

**Planning and Rights of Way Panel 11<sup>th</sup> February 2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 20-25 Chapel Road, Southampton			
<b>Proposed development:</b> Erection of a part 4 and 5 storey school building with rooftop playground following demolition of existing buildings (Departure from Local Plan)			
<b>Application number:</b>	19/00361/FUL	<b>Application type:</b>	FULL
<b>Case officer:</b>	Anna Lee	<b>Public speaking time:</b>	15 minutes
<b>Last date for determination:</b>	19.02.2020 (Extension of time agreement)	<b>Ward:</b>	Bargate
<b>Reason for Panel Referral:</b>	More than five letters received contrary to the recommendation	<b>Ward Councillors:</b>	Cllr Bogle Cllr Noon Cllr Paffey
<b>Applicant:</b> Midas Construction		<b>Agent:</b> Stride Treglown	

<b>Recommendation Summary</b>	<b>Refuse</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Recommendation in Full**

Refuse for the following reasons:

**1. REASON FOR REFUSAL – Unsafe Flood Risk**

Notwithstanding the submitted Flood Risk Assessment and further information, the proposal fails the Exception Test set out in the National Planning Policy Framework (NPPF) (2019) by failing to demonstrate that staff and pupils within the development would be safe during a flood event due to the following reasons:

- The application has not demonstrated that safe access and egress can be provided throughout the design life of the development;
- It is not clear that the design of building (finished floor levels) could withstand a flood event, taking into consideration the impact of climate change and sea level rise;
- The provision of a refuge on the upper floor, due to lack of facilities (food and toilet facilities), when young children could have to remain on site for a period of anywhere between 2 to 6 hours is insufficient;
- The location of the proposed muster point is unacceptable. It lies just outside of the present day flood zones 2 and 3 and, due to the development sites vulnerability, access to this muster point will be restricted by 2075 when taking into account climate change and sea level rise with only one potentially suitable access route on St Marys Street from Northam Road;
- The proposal could result in parents/guardians inadvertently putting more people at risk by seeking to collect pupils in a flood event. Therefore, increasing the burden for the emergency services having to manage a large group of vulnerable people. Notwithstanding the outdoor location of the muster point, the wellbeing of the staff and pupils waiting at the point has not been satisfactorily addressed.

Therefore, the proposal fails to take into consideration the impact of climate change and sea level rise, and the vulnerability of the users on site. The proposal is therefore contrary to policy SDP1 of the adopted City of Southampton Local Plan Review (amended 2015) and policies CS20 and CS23 of the Council's adopted LDF Core Strategy (2015) and policy AP15 of the City Centre Action Plan (2015) as supported by paragraph 160 of the NPPF (2019).

## 2. REFUSAL REASON - Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- i. Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- ii. In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- iii. 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).
- iv. Submission of a Training & 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 (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- v. Submission and implementation of a Travel Plan.
- vi. A community use agreement in accordance with CS11 of the Core Strategy.

Appendix attached			
1	Development Plan Policies	2	Highway Comments
3	Flood Team Comments	4	Applicant's Flooding Response

### 1. The site and its context

- 1.1 The site lies within the city centre and located adjacent (across the railway line) to Southampton City College. Central Trading Estate lies to the rear. The site itself is located within the Central Trading Estate policy area, designated for light industrial purposes by the City Centre Action Plan (CCAP) Policy AP3 and this proposal would be contrary to this policy.
- 1.2 The adjacent railway line links with the port and runs across Chapel Road, controlled by a level crossing. The buildings on site are currently used for office and storage. It is a mixed use area comprising of commercial, educational and residential buildings. Adjacent is a mixed building with commercial at ground floor and residential above. Opposite the site is further residential accommodation along Nelson Street and Paget Street.

- 1.3 The site lies within an area of the highest flood risk, being located within flood zone 3 which means that there is a 1 in a 100 chance, or greater, of flooding happening in any given year.

