

Planning and Rights of Way Panel

Tuesday, 24th October,
2017

at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Denness (Chair)
Councillor Savage (Vice-Chair)
Councillor Barnes-Andrews
Councillor Claisse
Councillor Hecks
Councillor Murphy
Councillor Wilkinson

Contacts

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

PUBLIC REPRESENTATIONS

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

SMOKING POLICY – The Council operates a no-smoking policy in all civic buildings

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

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FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2017/18

2017	
20 June	3 October
11 July	24 October
1 August	14 November
22 August	5 December
12 September	

2018	
9 January	13 March
30 January	3 April
20 February	24 April

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meetings held 3 October 2017 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 17/01345/R3CFL - SPRINGWELL SCHOOL HINKLER ROAD

(Pages 11 - 42)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 17/00127/FUL - 63 VIOLET ROAD

(Pages 43 - 52)

Report of the Service Lead, Planning, Infrastructure and Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 17/01551/FUL - WEST QUAY PUBLIC PLAZA

(Pages 53 - 64)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 3 OCTOBER 2017

Present: Councillors Denness (Chair), Savage (Vice-Chair), Barnes-Andrews, Claisse, Hecks, Murphy and Wilkinson

29. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 22 August 2017 be approved and signed as a correct record.

30. **PLANNING APPLICATION - 17/00853/FUL - FORMER LOCAL HOUSING OFFICE SITE PORTSMOUTH ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a 3-storey building including basement for use as fast food restaurant with drive thru, landscaping, parking, cycle storage and associated works, following demolition of existing building.

Duncan Gibbs, Dr Paul Spencer (local residents/ objecting) Councillors Houghton and Lewzey (Peartree ward councillors objecting) and Councillors Payne and Hammond (Woolston ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Concern was raised in regard a number to anti-social behaviour, litter and potential for increased traffic congestion and air pollution. Upon being put to the vote the recommendation was lost.

A further motion to refuse to delegate approval to the Service Lead: Planning, Infrastructure and Development for the reasons set out below was then proposed by Councillor Denness and seconded by Councillor Hecks.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

1. Crime, Safety and Security

The proposed restaurant/drive thru by reason of its location, within a mixed-use area in close proximity to residential neighbours, and the proposed late night/early morning use will lead to noise, disturbance, anti-social behaviour and other associated crime (public order incidents and assaults) stemming from poor design in terms securing boundary treatment and play space

during operational hours as evidenced by Hampshire Constabulary's formal objection to the planning application. Insufficient information has been submitted as part of the application to demonstrate that on-site management will be able to prevent the aforementioned issues and the Council does not consider that the conditions suggested by Hampshire Constabulary will sufficiently mitigate against the harm caused in this instance. As such the proposal has been assessed as contrary to 'saved' policies SDP1(i), SDP10 and RE17 (i), (ii) and (iv) from the Amended Local Plan Review (2015) and policy CS13(10) of the adopted LDF Amended Core Strategy (2015) as supported by paragraph 69 the National Planning Policy Framework (2012).

2. Overdevelopment of the site and Impact on Character

Due to the proposed building's footprint, layout and associated operational activity the application has been assessed as an overdevelopment of the site that would result in the loss of the existing mature boundary trees on site without adequate replacement demonstrated thereby significantly harming the character of the area, which is currently characterised by these mature trees. Therefore the scheme is deemed contrary to 'saved' policies SDP1(i), SDP7 and SDP12 of the Amended Local Plan Review (2015) and policies CS13 and CS22 of the adopted LDF Amended Core Strategy (2015).

3. Air Quality

The applicant has failed to demonstrate that the increase in trips to and from the site will not contribute further to air quality problems within the vicinity of the site due to the increase in congestion that will occur, in addition to that already experienced at the toll bridge, particularly at peak times, and caused by queuing at the drive through associated with the proposed use of the site. The anticipated reduction in air quality would adversely affect the users of the proposed site and its play area, and nearby residential properties. The situation is heightened further by the removal of many of the existing trees on site without an agreed planting mitigation strategy. As such the proposal is contrary to 'saved' policies SDP1(i), SDP12 and SDP15 of the Amended Local Plan Review (2015) and policies CS13, CS18, CS20 and CS22 of the adopted LDF Amended Core Strategy (2015).

4. 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:-

- a. 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);

- b. 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;
- c. In the absence of Submission and implementation of a Staff Travel Plan.
- d. In the absence of a mechanism for securing the submission and implementation of a Servicing and Waste Management Plan.
- e. In the absence of a mechanism for securing the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- f. Off site contributions to mitigate the loss of trees on 2 for 1 basis where it is considered necessary to provide off site replacements due to site constraints on available space for planting. This would be assessed following the submission of a tree replacement plan. These contributions are as required by saved policies SDP1, SDP12 of the Local Plan Review (2015) and CS22 of the Core Strategy (2015) as supported by the relevant paragraphs of section 4.8 of the Residential Design Guide SPD (2006).xii.
- g. In the absence of a mechanism for securing the submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses;

31. **PLANNING APPLICATION - 17/01260/NMA - VACANT SITE WEST OF M271 TEST LANE**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Non Material Amendment sought to planning permission ref: 14/01911/FUL to amend the number of dock loaders on unit 3 from 7 to 18 (18 as originally approved ref: 14/01911/FUL) and to include concrete frames on units 1, 2 and 3

Denise Wyatt, Mr Smith (local residents objecting), Mr Thomas (agent), and Councillor Pope (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission
FOR: Councillors Denness, Barnes-Andrews,
Claisse, Hecks, Murphy and Savage
AGAINST: Councillor Wilkinson

RESOLVED that the Panel confirmed that there was no object to the Non Material Amendment and conditional approved the changes.

32. **PLANNING APPLICATION - 17/00713/FUL - LAND TO THE REAR OF 111 ROWNHAMS ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a two storey detached 3 bedroom dwelling with associated parking, cycle and refuse storage and access from Dolton Road.

Councillor Pope (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported amendments were required to any number of conditions. The Panel requested that access to the garden at the rear be included within the boundary condition.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RESOLVED that the Panel:

- (i) Delegate to the Service Lead – Planning, Infrastructure & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure:
 - a. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (ii) That the Service Lead – Planning, Infrastructure & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (iii) 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 Service Lead – Planning, Infrastructure & Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 111 or Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

AMENDED CONDITIONS

07. Boundary Treatment

Before the first occupation of the development hereby approved, the boundary treatment for the site and other means of enclosure shall be erected in accordance with the approved plans. This shall include the provision of a secure gated route to the rear of 111 Rownhams Road and the insertion of a secured gate to allow side access to the rear garden of the dwelling. The means of enclosures details shall thereafter be retained and maintained as approved.

REASON: In the interests of the visual amenities of the area, highways safety, and to protect the amenities and privacy of the occupiers of adjoining property.

10. Refuse & Recycling

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans and shall thereafter be maintained and retained. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored outside the approved store for the dwelling and the bins serving the flat and commercial unit shall not be kept within the gated route to the rear of 111 Rownhams Road or the frontage of Dolton Road.

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.

19. Parking

The parking, access, and pedestrian sightlines (including the lowering of the existing close boarded fence to 600mm on the southern boundary) shall be provided in accordance with the plans before the development first comes into occupation and thereafter retained as approved.

REASON: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 24th October 2017 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	MP	DEL	15	17/01345/R3CFL Springwell School
6	JF	CAP	5	17/00127/FUL 63 Violet Road
7	AG	DEL	15	17/01551/FUL West Quay Public Plaza

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

MP – Mat Pidgeon

JF – John Fanning

AG – Andy Gregory

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Planning and Rights of Way Panel 24th November 2017
Planning Application Report of the Service Lead Infrastructure, Planning and Development

Application address: Springwell School, Hinkler Road			
Proposed development: Construction of a single-storey and a two-storey extension to the Springwell School Phase 1 Development, with associated external works, the formation of a car park and multi-use games area and a new site egress onto Hinkler Road and include amendment to Condition 33 of Application 15/02412/R3CFL resulting in the reduction of total car parking from 115 to 94 spaces.			
Application number	17/01345/R3CFL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	06/11/2017	Ward	Bitterne
Reason for Panel Referral:	Departure from the Development Plan (loss of public open space) with wider public interest.	Ward Councillors	Cllr Murphy Cllr Jordan Cllr Letts

Applicant: Southampton City Council	Agent: Southampton City Council
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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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Community Infrastructure Levy Liable	No
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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. Overall, the exceptional educational need and positive regenerative opportunities associated with the development and its 'proposed dual use' are considered to outweigh the dis-benefit of the loss of public open space or gaining support from Sport England. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and 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, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP19, SDP22, NE4 and CLT3 of the City of Southampton Local Plan Review (Amended 2015) and CS11, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached

- 1 Development Plan Policies
- 2 Panel Minutes (Planning and Rights of Way Panel 12th April 2016)

Recommendation in full:

1. Subject to the receipt of an on-site public open space retention phasing plan (to include means of enclosure) refer the application to the National Planning Casework Unit (NCPU) in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 following objection from Sport England
2. In the event that the NPCU confirm that the Secretary of State does not wish to 'call in' the application and that the matter can be determined by the Local Planning Authority then delegate to the Service Lead Infrastructure, Planning and Development to grant planning permission subject to the completion of an Internal Undertaking to secure the following planning obligations:
 - 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. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer
 - iii. The submission, approval and implementation of a Carbon Management Plan setting out how 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. Open Space and Playing Field Loss Mitigation in line with policy CLT3 of the City of Southampton Local Plan Review (as amended 2015), policy CS21 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - v. 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).
 - vi. Submission and implementation within a specified timescale of a Travel Plan;
 - vii. Secure the Community Use Agreement; and,
 - viii. The design, landscaping and formation of a green corridor and permissive route linking Hinkler Road with Byron Road and Donkey Common as shown on the proposals plan. The delivery of this corridor to be linked to the first occupation of any development.
3. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the above requirements and/or conditions as necessary and refuse planning permission in the event that an undertaking is not forthcoming within a reasonable timeframe.

Background

This type of application is known as a 'Regulation 3' application and relates to proposals made by the Local Authority for development that it wishes to undertake as part of its remit as a public sector service provider

Pupil intake at Springwell School has been rising in recent years and there has been, and continues to be, pressure on numbers in the reception year. The school has taken additional pupils since September 2012

An initial public consultation was held following publication of the School Organisation Plan towards the end of 2014, which concluded with Council's Cabinet approving the recommendations for expansion in March 2015.

An option appraisal study was initially commissioned by the Council's Education Team in April 2015 to investigate the options for expanding Springwell Special educational needs. This included options for expanding the school on its current site and an alternative site (former Eastpoint centre) which has since become unavailable.

Phase 1 was supported by the Planning and Rights of Way Panel 12th April 2016 and subsequently planning permission was granted 1st August 2016. The Planning and Rights of Way Panel are being asked to consider phase 2 of the Springwell School expansion project.

During the April 2016 meeting an outline permission for Phase 2 was also considered. The Planning and Rights of Way Panel however choose to defer this part of the scheme as the Panel were concerned by the amount of public open space that was proposed to be lost as a consequence of the development. The

revised scheme, which is the subject of this full planning application, has sought to address this concern. The report below includes written justification by the School which aims to identify the importance of open space for use by the pupils. In addition it is important to note that there has been an increase in the amount of public open space offered/retained that will remain available for the public as a consequence of the development.

