

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 2nd August 2016
Planning Application Report of the Planning and Development Manager

Application address: St Monica Primary School, Bay Road			
Proposed development: Erection of single storey nursery building with associated landscaping, a turning head within the school playing field, and new footway fronting the south-west side of Viceroy Road (Departure from Development Plan).			
Application number	16/00316/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	03.05.2016	Ward	Sholing
Reason for Panel Referral:	More than 5 letters of objection have been received	Ward Councillors	Cllr Baillie Cllr Wilkinson Cllr Hecks

Applicant: Southampton City Council	Agent: Mrs Claire Williams - Capita
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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 Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. 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, SDP4, SDP7, SDP9, SDP10, SDP11, SDP12, SDP16, SDP22 of the City of Southampton Local Plan Review (Amended 2015) and CS11, CS13, CS18, CS19, CS21, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to:

1. No further objections being received that raise additional issues to those set out in section 5 below, following the expiration of the extended publicity period;
2. The planning conditions recommended at the end of this report and;
3. The completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
4. 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. The site and its context

- 1.1 The application site forms part of St Monica Infant School which is located within the ward of Sholing. The local area is mainly characterised by suburban residential properties. The main school buildings are accessed by staff and visitors from Bay Road. The school has an area of playing fields to the south. The school includes an existing pre-school nursery school known as 'Happy Bunnies'.
- 1.2 The development area for the new pre-school building is the south-western part of the playing fields which shares a common boundary with no. 4 Viceroy Road. The site is designated open space within the Development Plan. The area consists of a large grassed mound, formerly landscaped as an amphitheatre, and is fronted by a row of mature Beech trees which line Viceroy Road.

2. Proposal

- 2.1 The SCC Education team has chosen St Monica Infant school to accommodate the need for additional infant school places within the local area. Once the existing pre-school nursery has been relocated to the new pre-school building, the existing classroom space (formerly Happy Bunnies) within the main school buildings can accommodate a new 'bulge' class intake. The bulge class will then progress from Early Years, through to Year R, and Key Stage 1.
- 2.2 As such, permission is sought to erect a single-storey building to provide a separate pre-school nursery with a small play area. The pre-school nursery will accommodate 32 children, opening during the hours of 08:45 to 15:15. This would be an increase of eight children and two members of staff compared with the existing Happy Bunnies operation. A separate staff and parent access will

be formed from Viceroy Road into the pre-school nursery. The SCC Education team have agreed to provide a vehicle turning area at the eastern end of Viceroy Road, which partly protrudes onto the south-western edge of the playing fields.

2.3 This part of the site was considered the most suitable location for the pre-school nursery building. Alternative areas of the school site were investigated and dismissed as these were found to affect usable parts of the playing field, or cause problems for staff and visitor car parking and the collection of children.

2.4 In lieu of the playing field area being lost at the Infant School, the SCC Education team have agreed to re-provide playing field space at the nearby Junior School by demolishing the redundant swimming pool building on the St Monica Junior School site. The 247sqm footprint of the swimming pool will be reinstated as a grassed area. The swimming pool is no longer in use by the school or public. The transfer of this land will be incorporated as playing field space within a timeframe of 1 year after the pre-school building is occupied. The playing field area for the new pre-school building is not highly suitable for sport activities due to being landscaped as a mound. The turning head would build over part of a footway along the edge of the playing field.

3. 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 Council's education planning policy CS11 (An Educated City) supports the expansion of primary schools in the city to accommodate the population growth of younger school children.

3.3 The Council has other policy objectives to safeguard open space including school playing fields. Policy CS21 (Open Space) seeks to retain the quantity and improve the quality and accessibility of the city's open space and help deliver new open space both within the city.

3.4 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. Relevant Planning History

4.1 There have been a number of recent approvals granted for small expansions to existing classrooms and improvements to school facilities, none of which are directly relevant to this application.

5. 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 (18.03.16). At the time of writing the report **7** representations have been received from surrounding residents. Following the receipt of amended plans to incorporate a turning area in Viceroy Road, a further consultation exercise was carried out which is due to expire on 22.07.16. Any further material comments received after writing this report will be verbally reported at the panel meeting. The following is a summary of the points

raised at the time of writing this report:

5.1.1 **Noise disturbance to local residents caused by the nursery. The nursery will be used for other community uses. Disruption will be caused to the residents of Viceroy Road during the construction phase.**

5.1.1.1 Response

Although there are currently no school buildings within this part of the site, given the educational function, the nursery is considered to be an appropriate use. Furthermore, there would be an expected level of noise already associated with a school use in terms of children playing. The provision of nurseries and pre-schools in residential areas is supported by the Council's planning policies. It is accepted practice by the Council to control noise impacts on nearby residential properties by limiting the number of children attending and the hours of business. In this case, the levels of activity associated with a pre-school of 32 children and opening hours during of 08:45 to 15:15 in the week is not considered to be harmful to the amenities of the neighbouring occupiers. This is particularly since residents would continue to enjoy peace and quiet during the evenings and weekends. Alternative locations for the building on site have been investigated however the proposal strikes an appropriate balance in terms of retaining useable playing fields, retaining car parking and providing a suitable access.