## **2. Proposal**

- 2.1 The proposal seeks to redevelop the site and construct a four-storey Primary School, with a two form entry for each year for 290 pupils (total). Currently, the school operates at a temporary location at Central Hall with 110 pupils. The pedestrian access to the school is from Chapel Road. A secondary entrance is provided on the western elevation adjacent to the two disabled parking spaces. At ground floor, the main office, kitchen, hall, studio and reception (Year R) classes are located. Outside, adjacent to the west elevation, is a dedicated play area for year R, accessed via the classrooms and a shared outdoor space for the other years. At first floor, year 1 and 2 classrooms are shown with the provision of a library. A further outdoor area is provided on the roof of the main hall, accessed via the year 1 classrooms. At second floor, the Head's office and staff rooms and year 3 and 4 classrooms are planned. Finally, at third floor, years 5 and 6 classrooms and Special Educational Needs (SEN) facilities are proposed. A roof top amenity space is provided above the building as a whole.
- 2.2 The building itself will comprise a mix of brick and render with colour elements and a feature entrance to add interest. Refuse storage is proposed adjacent to 26-27 Chapel Road which will be hidden by the provision of timber fencing. Cycle storage is provided to the rear of the playground. Planters are proposed adjacent to the entrance within the year R playground and the provision of a tree within the ground floor playground. Additional landscaping within planters are proposed within the roof top play areas.
- 2.3 The delivery location for the scheme is proposed along Chapel Road with the provision of a new loading bay. Additional highway works are required for this development which will be secured via the section 106 legal agreement. The most significant element relates to increasing the width of the pavement outside the site to provide a safe crossing but also secures more space for any potential congregation of people during drop off and pick up times. It is also proposed for the school to be used out of hours for community uses.

## **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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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.
- 3.3 As set out above, the site is safeguarded for light industrial purposes by policy AP3 of the City Centre Action Plan and the application has been advertised as a

'departure' on this basis.. Policy CS11 (An Educated City) supports the expansion of primary schools in the city to accommodate the population growth of younger school children. Policy AP10 of the City Centre Action Plan specifically supports new schools in the city centre.

- 3.4 CS Policy CS20 requires all non-residential development with a floorspace of more than 500sq.m to achieve a rating of BREEAM 'Excellent' with some 15% reduction in carbon emissions through the use of decentralised and renewable/low carbon energy sources.

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

- 4.1 The most recent history for the site was in 1978 and 1981 for offices and extension to existing joinery shop at rear and alterations and extensions to offices and stores plus re-siting of covered store respectively. 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, placing a press advertisement (**22.03.2019**) and erecting a site notice (**22.03.2019**). At the time of writing the report **20** representations have been received, sixteen of which are in support. The letters of support received highlight the benefits of providing a new primary school and finding a permanent location for the existing school facility. The following is a summary of the points raised by the objectors:

##### **5.2 *No provision of a drop off area for children arriving and leaving the school via the car***

###### **Response**

It is understood that parking within the vicinity of the site is restricted. A school travel plan will be secured to enable the school to engage with pupils, parents and neighbours, to address this issue by encouraging sustainable travel to school. There will be an impact on the highway network during the drop off and pick up times but this is solely an amenity issue not a highway safety issue. Overall, balancing the benefits of providing an education facility and the limited period of disruption from drop-offs and pick-ups, this impact is considered to be acceptable and does not form a reason for refusal. The Planning Panel are free to reach a different conclusion.

##### **5.3 *Poor location for a school***

###### **Response**

The site is located in a sustainable location close to residential properties, transport links and within the city centre.

##### **5.4 *Site lies within a flood risk zone***

###### **Response**

Noted. See response set out in section 6.6 of this report and the suggested reason for refusal.

##### **5.5 *Noise impact on the other commercial uses***

###### **Response**

School operations will inevitably result in noise being generated. The school operates to reduce the impact as much as possible. Teachers manage

classrooms and pupils within the site to ensure that noise generated is not unreasonable. Owing to the frequency of the use of the playground area and the times of the day when they will be used it is not judged that the noise generated from them will be significantly harmful and does not form a reason for refusal. The Planning Panel are free to reach a different conclusion.

5.6 ***Congestion will occur within the local highway network***

**Response**

As stated above the proposal will have an impact on the local highway network but Highway Officers have advised it will not result in highway safety issues and congestion will only occur during a short period throughout the day.

5.7 ***Objects being thrown from the roof top play areas is a concern***

**Response**

The boundary treatment around the playground areas is a sufficient height to prevent this occurring. If approved it is likely that the school would have a process for managing such issues.

5.8 ***Concerned about the party wall, structural issues and drainage access issues***

**Response**

These issues are civil matters that the Council cannot comment on.

5.9 ***The proposal will result in a loss of privacy***

**Response**

Whilst the adjacent property to the upper floors of 26-27 Chapel Road has residential accommodation on the upper floors, these windows are to the rear and do not enable inter-looking with the development. The elevated playground is screened to avoid over-looking.

**Consultation Responses**

5.10 ***SCC Highways: - No objection following amendments***

The level of impact is not considered to be detrimentally harmful with the suggested measures provided including footway widening at the frontage, school signage and marking and revisions to on-street parking bays and further mitigation measures to be secured via the S106 legal agreement. The full comments from the Highway Engineer are included as **Appendix 2**. It should be noted that further information and changes have been received since these comments were originally received to address the points raised in the response.