In support of the Application the School and the Council's Education department have prepared the following statement:

"Springwell School is a Primary School for children aged 4 to 11 years with complex learning difficulties. Pupils attending the school have severe and complex learning difficulties and many have associated disabilities such as autism, speech and language disorders and challenging behaviour.

Springwell provides pupils with the skills and confidence to become as independent as possible in school at home and in the wider community. The school encourages all pupils to positively engage with the world around them and inspires pupils to succeed beyond expectations.

Springwell was built in 2007 as a sixty place school. Due to increased demand for places, the school was required to expand and during 2017/18 there are one-hundred and sixty pupils on roll. The school is currently undergoing a significant programme of works in order to provide additional essential places for one-hundred and ninety-two pupils. Ofsted has rated the provision made by Springwell as Outstanding in the last inspection in July 2017 and the previous two inspections in March 2013 and July 2010.

As new buildings and facilities have been built on site during the past five years, the space available for play and outdoor learning has reduced.

The impact of this is significant as the use of outdoor space is critical for pupils. Classroom based lessons at the school are highly structured and the provision of effective outdoor space is critical for pupils in providing an essential outlet through play as part of the curriculum. Due to their severe and complex needs, pupils at the school require and receive individual, tailored approaches to their learning across all formal structured times.

During play times therefore, pupils need sufficient outdoor space to express themselves and learn about the world around them on an individual basis, unlike mainstream schools where pupils often gather together at these times. In this respect the outdoor play areas and spaces at the school form an integral part of the learning experience and are not designed or intended for structured team games.

Whilst the school fully understand the need to maintain open public spaces the loss of critical outdoor space would have a detrimental impact on the learning environment, the quality of learning for pupils at the school and their relationships with their peers.

The school kindly ask the panel to take this into consideration in determining the planning application for Phase 2 of the works at the school.

Prior to Phase 1 the school comprised of 10 classrooms providing education for 80 pupils. In addition a modular building has been used to accommodate a further 2 classroom with 8 children in that room. The

school employed 125 staff and had 56 car parking spaces on site. Construction of phase1 started in August 2016 and it was occupied in August 2017.

Phase 1 of the expansion has resulted in a new learning and teaching block with a net gain of some 930sq.m of additional floorspace within a single storey building. The building is comprised of six new class rooms which include outside teaching space, along with a school hall, associated hygiene facilities, a staff room, reception, dining/activity space and a therapy room. The Phase 1 development allows the total number of pupils at the school.

To increase from 80 to 128 (net gain of 40) and staff from 125 to 161 (net gain of 36). The proposal also included the addition of a ramped access from the original school up to the new building along with minor alterations to the means of enclosure between the two.

As the application has received an objection from Sport England it will, if supported, need to be referred to the National Planning Casework Unit before planning permission can be issued and could be 'called in' for further scrutiny by the Secretary of State. This was also the case with Phase 1"

1 The site and its context

- 1.1 The site is in educational use and is located in the east side of Southampton approximately 4.5 miles from the city centre.
- 1.2 Springwell School occupies a site which is located on a corner between Hinkler Road and Bursledon Road. To the south east the site is bordered by, and accessed from, Hinkler Road; and to the north west the site borders Donkey Common. The site of the proposed school expansion is located directly to the north east of the existing school. Prior to phase 1 the site's external space was grassed and part of it had been set out as a playing field. The site was open for the public to access and dog walking was a popular use of the site. Construction of phase 1 of the expansion has resulted in a large portion of the former open space being occupied by development. There is a public right of way that runs across the northern part of the site, which is formed by a formal concrete footpath. The footpath links Donkey Common with the residential development of Bryron Road that forms the north east boundary of the site.
- 1.3 The boundary of the site with Hinkler Road, and to the residential properties to the north east, is dominated by mature trees and shrubs. To the north west the boundary of the site with Donkey Common is formed by a woodland strip dominated by large mature trees. The trees within the site boundary and Donkey Common are for the purposes of planning control afforded the same protection as trees covered by Tree Preservation Orders because both sites are owned by Southampton City Council. The boundaries of the two schools with the proposed site are mostly formed by weldmesh fencing to a height of 2m.
- 1.4 Between the existing Springwell School site (to the south west) and the adjacent site, which is the subject of the phased expansion there is a steep change in levels. The site itself that is the subject of the phased development also includes a change of levels although it is less severe than the change between the existing school and the location of the new school buildings.

2 Proposal

- 2.1 Phase 2 of the school expansion would result in an additional 2270sq.m of floor space.
- 2.2 8 new class rooms with associated hygiene and WC facilities are proposed to be accommodated by Phase 2. There will also be specialist teaching spaces for art, food technology and information technology, a soft play room, sensory room, food technology room, dining, kitchen and hall spaces, school reception, staffrooms and Multi Use Games Area (MUGA). Provision has also been made for external play areas and external teaching spaces. In addition the public areas of the site and site boundaries will be improved. During Phase 2 the school hall (formed during Phase 1) will be converted to two classrooms with associated hygiene facilities. A new school hall will be constructed within the Phase 2 development.
- 2.3 With Phase 2 of the development an additional 40 class based staff and approximately 20 support, site and ancillary staff will attend the site. Phase 2 will also result in an additional 80 pupils being able to attend the site within the 10 new classrooms. The occupation of the additional classrooms is proposed to increase by 2no classrooms per year until it reaches full capacity in 2021.
- 2.4 Phase 2 of the development will also change the road layout within the site with the aim of improving the flow of traffic though the site thus reducing congestion caused by traffic backing up from the access/exit during peak traffic hours. The layout change will result in separate vehicular access and exits to and from Hinkler Road. There will also be temporary parking spaces for parents to drop off and pick up their children in the form of stacking lanes, these will not be formal car parking spaces for the staff. The proposal also seeks changes to the approved Phase 1 car parking layout which will result in a reduction of the number of car parking spaces on site approved by Phase 1. The car parking spaces for staff on site will accordingly be reduced from 115 to 94.
- 2.5 The proposal identifies that the accommodation within Phase 2 will have the potential to be opened up for community use for children with special needs outside of the school day and this could include use of the outdoor games area, hall and health care rooms by local community and health groups. Further details regarding access to the school by the wider public will be arranged through the community use agreement required by the legal agreement.
- 2.6 The following table provides a breakdown of the changes in numbers of pupils, staff and car parking spaces that will result as a consequence of the two separate phases of the development:

	Prior to Phase 1 expansion	Existing (as a result of Phase 1 expansion)	Phase 2
Classrooms	10	16	22
Pupils	64	112	192
Staff	125	161	221
Car Parking Spaces	56	59 (+ 5 motorcycle bays)	94 (+ 5 motorcycle bays)

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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 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.
- 3.4 The application site is not allocated in the current development plan, although the existing public open space is designated under Local Plan Policy CLT3. Core Strategy Policy CS21 supports Policy CLT3 and seeks to protect existing playing fields from inappropriate development. A presumption of no net loss of open space now exists and this application has been assessed as being a departure from the development plan on this basis.
- 3.5 LDF Core Strategy Policy CS11 supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours.
- 3.6 The City Council’s Planning Policy Team recognise the strong national and local policy position for maintaining, protecting and providing for replacement open space and that proposals to develop open space will not normally be permitted. It also highlights the importance of providing additional school places, for which there is an acute need in Southampton. Therefore in this instance, the merits of the proposed expansion of Springwell School which caters for those with complex learning difficulties is considered to override the continued protection of the existing open space which would otherwise be protected. This view is further strengthened by Paragraph 72 of the NPPF and the Government’s Policy Statement – Planning for Schools Development.

4 Relevant Planning History

- 4.1 On the 6th January 2006 planning permission was granted for the erection of a new school building on the site comprising of a single storey school building with new pedestrian and vehicular access and associated car parking (05/00260/R3CFL).
- 4.2 Planning history shows that the school has gained permission for two additional classroom buildings on the existing site since it was originally constructed. In September 2012 permission was granted for the installation of a temporary modular classroom building (12/01107/R3CFL) and in February 2013 permission was again granted for another single storey classroom building.
- 4.3 In February 2013 an extension to the front of the school was approved. The extension has improved the school's reception and has provided a new meeting room for staff.
- 4.4 Phase 1 (15/02412/R3CFL) was supported by the Planning and Rights of Way Panel 12th April 2016 and subsequently planning permission was granted 1st August 2016. Outline permission (15/02444/OUT), which sought approval for

layout and access for Phase 2, was also considered by the Planning and Rights of Way Panel on the 12th April 2016. At the meeting the Panel choose to defer the item so that the applicant could investigate whether or not the amount of public open space that was proposed to be lost as a consequence of the development could be reduced for the benefit of the local community. Since the meeting the Outline permission has been withdrawn.

5 Consultation Responses and Notification Representations

5.1 The Council's Education Department undertook a public consultation exercise on proposals to expand Springwell School in advance of the submission of the planning applications 15/02412/R3CFL and 15/02444/OUT.

5.2 A public consultation meeting was also held by the school on 28 October 2015 following the distribution of information leaflets and invitations to residents in the immediate vicinity, local schools, churches and interested community organisations. The consultation meeting was also advertised through the school network.

5.3 Following the receipt of the planning applications a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (18.08.2017) and erecting site notices (11/08/2017)

5.4 At the time of writing the report 1 representation has been received from surrounding residents. The following is a summary of the points raised:

5.5 **Concern is raised with regard to the proposed position of the vehicular exit from the School which is thought to be directly opposite Carey Road.**

RESPONSE: It is noted that the exit would not be directly opposite Carey Road and through the Section 106 agreement site specific highways contributions will be sought with the aim of mitigating impact on the highway network.

Consultation Responses

5.6 **SCC Highways** - The proposed new exit point onto Hinkler Road is an advantage to emerging vehicles from the site as it is distanced from the traffic signals with Bursledon Road. Additional car parking will benefit staff and pupil drop off. It is appreciated that the children can travel reasonable distances in some instances, and also some have a need to be dropped as close to the school as possible.

5.7 Whilst the level of parking has been reduced there are no standards to follow for a school with such unique demands. The school have been actively involved in the scheme design and layout, and acknowledge the reduced level of parking, and will be actively working with their Travel Plan to encourage sustainable travel for staff. The initial development of the site required various mitigation measures via the Section 106 agreement to assist in dealing with concerns of near neighbours. The school manages a demanding arrival and departure process for the children, and the main car park layout accommodates for the queuing mini buses and taxis, and areas for children travelling with parents to wait. This has been improved with the latest car park layout, and is the reason why parking numbers have been reduced.

5.8 No objection subject to recommended conditions and Section 106 obligations.

5.9 **SCC Trees** No objection subject to recommended conditions - The position of the buildings proposed by Phase 2 will not affect any trees. The location of the roadways and parking do however have the potential to harm trees on the site boundary with Hinkler Road. Conditions are recommended to prevent harm to significant and visually prominent mature trees which have public amenity value.