5.1.1.2 A planning condition can be used to restrict the building use as a nursery only. Further details of the construction compound and management of deliveries and materials storage can be secured by planning condition before the development begins.

5.1.2 **The location of the nursery will result in highway safety issues due to increased traffic using Viceroy Road. This will form a separate entrance to the school increasing the traffic using Viceroy Road.**

5.1.2.1 Response

As part of the section 106 agreement, the development will secure a school travel plan to provide and support safe and sustainable travel to the school and the provision of school related stopping and parking restrictions on Viceroy Road. In addition to this, the development will include a turning head and extension of the public footway on Viceroy Road to enable vehicles to safely leave Viceroy Road in a forward gear. As such, the Highways Team are satisfied that the development will not have a harmful impact on the safety and convenience of users of Viceroy Road.

Consultation Responses

5.2 **SCC Highways** - No objection

5.3 **SCC Sustainability Team** – No objection, no requirement for BREEAM as the floor area is under 500sqm.

5.4 **SCC Environmental Health (Contaminated Land)** - No objection, subject to carrying out a land contamination risk assessment.

5.5 **SCC Ecology** – No objection subject to conditions.

5.6 **SCC Archaeology** – No objection subject to conditions.

5.7 **Trees** – No objection subject to conditions.

5.8 **Southern Water** – No objection subject to conditions.

5.9 **Sports England** - No objection

5.10 **SCC Planning Policy** - No objection

6. Planning Consideration Key Issues

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

- Principle of development
- Impact on Character and Amenity
- Impact on Highways
- Protection of Open Space

6.2 Principle of Development

6.2.1 The expansion of the existing school to provide educational pre-school facilities is supported by the Council's planning policies in order to accommodate the growing need in the city of school places for younger school pupils. The site does result in the net loss of designated open space, contrary to Policy CS21 of the Core Strategy and so the proposal represents a departure from the Development Plan. The loss of open space needs to be carefully considered in terms of weighing the benefit of providing additional school spaces for which there is an identified need in this location. The proposal is also subject to the assessment against the other material considerations as set out in the report below.

6.3 Impact on Character and Amenity

6.3.1 The proposed building will be single storey in nature, constructed from a mix of aluminium and timber. The building's setting will be partly landscaped to include a small play area to the rear enclosed by a canopy roof, retaining the Beech trees fronting Viceroy Road. The design and layout of the proposed single-storey building would not be out of character with other existing buildings on this school site and, therefore, would not adversely affect the character of the local area. The turning head would add a minor area of hardstanding within the playing field to Viceroy Road and, therefore, would not significantly change the appearance of the school and street.

6.3.2 The concerns of the local residents living in Viceroy Road regarding noise and disturbance from the pre-school use are noted. An educational use of this nature and scale is appropriate to be located within residential areas, particularly since the site is already within educational use. As noted, residents would continue to enjoy peace and quiet during late-afternoons, evenings and weekends. A new boundary treatment will be provided along the common boundary with 4 Viceroy Road to the north east. There is sufficient spacing between the neighbouring property and the new building to ensure that the neighbour's light, outlook and privacy would not be adversely affected by the development.

6.3.3 The impact on the amenity of the local residents from the activities associated with the use can be adequately controlled by restricting the daytime hours (08:45 to 15:15) and the maximum number of children allowed to attend (32). Additionally, the use of the building for alternative uses can be prohibited by a planning condition.