5.11 ***SCC Planning Policy – No objection***

The site is safeguarded for employment in accordance with Policy AP3 'Safeguarding industrial sites' within the City Centre Action Plan (CCAP) (2015) and Policy CS 7 'Safeguarding Employment Sites' of the Amended Core Strategy (2015). It is stated in Policy AP3 that proposals for other similar employment uses including on this site may be acceptable providing they are not harmful to existing industrial or warehousing users or nearby residential areas. It is also stated in Amended Core Strategy Policy CS 7 that where a site is released for safeguarding, the requirement will be for a mix of uses to include suitable B1, B2 and / or B8 employment. The proposed provision of a school on this site would therefore constitute a departure from the Development Plan with regard to the safeguarded employment use. However, the proposal should also be further

considered against Paragraph 94 of the NPPF (February 2019) whereby it is stated that:

*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*

*b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

The Government Policy Statement – *planning for schools development* (2011) also demonstrates the Government’s commitment to support the development of state-funded schools and their delivery through the planning system.

The applicant would normally be expected to provide evidence of marketing information in order to demonstrate that the site has been actively marketed for B1-8 employment uses due to the current safeguarded employment use of the site. However, it is clear that national policy as described above takes precedence with regards to providing a sufficient choice of school places which therefore means that such marketing information will not be required in this instance.

Amended Core Strategy Policy CS 11 ‘An Educated City’ is also relevant to consider whereby it is stated that the development of inspirational, high quality education and related facilities which encourage community use of their facilities will be promoted. It is observed from the Design and Access Statement that the school has been designed to enable space within it to be used by the community when not in use by the school staff, providing a community benefit.

In conclusion, the national policy position as referred to above highlights the importance of providing additional school places, of which there remains an acute need in Southampton. It is noted in particular that this proposal would provide a permanent facility to replace the temporary accommodation within Central Hall, St Mary Street. The Planning Policy Team therefore supports the overall principle of this proposal.

- 5.12 **Environment Agency** – Advise the Local Authority to assess the proposal as Lead Local Flood Authority.
- 5.13 **SCC Flooding Team – Objection.** A copy of the Team’s detailed comments are provided in **Appendix 2**. In summary, The development fails to meet the exception test, as required by the NPPF, since the development will not be safe for its lifetime, having regard to the vulnerability of its users. It is confirmed that currently the site is at risk of flooding to a depth of 0.5 metres and this will worsen over the lifetime of the development. The building itself would be damaged if a flood event occurred in the present day. The children will be vulnerable in a flood event, with no dry emergency route in a flood event. Whilst a refuge area is identified within the building, outside of the immediate danger zone, there is no provision for food or toilet facilities within this area. A muster point is also indicated by St Marys Church but due to the number of people that would need to be evacuated, combined with their vulnerability this arrangement would be unsuitable. Furthermore, the collection of children in a flood event by parents and

guardians would increase the number of people within the flooded area, placing further pressure on the emergency services.

**5.14 SCC Design – No objection**

Following revised plans improving the design and entrance to the development no objection is raised. However the Council's Design officer would prefer a brick wall to the frontage and not the fencing proposed.

*Officer comment – the change to the fencing has been requested but the applicant has not agreed to change it. That said, this in itself does not form a reason for refusal. The Planning Panel are free to reach a different conclusion.*

**5.15 SCC Sustainability Team – No objection**

Subject to the ensuring that the development is carried out in line with BREEAM standards and that zero or low energy carbon sources are secured via conditions, no objection is raised.

**5.16 SCC Environmental Health (Pollution & Safety) ) - No objection**

Environmental Health has no further comment as it appears from the information accompanying the application that our concerns have been addressed.

**5.17 SCC Environmental Health (Contaminated Land) - No objection**

No objection subject to conditions to secure a contaminated land assessment and any required remediation measures. In addition, the derelict underground storage tank should be removed from site and the surrounding soils validated to ensure that no unacceptable levels of contamination are present.

**5.18 SCC Air Quality Team – No objection**

It is noted that the developer has carried out an air quality study. This indicates that air quality at the site is not exceeding any statutory limits at the time of the study. It would expect the developer to include some assessment of how the proposal might impact on air quality when complete and operational. This is not included. Air quality impacts would be generated by traffic movements. Therefore we anticipate there is scope for mitigation. If approval is granted a condition is requested that requires the developer produce an air quality statement to identify any air quality impacts which would arise from the development. If this statement identifies any potential impacts on compliance with statutory limits, an air quality assessment will also be required. Both should be informed by the approved Travel Plan and be submitted and approved prior to commencement. In the event that the assessment determines the need for any specific mitigation, an approved scheme must be approved prior to commencement and implemented prior to occupation.