- 5.10 **SCC Sustainability** – The proposal is for new education floorspace and is over 500 square metres. As such, the proposal needs to meet BREEAM Excellent under CS20. The submitted pre-assessment estimator shows that the required score and the minimum credits are all achievable. There is the overall potential for a score of ~84 which shows sufficient buffer in place should it be needed moving forward. In order to ensure that this standard is met when built out two conditions are recommended.
- 5.11 **SCC Flooding** - In principle the surface water drainage strategy is acceptable however further details on the sustainable drainage scheme will be required. No objection is raised subject to recommended condition.
- 5.12 **SCC Environmental Health (Pollution & Safety)** - Having originally requested an acoustic survey in relation to the MUGA and also asking for the MUGA to be sited further from neighbouring residential buildings, on reflection it has been confirmed that an acoustic report would not be necessary and that a management plan would be more appropriate to include any noise mitigation measures. Apply recommended conditions including the management plan for the MUGA as detailed in Section 6.5 of the Design and Access Statement.
- 5.13 **SCC Environmental Health (Contaminated Land)** - No objection subject to the recommended conditions.
- 5.14 **SCC Ecology** - No objection to the proposed development provided the measures detailed in the submitted Ecological Mitigation and Enhancement Plan, are implemented and the extent of green roof proposed is provided. Apply recommended conditions.
- 5.15 **SCC Early Years Learning** – No objection.
- 5.16 **SCC Open Spaces** – Holding objection.
The land in question was provided to mitigate the loss of open space upon which the current school buildings were built. It is listed as protected open space within the Local Plan and its loss would be contrary to Core Strategy policy CS 21. Loss of such land will reduce recreational capacity and place additional pressure on remaining open spaces. It is also likely to increase the quantity of mitigation required in respect of mitigating recreational impacts, arising from new housing development, on European sites within the New Forest. A holding objection is raised until additional information is provided.
- 5.17 **RESPONSE** – This is a central planning consideration to the planning application and is accordingly discussed in more detail below against the ongoing need for school expansion
- 5.18 **SCC City Design** - No objection.
- 5.19 **SCC Heritage and Conservation** - The 1940's aerial photographs of the area show extensive gravel workings on the site of the proposed development. These are likely to have destroyed any archaeological remains therefore no archaeological conditions are required.
- 5.20 **Sport England** – Objection. It is understood that the site forms part of, or constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

- 5.21 Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'
- 5.22 Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.
- 5.23 The proposed expansion of the school under 'Phase 2' of the development will lead to further loss of the playing field at the school site, caused by the 'Phase 1' development. The cumulative impact of the Phase 1 and 2 teaching blocks, combined with the proposed MUGA, will result in the loss of the entire playing field. Sport England notes that while the intention is for the MUGA to meet Sport England's technical design guidance on MUGAs, little information is provided on the detailed specification and construction of the MUGA. Sport England notes that the MUGA will be made available for community use outside of school hours, but without floodlights the use and access to the wider community is likely to be limited. The community benefits arising from the facility are therefore also likely to be limited.
- 5.24 Sport England has considered the proposal against our exceptions policies and the NPPF and consider that none are applicable in this case. In particular, our E5 policy states:
- "the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields."*
- 5.25 Sport England consider that given the amount of playing field that will be lost at the site as a result of the proposed development; the cumulative impact on the playing field from the school's phased redevelopment and the limited benefits of the proposed MUGA, our E5 policy does not apply.
- 5.26 In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.
- 5.27 Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.
- 5.28 **Southern Water** – no objection subject to recommended conditions and informatives.
- 5.29 **City of Southampton Society** –
- Why not divert/stop up the right of way? RESPONSE: The preference should always be to maintain public rights of way.
 - Risk of pedestrian/vehicular conflict due to revised parking and drop off/pick up layout. Minimal distance between road and drop off should be achieved. RESPONSE: The Highways Team support the design which seeks to create an efficient layout for parking and drop off purposes. No significant harm to pedestrian safety is anticipated.
 - School should stagger starting hours for staff and pupils. Management

condition suggested. RESPONSE: There is a travel plan associated with school that seeks to identify management methods of reducing highway impact.

- School buses should be used more to reduce the need for parents to arrive and depart from the site in private vehicles. RESPONSE: Some pupils do arrive by bus and the method of travel is encouraged.
- Sufficient roof slope to achieve runoff? RESPONSE: This is not a material planning consideration.

6 Planning Consideration Key Issues

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

- i. Principle of development (open space/education);
- ii. Open Space;- Amendements following Panel Deferral
- iii. Design & sustainability;
- iv. Residential amenity;
- v. Highways and parking;
- vi. Trees & ecology; and
- vii. Mitigation.

Principle of development (open space/education):

6.2 Springwell School caters for children with complex learning difficulties. The pupil numbers at the existing school currently exceeds the capacity of the main school buildings and demand for school places is set to increase in the future. The Development Plan for the City confirms that Southampton has an ambition to make sure that all young people have the opportunity of a good education. The assessment must therefore determine whether or not the principle of the development is acceptable given that the proposed site for the new school buildings will be upon land that is protected as existing open space under Saved Policy CLT 3 of the Amended Local Plan Review and which also previously had the potential to be used as a playing field; hence the objection from Sport England.

Open Space

6.3 The site subject to this planning application is protected as existing open space under Saved Policy CLT 3 of the Amended Local Plan Review. This states that development will not be permitted which would result in the loss of the areas of public and private open space listed in Appendix 5. The open space subject to this proposal is listed as Sholing Common in Appendix 5 although part of this was developed when Springwell School was built.

6.4 Core Strategy Policy CS 21 applies to the proposal whereby it is stated that the Council will retain the quantity and improve the quality and accessibility of the city's diverse and multi-functional open spaces.

6.5 It will again be important to consider the proposal against NPPF Paragraph 74 whereby it is stated that;

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable*

location; or

- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

- 6.6 Core Strategy Policy CS 11 states that the development of inspirational, high quality and related facilities which encourage community use of their facilities will be promoted. It is further noted in the policy background/justification text that the presumption to safeguard education establishments extends to development on playing fields which are protected under national policy.
- 6.7 It is noted from the Design and Access Statement that the pitch had not been in use as a playing field within 5 years prior to Phase 1 gaining support at planning panel. Letters were also provided by both Springwell School and Thornhill Primary School when Phase 1 was being considered as evidence to support this and the site was not fenced off for this use meaning that full public access was afforded across the land. Information has also previously been provided to demonstrate that there are no suitable alternative sites for accommodating the extension (e.g. the nearby Eastpoint Centre) now has permission for a residential scheme to support the existing building
- 6.8 As part of the planning application the applicant has (as part of Phase 2) proposed a Multi Use Games Area (MUGA) to provide an on-site sporting facility to mitigate the loss of the open space. The use of the MUGA will also form part of the community use agreement secured by the above recommendation. Provision of the MUGA and control through the community use agreement is however not sufficient to overcome the objection from the Open Spaces Team or Sport England. The Council seek to require further community use of school facilities to further offset the loss of the public open space within the internal undertaking (legal agreement).

Education

- 6.9 The proposal needs to be considered against Paragraph 72 of the NPPF whereby it is stated that:
- “The Government attaches great importance to ensuring 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:*
- *give great weight to the need to create, expand or alter schools; and*
 - *work with schools promoters to identify and resolve key planning issues before applications are submitted.”*
- 6.10 The Government Policy Statement – *Planning for Schools Development* also demonstrates the Government’s commitment to support the development of state-funded schools and their delivery through the planning system.

Principle of Development (conclusion)

- 6.11 In conclusion, clearly there is a fine balance between the need to protect existing open space/maintain no net loss against the acute need to provide for additional school places. When Phase 1 was considered it was judged that the need for the expansion of the school on this site was greater than the need to retain the public open space and the assessment had taken into account the comments made by the Council’s Planning Policy Team when considering the options appraisal carried out by the applicant.

- 6.12 The first stage of the option appraisal was to identify potential sites for a new school. This initial assessment identified two potential sites; the first being the area of land adjacent to Springwell School and the second being the old Eastpoint Centre site.
- 6.13 The conclusion of the options appraisal report confirmed that the old Eastpoint Centre site is not appropriate for two reasons: firstly the site is not available and secondly the site is not appropriate for the operational needs of the school.
- 6.14 The land adjacent to Springwell School was agreed to be the most viable because of the adjacency to the existing school, enabling the two buildings to operate as one Key Stage One building, and the other as a Key Stage Two building. The land is within the ownership of Southampton City Council Education Department. The location provides an education 'cluster' comprising primary school and Sure Start Centre.
- 6.15 The decision made by the Planning and Rights of Way Panel at the meeting held on the 12th April 2016 agreed to the principle of building on the adjacent public open space for Phase 1. Whilst the decision regarding Phase 2 was deferred the principle of building on public open space was not opposed. A copy of the Panel Minutes are attached at Appendix 2.

Open Space

- 6.16 At the Planning and Rights of Way Panel, in April 2016, the decision with regard to the outline planning permission for Phase 2 was deferred due to the amount of open space proposed to be lost and the removal of the informal route across the site from Hinkler Road through to Donkey Common. This planning application has sort to address the concern as far as can be practically achieved without compromising the operational requirements of the school.
- 6.17 As a result of the Panel's previous decision to defer the application for the proposal has been amended by reducing the amount of public open space required by the development. The public open space proposed at the time of Phase 1 totalled 1763sqm. This has now been increased by 475sqm which is an increase of 26.9%. In addition the formation of a 'green corridor' leading from Hinkler Road to Donkey Common and Byron Road has been formed which will be available for pedestrians to use. The corridor would replace the informal route across the playing field that existed prior to Phase 1 being constructed.
- 6.18 Further reduction of the open space made available for the children attending the school would harm the learning environment experienced by those pupils. Furthermore shared outdoor facilities whereby outside of school hours the open space could be used by local residents is not practical owing to the complex needs and behaviour of children at the school. This is also a material planning consideration.
- 6.19 There will also be financial contributions to improve the Shorburs Greenway involving improvements to the access to the eastern end at its junction with Bursledon Road, to include 1. Installation of steps near pedestrian junction of Bursledon Road and the retail park; 2. Extend the existing 1.5m wide hoggin path through the trees; 3. General improvements including tidying and clearing the area (including removal of old chain link fence); and 4. Additional planting of 4 no. pine trees; and, financial contributions to improve the quality of sporting facilities at Hinkler Green. This was agreed as part of the package of mitigation measures also agreed during the Phase 1 negotiations.

- 6.20 Whilst the Council's Open Spaces team and Sport England will not remove their objection owing to the principle of the loss of open space, from a planning perspective the mitigation offered and the increased open space retained is deemed to be a positive aspect of the development which helps offset the harm caused.

Design and Sustainability

- 6.21 The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. The teaching buildings of phase 2 will be mostly two storey and the footprint of the buildings, along with the space required for the MUGA will occupy a considerable amount of the site. The design of the Phase 2 buildings has been formed with the aim of maximising natural ventilation, natural lighting and seeks to allow freedom of movement between inside and outside spaces at ground floor level which is necessary to ensure that the educational environment for the children attending the school is optimised for maximum gain and minimal disturbance.
- 6.22 The proposed Phase 2 building design which will have a modern appearance including mon pitched roofs is acceptable in planning terms. The chosen palette of materials is supported and will be controlled by condition.
- 6.23 The adopted LDF Core Strategy Policy CS20 commits the Council to securing sustainable development. The applicant proposes to meet BREEAM 'Excellent'. The development will therefore be policy compliant; planning conditions are recommended to ensure that 'Excellent' is achieved.

Residential Amenity

- 6.24 The school undertook a public consultation exercise prior to the submission of the application in order to engage with the local community with the aim of preventing a large amount of objections to the proposal. The new buildings have been located centrally within the site to avoid any significant conflict with existing neighbouring properties in terms of privacy, shading and visual impact.
- 6.25 With the MUGA being provided as mitigation for the loss of the public open space it will be made available for the public outside of the school hours, this will be secured through the community use agreement as part of the Section 106 legal/undertaking agreement. Noise generated from users of the MUGA could affect occupiers of neighbouring residential properties. However, the control measures identified in the Design and Access Statement satisfy the concerns of the Environmental Health Team and as such noise from the MUGA is not considered to be a likely significant impact on neighbouring amenity. It is noted that the closest residential property is approximately 15m from the proposed MUGA. It should be noted that it is not the intension of the school to regularly use the MUGA for teaching or outdoor recreation/sports associated with the education of the children attending the school owing to their complex needs.
- 6.26 Noise impact can be managed by the school staff. Lighting can be managed by the addition of a planning condition. As such it is judged that no significant privacy and/or amenity issues will arise as a consequence of the development. The application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v).