6.4 Impact Highways

- 6.4.1 The proposal will result in eight additional children and 2 additional staff when compared with the existing situation. It is acknowledged that the development will result in additional vehicular movements within Viceroy Road due to the location of the entrance to the nursery. The additional activities in Viceroy Road would be mainly concentrated around morning and evening peaks. As set out above, a Travel Plan will be secured through the section 106 agreement which will support and provide sustainable transport measures and limit the number of additional vehicular trips to the site.
- 6.4.2 Furthermore, it is important to note that residents living in Viceroy Road are already affected by parents parking in the street to collect and drop off children attending the main school. The application proposal however, seeks to improve upon the existing arrangements to facilitate the increased use of this street by nursery-related traffic. In particular, the inclusion of the turning area at the eastern end of the Viceroy Road will represent a significant improvement on the existing situation. This will minimise congestion and reduce disruption to the residents by providing drivers with the facility to leave the street in a forward gear and turn vehicles in a designated location, rather than at ad hoc points in the street.
- 6.4.3 In addition to this, to ensure there is safe access for pedestrians, the existing footpath on the southern side of Viceroy Road will be extended along the existing verge to the pedestrian entrance of the pre-school. A no dig construction method will be used to ensure that the trees are protected during its construction. As noted above, the development will also secure new road markings within Viceroy Road which will also contribute to the improved management of this street.
- 6.4.4 The new access will solely serve the pre-school nursery. A planning condition is recommended to restrict the use of the access so it is not used as the school's main access point. This will prevent a more intensive use of Viceroy Road from occurring in the future.
- 6.4.5 As such, it is considered that the mitigation measures, set out above, will improve upon the existing, unregulated situation. These measures, when considered in terms of the lightly-trafficked nature of Viceroy Road, will ensure that the additional use of Viceroy Road will not result in a significant adverse harm to the safety and convenience of the other road users.

6.5 Protection of Open Spaces

- 6.5.1 The Council's policy safeguards open spaces, including playing fields. There is growing pressure to expand existing school sites, so the physical need to accommodate for more school places as supported by policy CS11 should be balanced against the loss of playing field facilities.
- 6.5.2 As the School's playing field size falls under 0.2ha, Sports England has confirmed that there is no statutory protection of the playing field to be used as sport facilities for school children. The loss of playing field space can be justified under the requirements of policy CS21 if the quantity of open space can be re-provided as equal or better quality.
- 6.5.3 The current provision of playing field space is 0.18ha. The net loss of the playing

field space would equate to approximately 100sqm (0.01ha equating to 6% of the existing playing field area) factoring in 247sqm of playing field space being re-provided at the Junior School, once the redundant swimming pool building has been demolished.

- 6.5.4 The playing field area being proposed for the siting of the pre-school building is not well suited to sports due to being landscaped as a mound. The turning head area would be partly built over the existing footway along the edge of the playing field and, therefore, would not compromise the usability of the remaining body of the space. The Planning Policy team considers that the loss of the playing field space would be acceptable, given that the 0.01 ha is negligible. This combined with the good quality of the replacement of playing space at St Monica Junior School will justify this small loss at the Infant School in this instance. The transfer of this land will be secured by planning condition to take place within 1 year after the pre-school building is occupied.

7. Summary

- 7.1 In summary, it has been demonstrated that the impacts of introducing the pre-school nursery on this part of the school site can be adequately managed without adversely affecting the character and amenity, and highway safety within the local area. The impact from the loss of existing school playing field would be, on balance, justified by the provision of good-quality replacement space at the Junior school, whilst the net loss of the space is considered to be a negligible amount in relation to the functioning of the overall playing field. The provision of the pre-school nursery facilities would benefit the need to accommodate school places for younger children and justifies a departure from the Development Plan in this instance.

8. Conclusion

- 8.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with the Council's policies and guidance and therefore can be supported for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), (b), (c), (d), 2(b), (d), 4(vv), 6(a), (b)

SB for 02/08/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development hereby permitted shall begin no 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. Details of building materials to be used

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, the roof of the proposed buildings, the canopy specification, and the hard surfacing treatment. 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. Development shall be implemented only in accordance with the agreed details.

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

03. Public Sewer protection

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

04. Ecological Mitigation Statement

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures which, unless otherwise agreed in writing by the Local Planning Authority, shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

05. Construction Management Plan

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
 - (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
 - (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
 - (f) details of construction vehicles wheel cleaning; and
 - (g) details of how noise emanating from the site during construction will be mitigated.
- The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

06. Archaeological evaluation/watching brief investigation

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.

07. Archaeological evaluation/watching brief work programme

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

08. Boundary Treatment

Before occupation of the development hereby approved, details boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

09. Refuse & Recycling

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

10. Arboricultural Method Statement

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:

- (a) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (b) Specification for the installation of any additional root protection measures;
- (c) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas;
- (d) Specification for the construction of hard surfaces where they impinge on tree roots;
- (e) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs);
- (f) An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures; and
- (g) 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.

11. Turning head

Before the use of the nursery building hereby approved commences, the turning head area and footpath shall be provided in accordance with the approved plans and thereafter shall be maintained and retained.

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

12. Restricted Use

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details as pre-school nursery and not for any other purpose, including any other use within Use Class D1.

Reason: In the interest of the amenities of neighbouring occupiers.

13. Open space replacement

Within 1 year of the date of the first occupation of the nursery building hereby approved, the grassed playing field area shall be provided at the St Monica Junior School in accordance with the details set out on page 12 of the Design and Access Statement submitted with the application.