**5.19 SCC Archaeology - No objection**

Archaeological remains will almost certainly be present on the application site, despite construction of the adjacent railway line in the mid-19th century, and 19th and 20th century development. The development will damage any surviving archaeological deposits. The extent of the archaeological impact will depend on the foundation design, and the location of service trenches and other groundworks, both within and outside the site boundary. There is potential for archaeology to exist on the site and conditions are suggested to address this including archaeological damage assessment and an archaeological investigation.

## 5.20 **Southern Water – No objection**

There could be public sewers within the site and conditions and an informative are suggested to secure further details of their location, how they are going to be safeguard and the means of foul and surface water disposal for the proposed development.

## 5.21 **Community Infrastructure Levy (CIL)-**

The development is not CIL liable, there is a no charge for Class D1 uses.

## **6.0 Planning Consideration Key Issues**

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

- The principle of development;
- Potential impact of flooding;
- Design and effect on character;
- Effect on residential amenity and;
- Parking, highways and transport.

### 6.2 Principle of Development

6.2.1 The proposal seeks to modernise and improve teaching facilities within the city for the benefit of pupils and teaching staff. Whilst the site is safeguarded for light industrial purposes by policy AP3 of the City Centre Action Plan, the National Planning Policy Framework requires weight to be given to the creation of new schools. Similarly, policy CS11 of the Southampton Core Strategy recognises the importance of education provision in the city and supports the provision of new facilities with AP10 of the City Centre Action Plan supporting new schools in city centre locations. The Council's Planning Policy Team have confirmed that there is a need in the city centre for more primary school places. Furthermore, after hours community use of the facilities is welcome. On this basis, the principle of siting a new school in this location is considered to be acceptable and the departure from policy AP3 is justifiable – see Policy comments above in respect of the loss of the industrial site and the lack of marketing evidence in the context of educational need.

### 6.3 Potential impact of flooding

6.3.1 The proposed primary school is classified as a more vulnerable use in flood risk terms. The site is located within present day flood zone 3 and, therefore, the development would be at risk from flooding. Both the NPPF and Southampton Core Strategy policy CS23 (Flood Risk) require the development to be safe for its lifetime (assumed to be 100 years), including allowance for climate change. The ground floor of this development is to be set at 2.7mAOD which is far lower than the future anticipated tidal flood level of 4.7mAOD (inclusive of 300mm freeboard) and well below the present day flood level of 3.2mAOD.

6.3.2 Paragraph 155 of the NPPF states that '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*'. If it is not possible for development to be located in zones with a lower risk of flooding, the NPPF confirms that more vulnerable developments, such as a primary school, should meet an Exception Test. Whilst the development would provide a benefit to the community by providing a valued

educational facility, it would not be safe for its lifetime. As such, the development would fail to meet the required Exception Test.

- 6.3.3 The applicant has responded to the Council's Flooding Team and the full response is set out in **Appendix 4** of this report. The applicant has confirmed that raising the floor levels of the development would create significant access restrictions for the users of the building. There may also be design concerns from such a response. They instead intend to provide a safe refuge on the upper floors of the building to accommodate all the children and teachers in a flood event. The ground floor level has been raised by 300mm with the majority of classrooms located on the upper floors of the building. Furthermore, a flood evacuation plan would be prepared. However, the finished flood levels proposed would still be below present day flood levels and the proposed ground floor layout accommodates two reception classrooms, resulting in risk to the youngest users of the site. Whilst operationally this may enable children to better access outdoor play facilities, it does not outweigh the risk to the children, particularly since younger children are at greater risk of from flood water of lower depths.
- 6.3.4 Further to this, whilst locating children on the upper floors does provide temporary safe refuge during a flood event, flood durations of extreme flood events can be anywhere from 2 to 6 hours (dependent on the conditions). Should flooding of the site and surrounding areas occur, there is no safe access and egress to enable safe evacuation of children who are more vulnerable to risk of flood water, meaning a reliance on the emergency services to assist. In addition, there is a risk of drawing people towards flood risk, in particular parents or guardians of those on site, placing more people at risk of the hazard that flooding brings.
- 6.3.5 The development would not be safe from flooding at the present or for its lifetime and, due to the vulnerability of users, and the resulting impact due to type of user (i.e. users needing to be collected from the site or a muster point by a third party resulting in additional people accessing the flood risk area) the proposal fails to comply with part B of the Exception Test as outlined within Paragraph 160 of National Planning Policy Framework (2019) and is contrary policies SDP1 of the Local Plan Review, CS23 of the Core Strategy and AP15 of the City Centre Action Plan.