Highways and Parking

- 6.27 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The level of proposed car parking should be governed by the Council's revised maximum parking standards (2011), which support a maximum number of 1.5 spaces per classroom for this area of accessibility. Phase 1 resulted in a total of 59 car parking spaces for 14 classrooms and phase 2 would result in 94 car parking spaces for a total of 24 classrooms and whilst this exceeds the guidance (by 58n spaces) the Highways Team have not objected to the proposed level of car parking. Officers also appreciate that the school has higher than normal staffing levels and therefore the proposed car parking levels are acceptable.
- 6.28 It makes sense to intensify educational use on this site that is at the heart of its local community, with good accessibility to the public transport network, encouraging healthier lifestyles by walking and cycling. The ongoing implementation of the Travel Plan will encourage the use of non-car modes and car sharing. The proposed expansion of this school is acceptable in highway safety terms.
- 6.29 An update to the school travel plan, which will include measures to reduce the likelihood of staff arriving by car and parents arriving and collecting children by car will be secured through the internal undertaking. Cycle parking will also be required through planning condition.
- 6.30 An investigation into the potential need for a traffic regulation order to make changes to parking restrictions around the site, and for yellow school markings to be provided at the new entrance point not already covered will be under taken and secured through the undertaking.
- 6.31 Highways safety will be protected by ensuring that the recommended planning conditions are added to secure appropriate sight lines where a new access into the site is formed.
- 6.32 The development seeks to reduce congestion on the local highway by providing more space on site for vehicles to manoeuvre. The amendments will also reduce pressure on the existing entrance to the site and the traffic light controlled junction of Hinkler Road and Bursledon Road by moving traffic exiting the site further to the east.

Trees

- 6.33 Planning conditions have been requested to ensure that no significant harm to large mature trees on the site will occur. 12 trees have been removed to form the access into the construction site for Phase 1. The access will later be formalised to form the vehicular exit following wider changes to the realignment of the existing car parking area. The trees will need to be replaced at a ratio of 2 for 1, this is specified in the landscaping condition relating to Phase1.
- 6.34 Relevant conditions will need to be applied to ensure that the development does not harm protected trees on site. There are no tree objections to the application.

Mitigation.

- 6.35 The recommendation for planning approval is dependent upon the applicants entering into an Internal Undertaking to secure appropriate mitigation to make the scheme acceptable.

- 6.36 As a means of mitigation the loss of the unofficial route through the site and the loss of public open space the Internal Undertaking will secure the formation of the permissive route and 'green corridor' linking Hinkler Road with Byron Road and Donkey Common as shown on the proposals plan, along with financial contributions to improve the Shorburs Greenway for recreational use by the public and improvements to the quality of sporting facilities at Hinkler Green.
- 6.37 The Internal Undertaking will also ensure that the site is capable of being used outside of School hours by the wider community through the community use agreement and contributions will be secured to ensure that the School travel plan is updated to encourage other forms of travel instead of private cars.
- 6.38 The proposed public realm improvements include provisions for highways improvements to assist pedestrian and cyclist safety and satisfy the site specific highway improvements for the scheme. The Undertaking will secure the final details of this proposal.
- 6.39 The Internal Undertaking will also secure the submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer, a Training & Employment Management Plan committing to adopting local labour and employment initiatives, and the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved.
- 6.40 With the above mitigation package the development is considered to comply with the Development Plan.

7 Summary

- 7.1 There is a significant need for the proposed new school buildings and Phase 2 will complete the extension works approved within Phase 1. All material planning considerations have been taken into account when assessing the merits of this planning application. Whilst it is regrettable that public open space will be lost, and Sport England object to the loss of the playing field (albeit redundant), it is considered that the scheme is acceptable due to the urgent requirements for additional school places of this nature in this location and given the community 'dual use' potential. Changes since the deferral include increasing the amount of public open space remaining for the public to use by 475sq.m which is a 26.9% increase and the formation of a 'green corridor' leading from Hinkler Road to Donkey Common and Byron Road.
- 7.2 Failure to deliver the project would represent the loss of an important opportunity for the City Council, the school and most importantly its pupils. This is a significant material consideration in this case.
- 7.3 The development is not policy compliant as it results in the loss of public open space and land that previously could be used as a sports pitch. However, for the reasons outlined in this report, the application is recommended for approval subject to the attached planning conditions and the successful completion of an internal undertaking.
- 7.4 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 negative impact regarding the loss of public open space which includes space that previously had

the potential to be used as a sports pitch.

8 Conclusion

- 8.1 The application is recommended favourably and delegation is needed to refer the application to the National Planning Casework Unit should the panel accept that permission can be granted.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d, 2b-d, 4f, 4vv, 6a, c, d, i, 7a, 8a, 9a-b

MP3 for 24/10/17 PROW Panel

PLANNING CONDITIONS

1.Full permission timing condition (Performance 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).

2.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.

3. Use Restriction (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the buildings shall only be used for educational purposes with ancillary facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To define the consent having regard to the need for classroom spaces across the city, level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

4. Operation restriction (Pre-Occupation Condition)

The school premises hereby approved shall be operated on a "dual use" basis in accordance with further details that shall be agreed in writing with the Local Planning Authority prior to first occupation. These details shall include the proposed hours of use, the on-site management of the community uses (including the Multi Use Games Area) and a pricing policy (if applicable). The site shall be closed and vacated of all persons enrolled

on educational courses or accessing the building through the community use agreement between the hours of 22:00 and 07:00 on a daily basis.

Reason: To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

5. Hours of work for Demolition / Clearance / Construction (Performance Condition)

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

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

Saturdays 09:30 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

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

6. Details of building materials to be used (Pre-External Elevations)

Notwithstanding the details shown on the approved drawings no works shall commence on the construction of the external elevations of the buildings hereby approved until a schedule of materials and finishes (including samples and full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

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.

7. Construction Plan (Performance Condition)

No work shall be carried out on site unless and until provision is available within the site, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development; and the parking of contractor's vehicles. Such provision shall be retained for these purposes throughout the period of work on the site. At no time shall contractors vehicles be parked or any material or equipment be stored or operated from the public highway or from/within the car park serving the existing school buildings

Reason: To protect the amenities of neighbours and the wider environment and to avoid congestion, reduce conflicts at the start and end of the school day and safeguard public safety in the local neighbourhood.

8. Construction environment management plan (Pre-Commencement Condition)

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

Reason: To protect the amenities of the occupiers of existing nearby properties and reduce congestion.

9 Wheel Cleaning Facilities [Performance Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

10. Tree survey plan (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice.

11. Tree Retention and Safeguarding (Pre-Commencement Condition)

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

12. No storage under tree canopy (Performance Condition)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

13. Arboricultural Method Statement (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measure
3. Specification for the construction of hard surfaces (road ways footpaths and car parking spaces) and retaining walls where they impinge on tree roots

4. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
5. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
6. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

In consultation with the Councils Tree Team where necessary the layout of the hard surfaced areas including access road, footpaths, car parking spaces and retaining walls will be amended to avoid harmful impact on trees.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

14. Arboricultural Protection Measures (Pre-Commencement Condition)

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

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

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

15. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance)
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

16. BREEAM Standards (Pre-Commencement Condition)

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

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

17. BREEAM Standards (Performance Condition)

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

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

18. Energy (Pre-Occupation Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 15%, over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason: To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

19. Sustainable Drainage (Pre-Commencement Condition).

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the

results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

20. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

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

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

21. Use of uncontaminated soils and fill (Performance Condition)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

22. Unsuspected Contamination (Performance Condition)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

23. External Equipment/Plant (Pre-Occupation Condition)

Notwithstanding the submitted plans hereby approved that show indicative external plant equipment there shall be no external plant, condenser/air conditioning units or similar equipment erected on the approved building without the prior written approval of the Local Planning Authority. These details shall include design and acoustic information to enable an assessment of the impact of the equipment to be undertaken. Any agreed external equipment shall be implemented and retained only in accordance with the approved details.

Reason: In the interests of visual and neighbour amenity.

24. Ecological mitigation statement implementation [Pre-Occupation Condition]

The development hereby approved shall not be occupied until and unless the programme of habitat and species mitigation and enhancement measures as detailed within the document listed below, and the extent of green roof (termed 'Meadow') shown on plan ref SSN SCC Z2 ZZ DR A 020 007 P0, dated 04/11/2016, is provided and fully implemented. Once implemented the development shall be carried out in accordance with the approved document in perpetuity. Evidence of implementation of the Ecological Mitigation and Enhancement Plan and therefore compliance with the condition shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

- Ecological Mitigation and Enhancement Plan, ECOSA, dated 29th June 2016.

Reason: In the interests of preserving and enhancing biodiversity.

25. Lighting (Pre-Occupation Condition)

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of any external lighting scheme. The installation must be maintained in accordance with the agreed written scheme.

Reason:

In the interests of protecting neighbouring residents and habitat from excessive lighting and in the interests of site security.

26. Cycle Parking (Additional) (Pre-Occupation Condition)

A further (minimum) 12 covered and secure cycle parking spaces shall be provided on site - in a location to be agreed with the LPA – prior to the first occupation of the building hereby approved. The approved cycle parking shall be retained as agreed.

Reason:

To encourage cycling as an alternative mode of travel to the private car.

27. Foul and surface water sewerage disposal (Pre-Commencement Condition).

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

28. Lockers & Showers (Pre-Occupation)

Linked to the requirements of the Travel Plan further details of shower facilities and secure lockers for use by staff/student cyclists shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the building hereby approved. The agreed showers and lockers shall be available prior to the first occupation of the building and retained thereafter.

Reason: To encourage cycling as an alternative mode of travel to the private car.

29. Refuse Management Plan (Pre-Occupation Condition)

Prior to the first occupation of the building hereby approved the applicant shall submit a 'Refuse and Servicing Management Plan' (RSMP) for approval by the LPA. The agreed RSMP shall include details of how the building, will be serviced. The approved RSMP shall be in place prior to the first use of the building hereby approved and implemented as agreed thereafter, unless otherwise agreed in writing by the LPA.

Reason: In the interests of highways safety, good planning and to ensure appropriate provision is made for refuse created by the development hereby approved.

30. Piling (Pre-Commencement Condition)

Before the development commences (excluding any demolition and initial site set up phase) details of any piling requirements for the building hereby approved (including a piling/foundation design and method statement as appropriate) shall be submitted to and agreed in writing by the Local Planning Authority. The construction phase shall be implemented in accordance with the agreed details.

Reason: In the interests of protecting nearby residents and users of the nearby public open space at Donkey Common.

31. Sightlines specification (Performance Condition)

Prior to the commencement of the development the sightlines approved under planning permission 15/02412/R3CFL (pre-commencement conditions) shall be provided on site. Following the commencement of the development and whilst the school buildings are occupied the approved sightlines must be maintained in perpetuity.

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

32. Car Parking and internal vehicular road. [Pre-Occupation Condition]

Prior to the occupation of the development the hereby approved car parking, road layout and new vehicular access from Hinkler Road shall be made available for use. Once provided the car parking, road layout and new vehicular access from Hinkler Road will be made available for use whilst the buildings are in use.

