of a solid/frosted privacy screen - to the eastern elevation of the first and second floor level of the stairwell with a minimum finished floor to top height of 1.7m – the stairwell may be used by staff and pupils on a limited supervised basis in accordance with the management plan submitted by Capita on 14th May 2015 unless otherwise agreed in writing with the Local Planning Authority. The privacy screen shall be retained as approved.

Reason:

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



Scale: 1:1,250

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