#### 6.4 Design and effect on character

- 6.4.1 The existing site and building appears to have been vacant for an extended period of time and is in a fairly dilapidated condition. As such, bringing the site back into use with a new building is welcome. The four-storey scale of the building, flat-roof appearance and rendered elevations reflect a number of buildings in the surrounding area, including the flats opposite, The Compass and City College. Given the mix of uses and building styles, the building would assimilate into the street scene and have an acceptable impact on the character of the area.

#### 6.5 Residential amenity

- 6.5.1 The school has undertaken a public consultation exercise prior to the submission of the application, in order to engage with the local community. In terms of the physical impact of the building, the nearest residential property is on the first floor and roof level of the neighbouring building of 26 Chapel Road. This accommodation appears to primarily take its outlook from the street, with no habitable room windows directly facing the application site. There is

approximately 24 metres separation between the proposed school and the flats opposite, with an intervening street and tree screening. The roof-top playground is designed with two metre high brick screening and acoustic fencing to limit both the potential for over-looking and noise disturbance. As such, it is considered that the development would not have a harmful impact on neighbouring residents in terms of outlook, overshadowing or loss of light, nor cause any harmful overlooking.

- 6.5.2 The application is accompanied by a Noise Assessment. This report concludes that noise impact from the school would not be harmful to nearby residential properties. The Council's Environmental Health Team agree with the conclusions of the report. Were the application to be supported, conditions could be used to limit the use of external play areas outside of school hours to ensure no undue noise disturbance to nearby residential properties would occur.

## 6.6 Parking highways and transport

- 6.6.1 The site itself is constrained with the school building occupying a significant portion of the site area. As such, just two on-site car parking spaces for disabled users are provided. The Council's adopted Parking Standards permit a maximum of 9.75 spaces in high accessibility locations such as this although the policy requires parking to also have regard to the travel demands of the development. The Highways Team have advised that, as a worse-case scenario, there could be 93 cars coming to the area, twice a day, to drop off and collect children from the school. That said, the surrounding streets are subject to car parking controls which limits the potential for cars to park on surrounding streets. Furthermore, the adopted development plan policies seek to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The highways team do not consider that the proposed parking would generate a highway safety issue and, whilst the drop off and collection of pupils in the space provided, and with restricted car parking, is a potential shortfall of the scheme it is not considered to warrant a separate reason for refusal as there will be a degree of parental choice and the site constraints may result in a modal shift away from the private car.
- 6.6.2 A Transport Assessment (TA) and addendum have been submitted to support the application. Furthermore, a travel plan will be secured via a section 106 legal agreement, in the event of an approval, which will include measures to reduce the likelihood of staff arriving by car and parents arriving and collecting children by car. The ongoing implementation of the Travel Plan will encourage the use of non-car modes and car sharing. However, there will be a number of pupils being taken and collected via car.
- 6.6.3 A traffic regulation order will be required to make changes to parking restrictions around the site, and for yellow school markings to be provided at the entrance points not already covered. This will help to provide passing spaces within the street to free traffic flows at peak times. It will also help improve highways safety for pedestrians and cyclists when entering and exiting the site by improving visibility for all road users.
- 6.6.4 Therefore, subject to the mitigation measures set out above, the proposal is acceptable in highway terms. The Planning Panel are free to reach a different conclusion.

## **7. Summary**

- 7.1 Whilst the site is safeguarded for light industrial use the provision of a school would meet an identified need that justifies the departure from the policy. However, due to the location of the site within a flood risk area, and the vulnerability of the proposed users the development the proposal is contrary to national and local planning policy and therefore cannot be supported.
- 7.2 It is understood that the Local Authority is under a statutory duty to ensure that there are sufficient school places in the city, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. The application allows Southampton to, in part, achieve its obligations and the positive outcome of the development is judged to outweigh the departure from the Local plan.
- 7.3 However, for the reasons set out in section 6.3 of the report it is clear that the proposal fails to meet the needs of the future occupiers due to their vulnerable nature as required by para based on failure to achieve part B of the Exception Test as outlined within Paragraph 160 of National Planning Policy Framework (2019) which states '*the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall*'.

## **8. Conclusion**

- 8.1 The positive aspects of the scheme are not considered to outweigh the potential impact of flooding on the future vulnerable users of the site and as such the scheme is recommended for refusal.