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

33. Multi Use Games Area (MUGA). [Pre-Occupation Condition]

Prior to the occupation of the development hereby approved the design, management, means of enclosure and lighting for the MUGA shall be submitted to and approved in writing by the Local Planning Authority. The occupation of the development shall not occur until the MUGA is constructed and managed in accordance with the agreed details and the MUGA will be used in accordance with the agreed details whilst the development hereby approved is occupied. The MUGA will also be operated in accordance with the control measures detailed in Section 6.5 of the Design and Access Statement, Ref: CS082943] Springwell Expansion C to L, dated, 31st July 2017.

Reason: To provide on-site mitigation for the proposed loss of playing field associated with the development approved.

34. Construction Traffic Arrival and Departure (Performance Condition)

Deliveries associated with the construction of the development hereby approved to the school shall not be between the hours of 8:00 - 09:00 and 14:30 - 15:30 Monday to Friday.

Reason: In the interests of reducing highways congestion during peak traffic hours at the beginning and end of the school day.

35. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

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POLICY CONTEXT

City of Southampton Local Plan Review – (March 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban design principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable energy
SDP16	Noise
SDP17	Lighting
SDP19	Public Safety Zone
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected Species
CLT3	Protection of Open Spaces
TI2	Vehicular access

City of Southampton Core Strategy - (January 2015)

CS11	An Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Government's Policy Statement – planning for schools development. (August 2011)

PLANNING AND RIGHTS OF WAY PANEL (EAST) - 12 April 2016

MINUTE NUMBER 59

Planning Applications - 15/02412/R3CFL and 15/02444/OUT - Springwell School

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

- a) 15/02412/R3CFL. Phase 1 expansion of Springwell School, erection of a single-storey school building.
- b) 15/02444/OUT. Phase 2 expansion of Springwell School consisting of two x two storey blocks and a multi-use games area (MUGA) providing additional teaching, health, sports and community facilities for children with special educational needs (Outline application seeking approval for layout and access - affects a public right of way).

Carey Ely, Adam Moniz, Graham Linecar (local residents/ objecting), Vanessa Orekan (Agent), Nigel Mullan (Applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the object raised by the planning ecologist had been removed subject to securing funding to displace the dog walking activity currently taking place on the site into the Shoreburs Greenway. However it was noted that The Open Spaces Team had not removed their objection to the application despite the mitigation measures proposed. As a result the recommendation needed to be altered to reflect this.

On being put to the vote the officer recommendation relating to Phase 1 of the development (Application Number 15/02412/R3CFL) was passed unanimously. Officers noted the concerns of residents living opposite the school and noted that the issues raised would be considered as part of the Traffic Regulation Order and that they would approach colleagues in the housing in regard to the provision of signing.

A separate vote on the officer recommendation relating to Phase 2 of the development (Application Number 15/02444/OUT) was lost unanimously. A further motion proposed by Councillor Hecks and seconded by Cllr Denness to defer decision on this item was passed unanimously.

RESOLVED

APPLICATION NUMBER 15/02444/OUT

- (i) that decision on Application Number 15/02444/OUT be deferred to a future meeting;

APPLICATION NUMBER 15/02412/R3C6FL

- (ii) to delegate to the Planning and Development Manager to grant planning permission(for application number 15/02412/R3C6FL) subject to amended recommendations, as set below, and the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendments to the S106, set out below.

AMENDED RECOMMENDATIONS

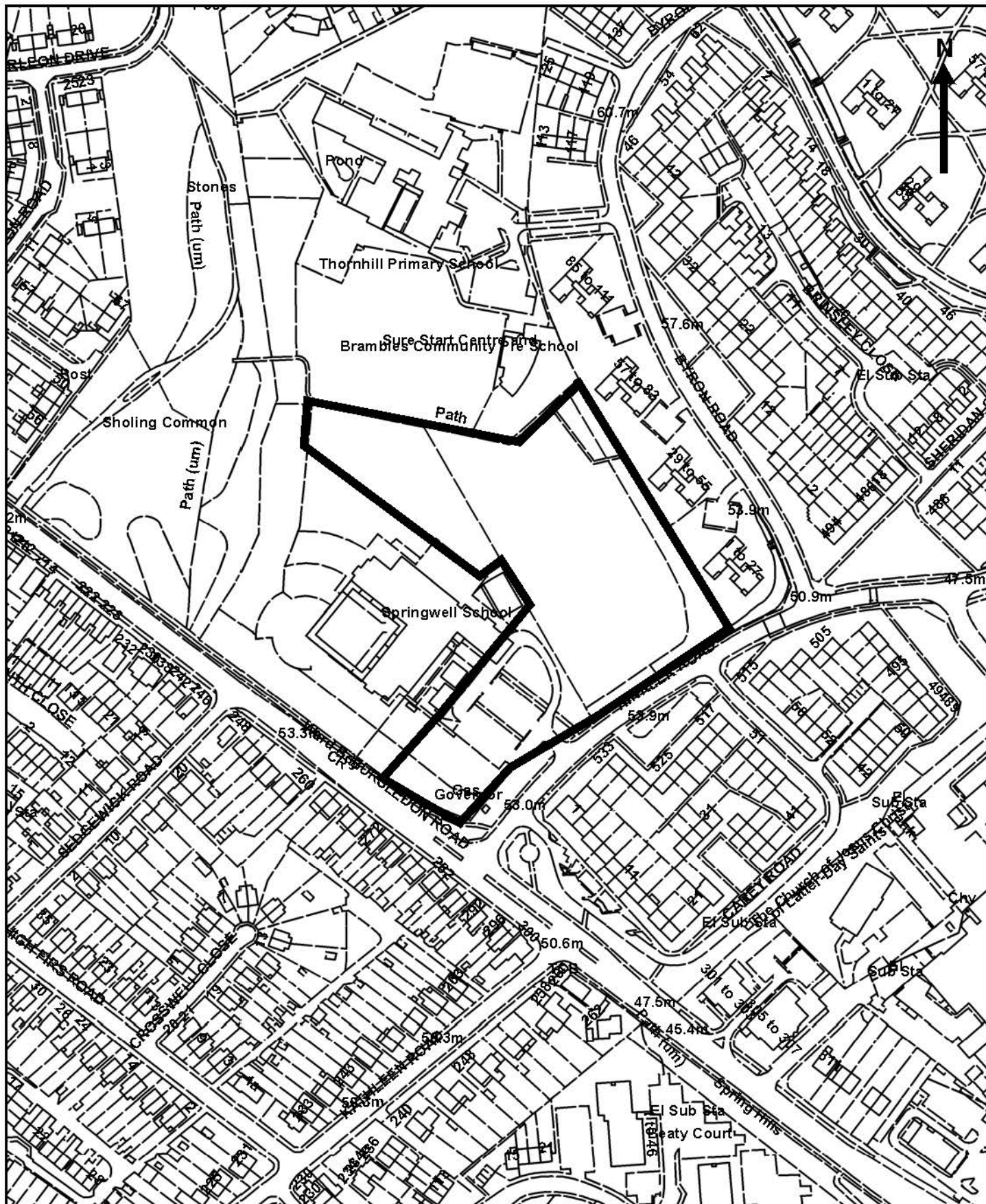
1. Subject to the receipt of an on-site public open space retention phasing plan (to include means of enclosure) refer the application to the National Planning Casework Unit (NCPU) in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 following objection from Sport England.
2. In the event that the National Planning Casework Unit (NPCU) confirm that the Secretary of State does not wish to 'call in' the application and that the matter can be determined by the Local Planning Authority then delegate to the Planning and Development Manager to grant planning permission for both 15/02412/R3CFL and 15/02444/OUT subject to the completion of a unilateral Undertaking to secure the following planning obligations:

AMENDED S106 OBLIGATIONS

- (iv) Open Space and Playing Field Loss Mitigation including provision of an onsite MUGA, onsite green corridor from Hinkler Road to Donkey Common, improvements to Shoreburs Greenway and improvements to Hinkler Green playing fields in line with policy CLT3 of the City of Southampton Local Plan Review (as amended 2015), policy CS21 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013)
- (viii) The design, landscaping and formation of a green corridor and permissive route linking Hinkler Road with Byron Road and Donkey Common. The delivery of this corridor to be linked to the first occupation of any development.

Agenda Item 5

17/01345/R3CFL



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Agenda Item 6

Planning and Rights of Way Panel 24/10/17
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: 63 Violet Road			
Proposed development: Erection of a 2 storey side extension and alterations to existing single storey extension (description amended)			
Application number	17/00127/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	01.02.2017	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides
Referred to Panel by:	Cllr B Harris	Reason:	Over development, out of character, reduced amenity space, impact on neighbouring properties

Applicant: Mr Allen Shepherd	Agent: Mr Jay Kumaraguru
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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 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, SDP5, SDP7, SDP9 of the City of Southampton Local Plan Review (Amended 2015), CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and BAS1, BAS4, BAS6 and BAS7 of the Bassett Neighbourhood Plan (2016) as supported by guidance in the Councils adopted Residential Design Guide (2006) and Houses in Multiple Occupation SDP (2016).

Appendix attached			
1	Development Plan Policies	2	Planning history

Recommendation in Full Conditionally approve

1.0 The site and its context

- 1.1 The application site forms one half of a pair of semi-detached dwellinghouses on the south western side of Violet Road. This property forms the end of a row of properties along Violet Road and so benefits from a side and rear garden.
- 1.2 The site is located within a predominantly residential area characterised by similar two storey pairs of semi-detached dwellinghouses. It is also in close proximity to Cantell School.
- 1.3 The application building presently appears to be occupied as a Class C4 HMO and the applicant has provided evidence that the building has been occupied as such since 2013. In order to be lawful a C4 use would have to demonstrate 4 years occupancy – as such it would appear that the Class C4 use of the dwelling is lawful in planning terms.

2.0 Proposal

- 2.1 The application proposes a two-storey side extension to the existing dwelling, with a width of 3m, and is set 0.9m back from the main frontage for a total depth of 7.3m level with the rear of the property. The extension utilises a hipped roof design to match the pitch of the host dwelling, with the main ridge line set 0.25m down from that of the original dwelling.
- 2.2 The development also includes a slight alteration to the design of an existing single storey extension, with an alteration resulting in a slightly reduction in height of part of the roof but the footprint and scale otherwise remaining the same.

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 There have been a number of applications on the site seeking to provide additional residential accommodation by the creation of additional

units/subdivision of the existing property but a number of these applications were withdrawn prior to their determination.

- 4.2 A recent application (15/02176/FUL) was refused on 29.02.2016 for 'Construction of a two storey side extension and external staircase to create 2 x two bedroom flats'. The application was refused for a number of issues (outlined more fully in **Appendix 2**). The current proposal has a significant number of differences with this previous proposal with a reduction in scale and intensity by reducing the width of the extension by 1m, removing the 3.5m two-storey extended element to the rear, removing the external staircase and no longer seeking to create separate units of accommodation.