Reason: To comply with the requirements of policy CS21 to ensure that the loss of the existing playing field is adequately mitigated by providing replacement space of equal and better quality.

14. Restricted access

The access to the nursery building from Viceroy Road shall only be used for the purposes of the use hereby approved and shall not be shared as a main access to St Monica Infant School.

Reason: In the interests of protecting highway safety and the amenity of neighbouring occupiers.

15. Hours of Use

The nursery use hereby approved shall not operate outside the following hours:
Monday to Friday - 08:45 to 15:15 hours

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

16. Maximum number of children

The maximum of children attending the pre-school nursery building hereby approved shall not exceed 32 pupils at any time.

Reason: In the interests of protecting the residential amenity of the neighbouring occupiers.

17. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS11	An Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS21	Protecting and Enhancing Open Space
CS25	Planning Obligations

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP22	Contaminated Land

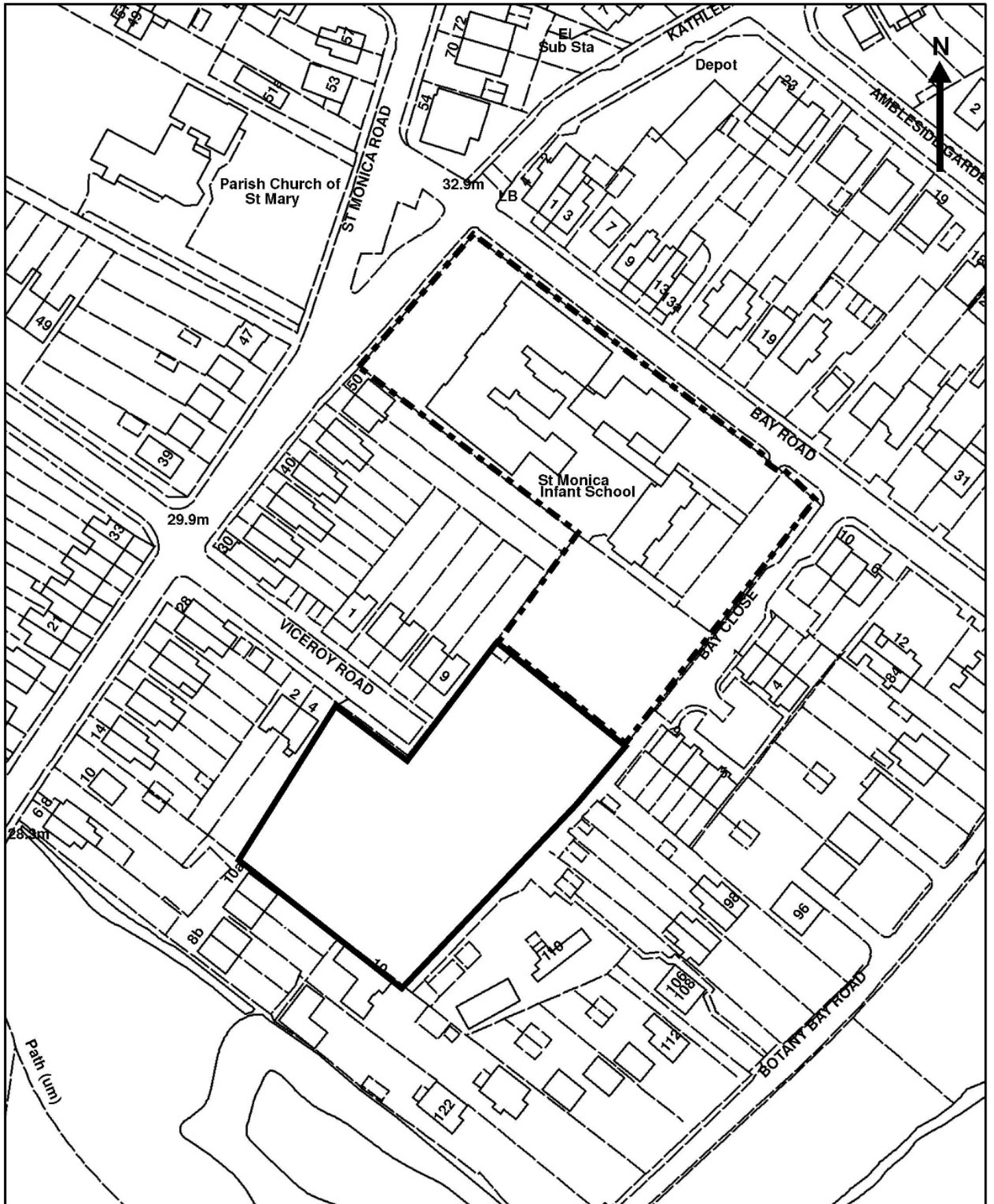
Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

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Scale: 1:1,250

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