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

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

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

**Case Officer ARL for 11/02/2020 PROW Panel**

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS11	An Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT1	Location of Development
TI2	Vehicular Access

City Centre Action Plan - March 2015

AP 3	Safeguarding industrial sites
AP 4	The Port
AP 5	Supporting existing retail areas
AP 10	Supporting primary and secondary education facilities
AP 15	Flood resilience
AP 16	Design
AP 18	Transport and movement

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**1. Trip Impact**

The reduction in student figures will help but it would appear that there would still be some concern with regards to how all vehicles will be accommodated. It is predicted that 93 parents will arrive by car. The parking survey suggests there is around 45 spaces within the survey scope. There is mention of 26 spaces which can be made available on the existing site which can be operate a 'walking bus' scheme. However, it is not clear to how secure or robust this arrangement is or will need to be in order for this to be considered for the perpetuity of this development. Regardless, even with the 26 included, there will be still be some vehicles without available formal parking bays.

Therefore as a result, there will likely be a situation where ad-hoc parking (such as stopping on double yellow lines) will take place around the vicinity of the school. With regard to the proposed staggering times, although it may help to a degree, it will not make a material difference as from site observations of various schools, parents tend to arrive a considerable amount of time before pick up and rarely arrive right on time of school finish times.

**2. Parking**

No visitor parking is provided and therefore parents who arrive by car would have to rely on nearby parking bays and kerbside parking. These are fairly limited due to areas which allow vehicles to legally be parked. There are the two rows of parking bays on Chapel Road right by the site but only have a small offering. The industrial estate on Grenville Street have unrestricted parking but this is very popular and demand is quite high. The other areas such as south along Nelson Street and Paget Street have parking restrictions either in the form of resident bays or double yellow markings. This could lead to informal parking in the area which will not only impact on the amenity of the local residents and road users but it could lead to vehicles either obstructing the footway or carriageway during peak hours. The parking survey conducted shows some space within the area but most of these are restricted bays. Assuming the current suggested modal split trend, when the school is at full capacity, there could be 93 cars arriving to the site looking for a parking space. There are concerns to how these cars will be accommodated and will likely impact on traffic flow in the area.

**3. Highway Layout Proposal**

The proposed layout involves removal of parking bays which will have an impact on the amenity of current users of these bays especially for the retail units. The removal of the bay on the north side is due to the introduction of the school keep clear markings and the widening of the footway. It is suggested that the school markings can be time restricted so that it can allow for loading outside of school/restricted hours. A servicing management plan can then be secured to ensure servicing of the school do not coincide with school and also road traffic peak hours – as servicing on kerb side would obstruct the East bound lane.

The widening of the footways are welcome to allow for a larger congregation area as well as wider usable footways and crossing points. Although care needs to be taken to the width of the carriageway.

**4. Junction Modelling**

The results do show that the development will not generate a significant impact to the junctions of concern. There is one junction which does currently struggle

with capacity (Central bridge/Albert Road North junction) and although the TA does state that it's a small impact as the percentage increase is relatively low (2%), the cumulative impact on this junction is considered significant as it is over capacity. It will be noted that the any mitigation would be of a scale relevant to the development. Therefore 'some contributions' towards mitigating the impact of this junction would mean the impact on these junctions be considered acceptable.

5. **Railway Crossing**

The proposed school site is adjacent to a railway crossing on Chapel Road within a city centre location. There are concerns with the proximity of the railway line and the interaction between it and children. The rail line is currently used as a freight line which is not in frequent use but as the TA has suggested, there is no guarantee or control that the services won't change or increase in the future. The TA mentions that Network Rail has been contacted but no position has been given to where they stand. The crossing currently only have half barriers which deters vehicles crossing but not pedestrians and cyclists. For this reason, this crossing will need to be provided with full barriers and preferably with a skirt to prevent children going under. This will obviously need consent from network rail in order for it to be secured.

6. **Emergency Blue Route**

Chapel Road is part of the emergency blue route for St.Marys Stadium during events. This results in the road being closed prior to the event. Although the school would unlikely clash with football match days and times, some events could have an impact. The development itself will not impact on an existing access arrangement along this road but it is important for the applicant and operator to understand and are satisfied with this current arrangement.

7. **Summary**

The proposed development will generate additional trips which the initial impression is that they can be accommodated subject to various mitigation measures such as the introduction of a widen pavement. The lack of available parking would not result in a highway safety issue but an amenity issue.

Exception Test

This development is a new build development classified as 'more vulnerable' which is to be located within a present day flood zone 3. In line with paragraph 160 of the National Planning Policy Framework, and accompanying planning practice guidance, a development of this type should only be considered should it demonstrate that the Exception Test has been applied and passed. In order for the Exception Test to be passed it should be demonstrated that:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The Site Specific Flood Risk Assessment submitted identifies that the site is at risk from a flood event with a 0.5% Annual Exceedance Probability.