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. At the time of writing the report **1** representation has been received from East Bassett Residents Association. A detailed response to the issues raised is given in section 6 below but the following is a summary of the points raised:

- Property is in use as a Class C4 HMO
- Previous applications have been refused
- Overdevelopment (out of character)
- Loss of amenity space
- Loss of parking

- 5.2 Cllr B Harris:

- Over development
- Out of character
- Reduced amenity space
- Impact on neighbouring properties

6.0 Planning Consideration

The key issues for consideration are:

- 1) Principle of Development
- 2) Design
- 3) Amenity
- 4) Response to objections

6.1 Principle of Development

The application proposes a two-storey extension to an existing dwelling. It has been brought to the Council's attention that the property is currently occupied as a Class C4 HMO. Having queried the issue with the applicant, they have advised that the property has historically been occupied as a Class C4 HMO and have provided evidence to that effect in the form of tenancy agreements. While a formal lawful development certificate has not been submitted, it is noted that the LPA does not currently have any evidence to suggest that the Class C4 use is not lawful. Regardless, the current application does not seek a change of use of the property, simply an extension to it. The application will be assessed on this basis. Any subsequent occupation or application for use of the property by more

than 6 tenants would need to be considered on its own merits at the time.

6.2 Design

The site is a semi-detached property which forms the end of the street scene within which it sits, with the property to the north-west (no. 65) set at a different angle and with a large visual gap between the properties. On this basis it is considered that there is some potential for an extension to offer closure to the street scene but the LPA must carefully consider the visual impact of the development as a result of this prominence. This is particularly relevant given the semi-detached nature of the property.

6.3 The proposed extension is two-storey in scale and utilises a hipped roof design to match that of the original dwelling. The extension is set back from the front of the property and as a result the ridgeline is set down from that of the original dwelling. While the extension is sizable in scale it is considered that the design integrates into the overall character and scale of the host dwelling in accordance with the Councils Residential Design Guide and the Bassett Neighbourhood Plan.

6.4 Amenity

It is noted that previous applications on the site for extensions have been refused both with reference to the scale and impact on neighbouring properties and loss of garden for the host dwelling. The overall scale of the extension has been reduced from previous applications and no longer extends to the rear. The property retains 74 sq. m of garden space (which complies with the guidance outlined in the RDG) and is set 2.7m off the boundary to the north-west at the closest point and 4.2m off the boundary at the furthest point. On this basis and taking into account the relative orientation and layout of properties, it is not felt that the proposal will have a harmful impact in terms of the creation of an overbearing or overshadowing form of development.

6.5 Response to objections

At present the property is lawfully occupied as a 3-bed HMO. As a result of the proposal the potential level of occupancy would increase, however it is noted that provided the property is not occupied as a sui generis HMO (7+ people) planning permission would not in itself be needed for this change. It is noted that some ad-hoc parking is currently available for the property to the front/side with 3 vehicles often being parking on the site frontage. In accordance with the HMO SPD, the maximum parking provision for the existing 3-bed HMO is 2 spaces, which would increase to 3 for a 4-6 bed HMO. Notwithstanding that the site still appears capable of accommodating parking in a similar fashion to the current arrangement, it is noted that in order to accord with SCC parking standards a maximum of two spaces can be situated to the front of the property. A condition is recommended to secure a parking layout in accordance with these details.

6.6 The surrounding area utilises a parking permit system. The property currently has an allowance for 2 parking permits which would remain the same regardless of the outcome of the current application. On this basis it is considered that the impacts associated with potential additional on-road parking are limited. As such it is not considered that the proposal would have a harmful impact in highways terms.

7.0 Summary

7.1 For the reasons outlined above it is considered that the proposal extension, while significant in scale, integrates into the overall design of the host dwelling and

local area while respecting the amenities of existing and proposed occupiers. The result will increase the intensity of the existing HMO use on the site but the application has not been submitted on the basis of a change of use and this does not in itself require planning permission.

8.0 Conclusion

8.1 The application is recommended for conditional 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)(f)(g), 3(f)(qq)(vv), 6(a)(b)

17/00127/FUL for 24/10/17 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. Parking (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved a parking layout plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be laid out in accordance with the agreed details prior to the first occupation of the development hereby approved and maintained as such thereafter.

Reason: In the interests of ensuring a safe development which does not have a harmful impact on highways safety.

04. 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.

Informative

Occupation of the property by more than 6 unrelated people is a material change of use. The Local Planning Authority should be contacted before any such use commences and planning permission sought.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS16 Housing Mix and Type

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

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Bassett Neighbourhood Plan (2016)

BAS1 New Development
BAS4 Character and Design
BAS6 Houses of Multiple Occupation
BAS7 Highways and Traffic

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)
HMO SPD (2016)

Other Relevant Guidance

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

Relevant Planning History

16/01075/FUL, Erection of a two storey side extension to create 2 x 1-bed flats
Withdrawn, 24.08.2016

15/02176/FUL, Construction of a two storey side extension and external staircase to
create 2 x two bedroom flats
Refused, 29.02.2016

REFUSAL REASON: LOSS OF A FAMILY HOME

The proposed scheme would result in the net loss of an existing dwelling capable of providing accommodation as a family unit (as defined by the LDF Core Strategy). The retained residential accommodation does not meet the specification of a family home as set out in policy CS16 (2) of the Core Strategy by failing to provide a genuine three bedroom unit with direct access to useable private amenity space of a sufficient size that could satisfactorily accommodate a family and, as such, reduces the opportunity for families to live in this part of the City. The proposal is therefore contrary to policies CS16 (2) of the adopted Local Development Framework Core Strategy Development Plan Document (Revised 2015); and saved policy SDP1 (i) of the adopted City of Southampton Local Plan Review (March 2015) and fails to contribute towards a mixed and balanced community as set out as good practice within the National Planning Policy Framework (NPPF - 2012)

REASON FOR REFUSAL - Overdevelopment

The level of site coverage (with buildings and hardstanding) and excessive density level which has been proposed is considered to be symptomatic of an overintensive use of the site, coupled to an overdevelopment of the site with buildings and hardstanding, which is out of character with the established pattern of development within Violet Road. As such the proposal is contrary to saved policies SDP1(i), SDP7(iii)/(iv), SDP9(i) and H2(iii)/(vii) of the City of Southampton Local Plan Review and Core Strategy policy CS5 and CS13 as supported by the guidance as set out in paragraph 3.2.4, 3.2.5 and 3.9.2 of the Council's approved Residential Design Guide SPD and policies BAS1, BAS3, BAS4 and BAS5 of the emerging Bassett Neighbourhood Plan (publication version) 2015.

REASON FOR REFUSAL: Inappropriate Design and Character

The proposed design would fail to establish a high quality, context sensitive development in this location. Specifically, this would be by reason of:

(a) The excessive scale and bulk of the two storey extension would result in an incongruous and overbearing form of development which would fail to achieve a subordinate relationship with the recipient dwelling and which would be at odds with the prevailing character of the surrounding area.

(b) The proposed external staircase would fail to relate sympathetically with the recipient property and may lead to amenity concerns in terms of overlooking and noise.

The proposed development would have a poor quality design which would be out of keeping with the character of the surrounding area. As such the development would be contrary to Policies SDP7 (ii),(iii) and (iv), SDP8 (i) and (v), SDP9 (i) and (iv) of the adopted City of Southampton Local Plan Review (March 2015); policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (Revised 2015); and paragraphs 2.3.1, 2.3.2, 2.3.7, 2.3.9, 2.5.8, 3.7.7, 3.7.8, 3.9.5, 3.10.2, 3.10.4, 3.10.5, 3.10.6 and 3.10.7 of the adopted Residential Design Guide SPD (September 2006).

REASON FOR REFUSAL - Poor Residential Environment

The layout of the development, due to its contrived arrangement, fails to provide an attractive and acceptable living environment for future occupiers. Specifically, this is by reason of:

(a) Insufficient privacy for the side facing window serving the bedroom within the ground floor unit due to its proximity to a side access.

(b) Insufficient privacy for the rear facing window serving the kitchen / living room within the ground floor unit due to its proximity to a shared amenity area to the rear.

(c) The provision of an unacceptable access to the first floor unit via an external staircase (see previous reason for refusal).

(d) The provision of an insufficient amount of high quality, private, usable external amenity space for occupiers of the ground and first floor unit and the retained 3 bed dwelling.

This proposal is therefore, contrary to policy CS13 of the adopted Core Strategy Partial Review (March 2015); saved policies SDP1(i)(iii), SDP16(ii), H5(iii) and H7(ix) of the adopted Amended Local Plan Review (March 2015); and paragraph 2.2.1, 4.4.1 and 4.4.3 of the adopted Residential Design Guide SPD (September 2006).

REASON FOR REFUSAL: Residential Amenity

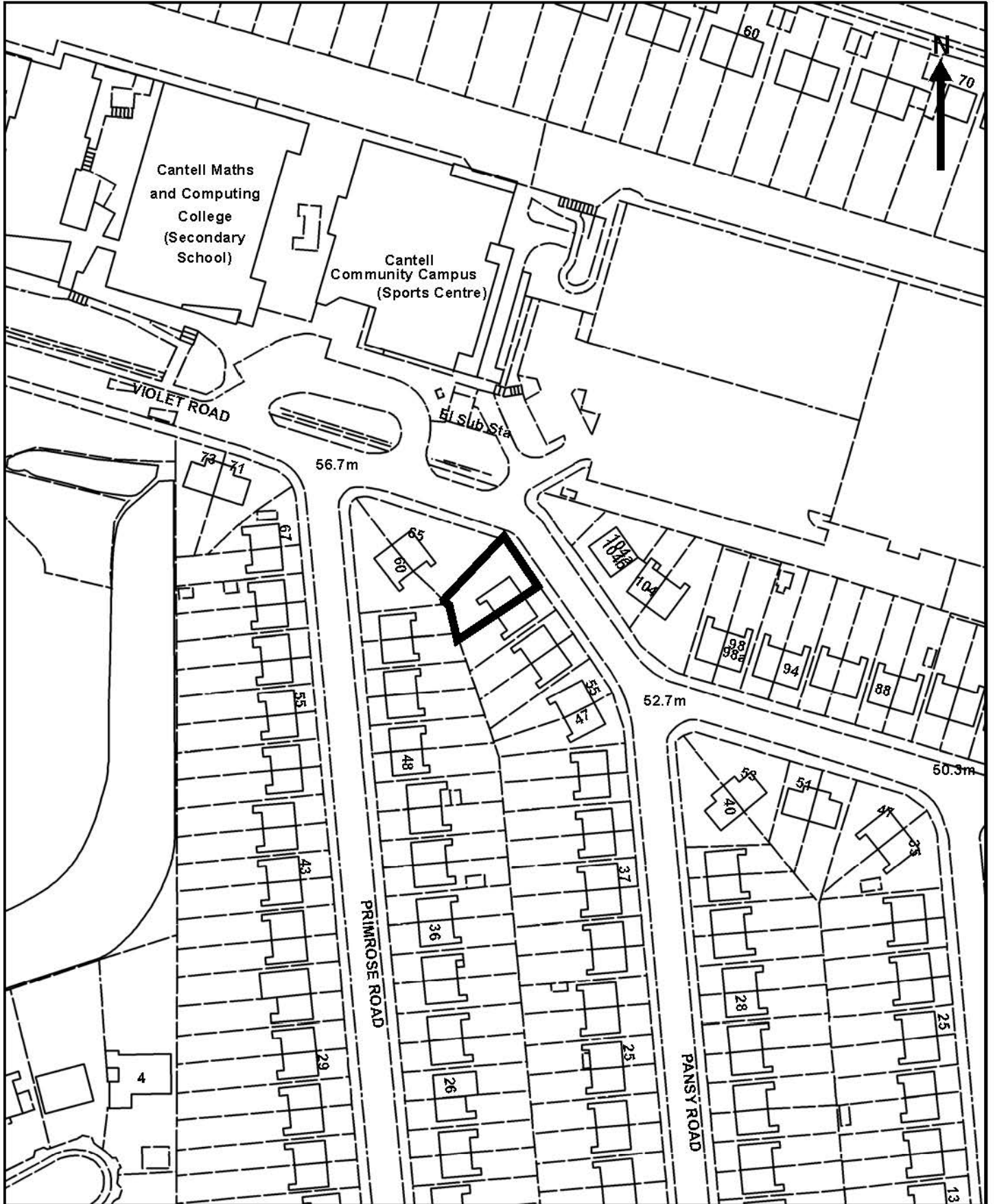
The excessive scale and bulk of the 2 storey extension built so close to the common boundary would have an overbearing impact and result in an increased sense of enclosure within the rear garden of no.65 Victoria Road. This proposal is therefore, contrary to policy CS13 of the adopted Core Strategy Partial Review (March 2015); saved policy SDP1(i) of the adopted Amended Local Plan Review (March 2015); and paragraph 2.2.1 of the adopted Residential Design Guide SPD (September 2006).