When considering whether the demonstration of how 'safe' the development will be over the lifetime, Planning Practice Guidance requires consideration to the following:

- the design of any flood defence infrastructure –It is noted that there are no formal raised flood defences within the vicinity of the site at present, therefore should a 0.5% AEP flood occur today, flood depths could reach 0.5m, rising to 1m by 2070 and 1.7m by the end of the design life in 2115.
- access and egress – this is required to be a route that remains dry, or if flooded does not exceed depths that are deemed to be hazardous to people on foot which is variable dependent on velocity (typically not greater than 0.25m). With this in mind, during a flood event there is not likely to be safe access or egress available, even for some flood events less than a present day 0.5% AEP. Small children in particular are at greater risk of harm from flood water of lower depths.
- design of development to manage and reduce flood risk wherever possible; It is noted that it is not practical to raise the finished floor levels above the existing site level (2.7mAOD) in order to maintain the flow between classrooms and the outside areas of the site. It is not possible to prevent water ingress into a building for flood depths above 0.6m due to the risk of structural damage, therefore water ingress is likely to occur presenting damage to the internal areas. It is proposed that a degree of resilience shall be incorporated including use of concrete floors and raising of electrical sockets, however this is still likely to result in disruption to the school whilst decontamination and drying takes place.
- flood warning and evacuation procedures - Proposals that are likely to increase the number of people living or working in areas of flood risk require particularly careful consideration, as they could increase the scale of any evacuation required. In this case the proposal introduces 290 children between the ages of 04-11, in addition to staff on site, therefore the scale of any evacuation required is likely to require significant involvement from the emergency services. The FRA submitted states that the procedure for flood events is to close the school should a warning be received prior to the school opening, with the school continuing to the end of the day if received during school hours. This increases the risk of site users having to remain on site where safe refuge is not considered to be adequate for the number of small children, or risking those moving to/from the site.

The proposal at present is likely to see damage to the building should a flood event occur given that the ground floor levels are set below the present day 0.5% AEP flood level that is applied to all proposals within flood risk areas.

In light of the above, it has not been demonstrated that part B of the Exception Test has not been met, therefore the objection to this proposal still stands on the grounds there may be a risk to the users on site, as well as those traveling to and from the site, both of which have the potential to increase the scale of evacuation required.

#### Reliance on Site Flood Plan

Whilst additional assurances have been provided stating that the site manager/head-teacher shall be signed up to receive flood warnings from the Environment Agency. Whilst the EA endeavours to provide adequate warning times, there is still a risk that these are not issued with adequate time, or not received or actioned by staff. This would create problems for the emergency services having to manage a large group of vulnerable people.

In future years flood risk to the site shall increase, therefore it is reasonable that issue of flood warnings will become more frequent. It would be expected that the school is evacuated on receipt of a warning, or not opened should a warning be issued before the school day starts. Given that this site is a school, this may not be appropriate for the users, however safety from flood risk must be considered.

#### Safe Refuge

There are upper floors within the building which could be used to move site occupants out of the immediate danger zone, however these lack facilities including supply of food and toilet facilities (the offsite drainage network could become overwhelmed resulting in internal flooding from the drainage onsite) which is essential when considering very young children on site for a period of anywhere between 2 to 6 hours.

Safe refuge on site shall not prevent people coming to the site to collect children, and may inadvertently put more people at risk.

#### Off Site Muster Point

It is proposed that a muster point shall be provided within the grounds of St Marys Church, approximately 200m to the west of the site. There are concerns regarding this including

The proposed site is just outside of the present day flood zones 2 and 3 however by 2075 and accounting for climate change and sea level rise (within the development life) the site is likely to be impacted by flood water on parts of the northern, eastern, southern and part of the western edges, with only one potentially suitable access route on St Marys Street from Northam Road.

With the muster point so close to the area of flood risk and so many children needing to be evacuated, this still poses the risk of bringing people (parents/guardians etc.) to the area that will be unsafe, or risking hindrance of evacuation procedures elsewhere within the flood zone due to movement of vehicles/traffic congestion.

Weather during a flood event is usually inclement - with an outdoor off-site muster point (shelter inside is unlikely to accommodate 290 pupils plus staff), young children may be expected to stand outside whilst parents/guardians arrive to collect. Whilst this is not a deciding factor for flood risk management, wellbeing of vulnerable people should be considered in decision making.

#### On-site drainage monitoring

As discussed with the developer, whilst the use of monitoring of the surface water manhole chambers on site, this technique is a very last resort to evacuation. Water rising or surcharging from the surface water network has been reported at other locations within Chapel Road (typically outside 31 Chapel Road).

Reliance on this type of warning would be a very last resort as may not be fully accurate - should drainage not become overwhelmed or tide locked it could create a 'missed warning' from overland tidal flows (which can rise quickly) making it too late to react.