REASON FOR REFUSAL: Lack of SPA Mitigation

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted Core Strategy Partial Review (March 2015) as supported by the Habitats Regulations.

15/01542/FUL, A two storey extension to the side to provide two extra bedrooms, a study area and a self contained ground floor flat.

Withdrawn, 14.08.2015



Scale: 1:1,250

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Agenda Item 7

Planning and Rights of Way Panel 24.10.17 Planning Application Report of the Service Lead; Infrastructure, Planning and Development

Application address: Public Plaza, West Quay South			
Proposed development: Installation of temporary Christmas ice rink with ancillary food and drink uses, including the installation and removal of ancillary structures			
Application number	17/01551/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	06.12.17	Ward	Bargate
Reason for Panel Referral: To secure delegated authority to grant temporary planning permission following the close of the public consultation period to reduce the risk of delay to delivery of the ice rink.		Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey

Applicant: THIS Event Co Ltd	Agent: Barton Wilmore
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Temporary Planning Permission from November 2017 until January 2018

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact of the proposal on the adjacent scheduled Town Walls and nearby residential properties 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 Temporary Planning Permission until 9 January 2018 should therefore be granted.

Policies - SDP1, SDP4, SDP16 and REI7 of the City of Southampton Local Plan Review (March 2015) and CS3, CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (January 2015) and AP16, AP18 and AP25 of the City Centre Action Plan

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Service Lead to grant temporary planning permission following the close of the public consultation period on 27.10.17, subject to no new relevant planning considerations being raised if five or more objections are subsequently received.
2. That the Service Lead be given delegated powers to add, vary conditions as necessary.

Background

The proposal seeks temporary planning permission for a Christmas Ice Rink with ancillary food and drink uses for a temporary period from November to January. The application was received and made valid on 06.09.17 and has a determination target date of 06.12.17. However the applicants have requested that the application be expedited to allow the ice rink to commence in November as part of the build-up of festivities in the City Centre. Procedurally the earliest a delegated decision can be made is 30.10.17 following the close of the statutory public consultation period.

At the time of writing this report the application has received one third party objection which in itself does not trigger a Panel referral under the Council's scheme of delegation. However there is a risk of delay if 5 or more objections are received by the close of the consultation period on 27.10.17 which would trigger referral to the next Planning Panel on 14.11.17. Delayed determination of the application and installation of the Ice Rink until mid-November would delay delivery and could undermine the viability of the scheme.

Therefore it is requested that the Service Lead be given delegated powers to grant temporary planning permission following the close of the public consultation period on 27.10.17, subject to no new relevant planning considerations being raised.

1.0 The site and its context

- 1.1 The application site comprises the Public plaza between the historic town walls to the east and West Quay leisure and dining complex to the west. The Plaza has dual purpose as a public events space and area of open space and landscaping which has been designed to enhance the setting of the historic town walls to the south of Arundel Tower.
- 1.2 The plaza area provides a public route north-south which can be closed for public events because the area has been stopped up as public highway and is leased to the owners of West Quay Shopping Centre. A north-south public route will be maintained at all times at the higher level at the front of West Quay leisure and dining complex.
- 1.3 The nearest residential properties are located within Forest View to the south-east of the site (on top of the walls).

2.0 Proposal

- 2.1 The proposal comprises an outdoor ice rink, ancillary food and drink uses and supporting plant. The proposed outdoor ice rink has an area of 730sqm which is designed to fit within the plaza area. A marque is proposed to accommodate the supporting changing facilities. Ancillary food and drinking area will be housed within a single-storey timber enclosure with additional outdoor seating area. A small ticket kiosk is also proposed.
- 2.2 An exclusion zone, 2metres in width, is provided from the base of the historic town walls. The exclusion zone will be fenced at either end to prevent public access behind the ice rink and ancillary buildings in the interests of safety and security.
- 2.3 The outdoor ice rink and ancillary food and drink use is proposed to be staged for 7 weeks, beginning Saturday 11th November 2017 until Tuesday 2nd January 2018. The set-up would begin on Monday 30th October with a 7-day De-Rig starting Wednesday 3rd January with the event being fully off site on Wednesday 10th January 2018. The proposed opening hours are 10:00 – 23:00 every day with the last skate session finishing at 22:00.

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 The plaza area formed part of the outline approval ref 13/00464/OUT for the extension of West Quay Shopping Centre with the officer report stating:
“the plaza has been designed to cater for a number of different uses and events, this includes outdoor dining, outdoor events and leisure associated with the use of the scheme and the city centre.”
- 4.2 Condition 42 of application ref 13/00464/OUT required the submission of a management plan for the Plaza which was approved under application 14/01460/DIS. The 'City Plaza Management Plan' covers management and other arrangements for the holding of events etc in the public plaza. A committee has been formed with representatives from the Council and from Hammerson. The Council are entitled to hold up to 18 events per calendar year free of charge within the Plaza. The Section 106 agreement for application 13/00464/OUT allows Hammerson to hold non-public events in the plaza not exceeding 20 in any calendar year.
- 4.3 Temporary planning approvals were granted in 2011 and 2012 for a Christmas Ice Rink adjacent to the Bargate (references 11/01466/FUL and 12/01219/FUL) and in 2008 temporary planning approval was granted for an Ice rink in Guildhall Square (reference 08/00895/R3CFL).

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 (06.10.2017) and erecting a site notice (22.09.2017). At the time of writing this report [2] representations had been received: one from Cllr Noon (resident of nearby Forest View in support of the proposal; and one from a neighbouring resident of Forest View against the proposal. The following is a summary of the points raised:

Support - Great idea and will add further excitement's to the city centre experience.

Objection - Last Christmas Forest View residents were subject to noise and disturbance associated with the construction of the West Quay food and leisure complex. The proposed Ice Rink will lead to noise disturbance to nearby residents and instead should be located within Guildhall Square

Officer Response – Officers acknowledge that the ice rink as proposed will affect existing residential amenity and the panel need to determine the significance. No objection has been raised by the Council's Environmental Health Team who are in agreement with the noise control measures as set out within the supporting statement and Event Management Plan 2017 for SKATE Southampton. The proposal does not seek to operate during sensitive night time hours of 11pm-7am. Planning conditions are recommended to secure proposed noise control measures, hours of use and to restrict the temporary consent period to 7 weeks Furthermore any breach of the proposed noise control measures can be controlled under separate Environmental Health legislation.

The public plaza represents a viable city centre location for the operator because the ice rink will complement and provide linked trips with the surrounding retail and leisure uses.

Consultation Responses

- 5.2 **SCC Highways** - The applicant must consider general circulation unrelated to the ice rink. normally there is a viewing area for the public of the ice rink, and this viewing area must not obstruct the through passage of other pedestrians and wheelchair users.
- 5.3 **SCC Environmental Health** – No objection in principle. The potential noise has been considered and what appear to be appropriate controls have been determined.
- 5.4 **SCCTree Team** – no objections to the proposal from a tree perspective.
- 5.5 **Historic England** – Concerns Raised: The proposals for an ice rink adjacent to the Town Wall (a listed and scheduled nationally important heritage asset), would in their current form, cause harm to the significance of the scheduled monument, in particular through detracting from its aesthetic and architectural significance. Whilst Historic England appreciate that the ice rink is a temporary attraction, and entertainment is a significant part of Southampton's public offer, Historic England emphasise that the collective heritage assets of the Old Town are also important and many people visit this part of Southampton to appreciate and understand its historical significance. Historic England think it is important that any entertainment offer in this area enhances rather than detracts from the

significance of the Old Town and Walls, and that people visiting the town to appreciate its historical sites, buildings, and monuments during temporary entertainment events, do not have a compromised experience.

- 5.5.1 Historic England think that harm is greatest from the extension of the ice rink and chillers southwards around the dog leg of the walls, and from the addition of buildings adjacent to the Town Walls. Historic England would therefore encourage the Council to consider whether the overall area of the ice rink and its associated paraphernalia could be reduced and contained within the widest area of the plaza. Consideration could be given to whether the scale and number of buildings could be reduced, and whether a greater buffer can be created to allow better public access to the base of the town walls.

Officer Comment: - The comments from Historic England are noted and discussed in the considerations section of this report. These comments are also balanced with the comments of the Council's own Conservation Officer.

- 5.6 **SCC Conservation and Heritage** – No objection. The Walls are an outstanding historic asset in the City of Southampton and are directly affected by the proposed works to erect a temporary ice rink and associated structures in the near future.

- 5.6.1 The Walls are a Scheduled Ancient Monument and enjoy listed status. Fabric of such ancient date has clearly been subject to much restoration but the plan, foundations and numerous visible features above ground make a massive contribution to the significance of Southampton and its history. A landscaping scheme of recent date and the nearby construction of new buildings and their associated retail and entertainment facilities have been devised in such a way as to retain and to display the Walls to advantage.

- 5.6.2 As a result of this display the outer face of the Walls is clearly visible over a considerable length and the open area in front has been laid out in a manner to enable viewers from the nearby promenade to appreciate the whole architectural quality of the remains of the Walls. This open area represents the former 'glacis' (an area maintained without obstructions in front of Medieval fortifications or city boundary walls for the purposes of surveillance and even for the conduct of defensive military action) and this open quality now contributes to a high degree to the appreciation of the setting of the Walls.

- 5.6.3 The open area is partly to be covered by the proposed ice rink etc. and this would be detrimental to what is described above. In addition the buildings of the temporary supporting facilities will cover up part of the elevations of the Walls.

- 5.6.4 Such a proposal would not be acceptable if it was permanent. The reason would be that it is detrimental to the 'significance' of the historic asset. This would result in a Refusal for the proposals.

- 5.6.5 A balancing of detriment against benefits is now National Policy (see the NPPF esp. Section 12 paragraph. 132) where 'justification' is required.

- 5.6.6 In the circumstances set out in the proposals the social, economic and cultural benefits of the entertainment provided by the temporary ice rink may be used to balance against the undoubted detriment.

- 5.6.7 For these reasons the proposals are not opposed but the time limits need to be observed so that the Walls can be returned to their current state in good condition and without any resulting physical damage immediately after the festivities.

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Impact on the setting of the Town Walls;
- Impact on neighbouring amenities; and
- Impact on pedestrian circulation

6.2 Principle of Development

6.2.1 The City Centre Action Plan (CCAP) indicates that the site is located within the heart of the City quarter and Primary Shopping Area. The aim for this Quarter is the development of a modern, attractive and vibrant core to the city with the priority being the enhancement of the existing shopping area. Policy AP25 (a) of the CCAP indicates that leisure use is supported as part of the mixed use development at Watermark WestQuay. In this area development is required to respect and enhance the Town Walls and their setting to create a major civic square at the foot of the Town Walls.

6.2.2 The plaza area is consented to hold some public outdoor events as set out within The 'City Plaza Management Plan'. The Council are entitled to hold up to 18 events per calendar year free of charge within the Plaza. The Section 106 agreement for application 13/00464/OUT allows Hammerson to hold non-public events in the plaza not exceeding 20 days in any calendar year. Therefore planning permission is required because the proposed 7 week temporary period will exceed the existing limits within the S106 Agreement.

6.2.3 Therefore the proposed Christmas ice rink is considered acceptable in principle as an appropriate temporary leisure use for the public plaza. The ice rink represents seasonal entertainment that will enhance the vitality and viability of the city centre during this temporary 7 week period and will complement and provide linked trips with the surrounding retail and leisure uses. This proposed attraction will draw both the local community and visitors to the City Centre which will support the local economy, whilst allowing users to appreciate the walls close up.

6.3 Impact on the setting of the Town Walls

6.3.1 The Ice Rink, will only be operational for a limited temporary period of 7 weeks (11th November 2017 until Tuesday 2nd January 2018). The proposed development is considered to lead to less than substantial harm to the significance of the scheduled Town Walls and this harm (which will be temporary) should be weighed against the public benefits of the proposal as set out above, including securing its optimum viable use as per NPPF Paragraph 134.

6.3.2 The Westquay Public Plaza has always intended to be a location for public and private events which was recognised in the Officer's Report for Westquay Outlined Planning Application (13/00464/OUT) which states that "the plaza has been designed to cater for a number of different uses and events, this includes outdoor dining, outdoor events and leisure associated with the use of the scheme and the city centre."

6.3.3 Measures are proposed to include a heritage exclusion zone to safeguard the Town Walls over the course of the development and protective fencing is proposed during site set up and dismantling. A planning condition is recommended to support these safeguarding measures and 24 hour site

security. A further condition is also recommended to prevent any adverse vibration impact from the associated chiller units.

- 6.3.4 There are nationwide precedents for temporary ice rinks adjacent to national heritage assets such as Winchester Cathedral and Somerset House in London. Heritage assets, such as the Scheduled Town Walls provide an attractive setting for the Ice Rink and can assist the public appreciation of the historic environment.
- 6.3.5 Inevitably ancillary buildings are required to support the function and viability of the ice rink. The single-storey scale and temporary nature of the supporting buildings are not considered to be substantially harmful to the setting of the town Walls. The design of these temporary buildings are appropriate for a public event space and the 2m width heritage exclusion zone, defined by existing low bollards, will safeguard the town walls. Therefore the proposal is considered to accords with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.4 Impact on neighbouring amenities

- 6.4.1 Policy AP8 of the City Centre Action Plan indicates the Council will use its planning and licensing functions to promote a night time economy with a range of activities that contribute to a vibrant city centre whilst minimising potential disturbance to nearby residential areas. The proposal is supported by a noise management plan to provide appropriate noise controls within the outdoor events space have regard to the proximity to nearby residential properties within Forest View. No objection has been raised by the Council's Environmental Health Team to the proposed noise management and any breach of noise controls during this temporary period can be addressed through Environmental Health legislation. The proposed seeks operating hours of 10am until 11pm during the 7 week period with amplified music to be turned off at 10.15pm on the ice and 10.45pm within the bar area. Noise levels will be monitored over the course of the temporary period to ensure that proposed noise levels are in keeping with the noise levels as set out within the supporting management plan, as amended by subsequent correspondence from Barton Wilmore which confirms that the maximum noise level has been reduced to a maximum LAeq of not more than 65 dB. Odour can be managed through separate Environmental Health legislation and litter is managed through the overarching management plan for the Plaza.
- 6.4.2 Therefore the proposal is not considered to adversely harm the residential amenities of neighbouring occupiers having regard to the proposed noise control measures and the temporary nature of the development. Planning conditions are recommended to secure the noise control measures and hours of use. Policy SDP1(i) is satisfied for a temporary basis.

6.5 Impact on pedestrian circulation

- 6.5.1 The plaza area provides a public route north-south which can be closed for public events because the area has been stopped up as public highway and is leased to the owners of West Quay Shopping Centre. A north-south public route will be maintained at all times at the higher level at the front of West Quay leisure and dining complex.

7.0 Summary

- 7.1 On balance, the social, economic and cultural benefits of the entertainment provided by the temporary ice rink and ancillary buildings within this public plaza are considered to outweigh the temporary impacts to the setting of the Scheduled Town Walls. Appropriate safeguarding measures are proposed to

protect the adjacent heritage asset and noise control measures are in place to prevent adverse harm to neighbouring amenities. A note to applicant is recommended to make it clear that the proposed ice rink and design of ancillary buildings will be subject to review and if temporary consent is granted this does not represent a fixed design going forward. The applicant is encouraged to undertake pre-application consultation with the Council and Historic England before submitting future temporary applications for an ice rink on this site.

8.0 Conclusion

- 8.1 Taking a balanced assessment of the details discussed above, this application is recommended for approval for the reasons set out above.

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

1a, b, c, d, 2b, d, g, 4f, 6a,

AG for 24/10/17 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - physical development

The development works hereby permitted shall be discontinued either on or before the period ending on 02.01.2018. After this time the land shall be restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority prior to this time, by 10.01.2018.

Reason:

In the interests of the setting of the Town Walls (Grade II listed structure and Scheduled Monument).

02. APPROVAL CONDITION - Security and protection measures - [Performance Condition]

No development or associated external storage shall take place within the heritage exclusion zone as shown on drawing no. SKB/08.

Furthermore protective fencing shall be installed around the perimeter of the site during the installation and removal periods from 30/10/17 to 10/11/17 and then again 03/01/17 – 10/01/17 to protect the scheduled Town Walls. At no point within these dates shall the fencing be removed. Furthermore 24 hours on site security shall be provided as set out within the supporting Event Management Plan 2017 for SKATE Southampton.

Reason

To protect the adjacent scheduled Town Walls and to ensure public safety

03. APPROVAL CONDITION - Noise levels - [Performance Condition]

The development shall be carried out in accordance with the noise control measures as set out within the supporting statement and Event Management Plan 2017 for SKATE Southampton, as amended by the email from Barton Wilmore dated 11.10.17 to require a maximum LAeq of not more than 65 dB.

Reason

In the interests of public and residential amenity

04. APPROVAL CONDITION - Hours of Use - [Performance Condition]

The temporary use hereby permitted shall not operate (meaning that customers shall not be present on the premises, outside the following hours:

Monday to Sunday - 10am to 11pm

Closed Christmas Day

Unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

05. APPROVAL CONDITION - Use of Chillers (Performance Condition)

The Chiller units to be used in associated with the approved use must be mounted on a plinth (or similar) above ground floor level and sited so as to minimise the impact of vibration on the Scheduled Town Walls.

Reason

To protect the adjacent Scheduled Town Walls

06. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below and supporting Event Management Plan 2017 for SKATE Southampton, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

Note to Applicant

1. Any subsequent future proposals for a temporary ice rink within this area should be subject to pre-application discussions with the Council and Historic England to minimise the impact on the setting of the Scheduled Town Walls going forward. Any future application should also be submitted at least 3 months prior to the site set up date to reduce the risk of delay.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS13	Fundamentals of Design
CS14	Historic Environment

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

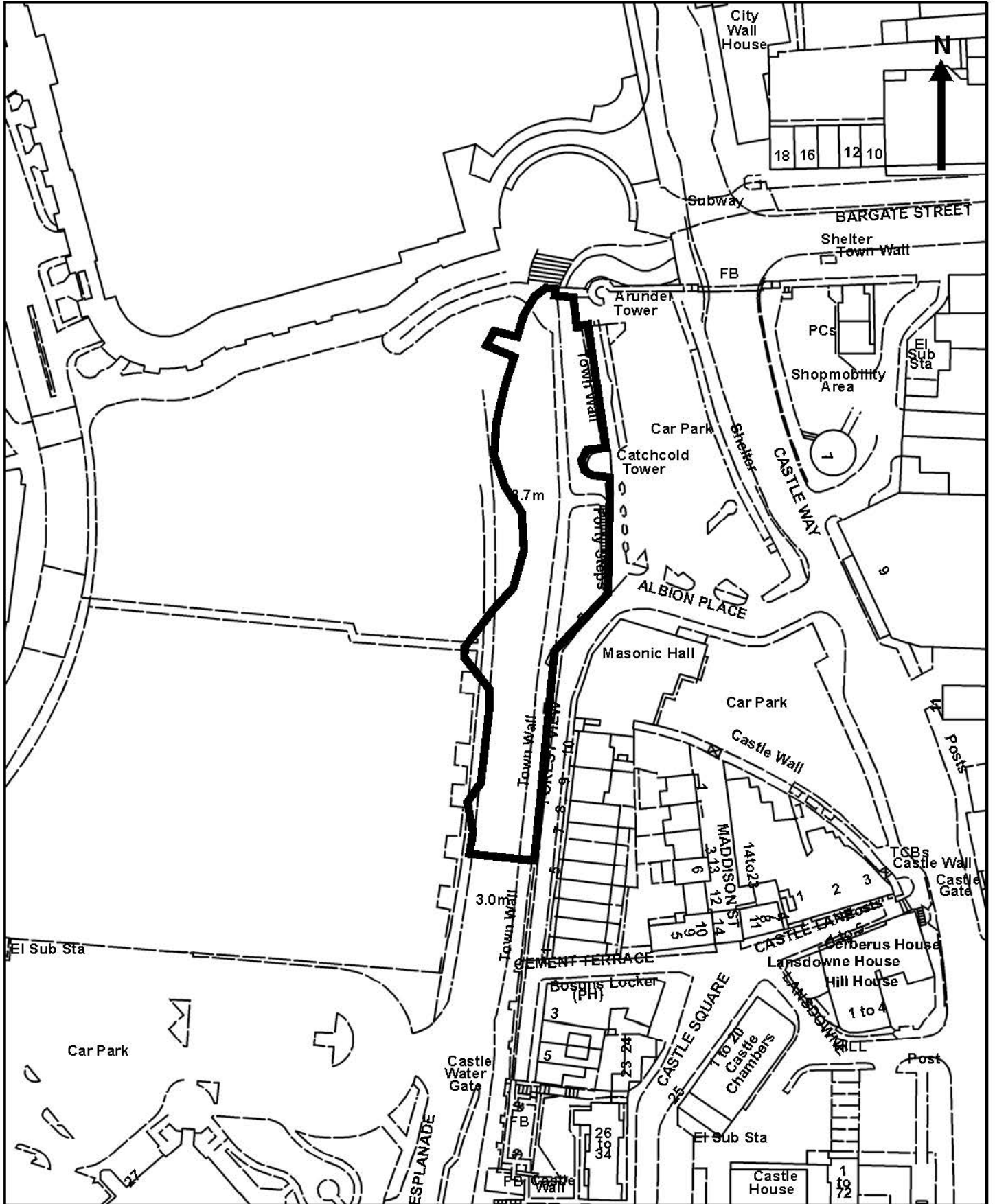
SDP1	Quality of Development
SDP4	Development Access
SDP16	Noise
REI7	Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 16	Design
AP 18	Transport and movement
AP 19	Streets and Spaces
AP 25	MDZ – North of West Quay Road

Other Relevant Guidance

The National Planning Policy Framework (2012)



Scale: 1:1,250

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