#### SCC Emergency Planning

Colleagues from SCC Emergency Planning who would have to work with other agencies to deliver an emergency response to flooding have expressed concern regarding the locating of 290 young (vulnerable) children within a present day flood zone.

During a flood event, unless all site occupants are successfully removed from the site (and muster point) prior to any flooding occurring, there is a risk that the site will increase the burden on emergency services.

The comments above are in addition to those already provided with regards to the building and finished floor levels being set below the future flood level (see section 6.2 below). Should a flood occur, damage would be caused to the ground floor which includes both classrooms and kitchen facilities which would need to be restored prior to resuming use of the building.

Having reviewed all information supplied, the Flooding team are unable to remove the objection to this site on the grounds that the site does not demonstrate how it will be safe throughout the design life, taking into consideration the impact of climate change and sea level rise, and the vulnerability of the users on site.

1. The design of Hope Community school has been developed with consideration of the advice within the FRA Reports issued by expert flood risk consultants MLM and within the extensive site constraints of a small urban site bound by buildings on 2 edges, a railway and a road.
2. The FRA stated that due to tidal flooding *“where feasible, finished floor levels for ‘More Vulnerable’ uses to be raised above the extreme flood level with a minimum of 300mm allowance for freeboard. This would equate to the 4.26m AOD for this site (3.96m AOD + 300mm allowance for freeboard)”*.

The FRA acknowledged *“it is impractical to raise the internal ground floor levels to 4.26m AOD to meet general requirements. The ground raising would create significant access restrictions including restrictions for disabled occupants, Instead, it is recommended that where possible, ‘More Vulnerable’ uses of the school (i.e. classrooms) are placed on the 1st floor or above (with finished floor levels set as a minimum of 4.26m AOD). Additionally, it is recommended that an internal safe refuge is provided to accommodate all occupants of the site at 1st floor level or above. It is proposed to place ‘less vulnerable’ uses (i.e. office, kitchen, dining halls and plant rooms) at the ground floor, however, the aforementioned safe refuge would safely accommodate at times of flooding, all occupants of classrooms placed at the ground floor due to design constraints”*.

3. Taking the above into account, the design was developed as follows:
  1. All classrooms from Year 1 to 6 were placed on upper floors at +8.000, well above the extreme flooding level and provided safe refuge in line with FRA extract above
  2. The ground floor level was raised by 300mm as per FRA advice from +2.500 to +2.700 during the design process
1. Year R were kept on the ground floor because:
  - They require statutory free flow play inside to outside, in compliance with Department for Education area guidelines contained within BB103.
  - Pick up and drop off for Year R can require additional management with some children doing shorter days initially so easy and direct access to the ground floor is a real positive
  - In the event of a fire there are significant benefits to accommodating the hardest to evacuate age range on the ground floor where they can be evacuated quickly.
  - Putting Year R up to an upper level would increase the occupancy loadings on the stair towers – this would make them wider to comply with BS9999 for safe escape in the event of a fire, where this is little or no space to do so without potentially compromising other elements of the building and outdoor space.
4. The school required community use of the main hall – this has an occupancy for fire escape of 500 for purposes of B9999 compliance. A main hall above the

maximum flood level +4.26m AOD would result in a main hall approximately 1.76m above street level. Disabled access would rely solely on a lift as there is not space on site for a ramp of that length. Getting 500 people safely from that level with a site closely bounded by other buildings on 2 sides would require wide vertical and horizontal escape routes (approx 1.7m clear width) increasing the Gross Internal Area and making the building extremely inefficient against the Department for Education target areas for classrooms and other building areas.

5. Raising the whole building would be undesirable in planning terms as it was a key objective to make the main entrance as accessible to all as possible, off the pedestrian highway, with as much visibility as possible. In urban design terms, the building represents a sensible, workable and attractive solution for both access and appearance, which would be extremely hard to match if a redesign was required in order to raise floor levels. The footprint of the building does not offer scope for light wells or atria on this restricted site. Access for the school kitchen would be via lift only, additional external fire escapes may be required (but we would struggle to find any footprint for them).

4. The school will have a well-practiced fire-drill, which can be used in exactly the same way if a flood alert was to be received. We are prepared to submit a detailed flood evacuation plan, which could be provided in advance of committee or as a result of a condition.
5. We contend that the measures set out demonstrate that the development will be safe over its lifetime taking full account of the vulnerability of its users. The headmaster of the school, who is the person ultimately charged with the safety of the children in his care, is aware of the discussions being undertaken on the issue of flood risk and has communicated that he is content with the risk management procedures proposed.