

Planning and Rights of Way Panel

Tuesday, 11th February,
2020

at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 & 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Mitchell (Vice-Chair)
Councillor Coombs
Councillor G Galton
Councillor L Harris
Councillor Vaughan
Councillor Windle

Contacts

Democratic Support Officer
Ed Grimshaw
Tel: 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

Interim Head of Planning and Economic
Development
Paul Barton
Email: paul.barton@southampton.gov.uk

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

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

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Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

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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 2019/2020

2019	
4 June	17 September
25 June	15 October
16 July	12 November
6 August	10 December
31 August	

2020	
14 January	31 March
11 February	21 April
10 March	

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 - 14)

To approve and sign as a correct record the Minutes of the meeting held on 14 January 2020 and the Special Meeting held on 28 January 2020 and to deal with any matters arising.

TREE PRESERVATION ORDERS

5 THE MAKING OF THE SOUTHAMPTON (8 MOUNTAIN ASH CLOSE) TREE PRESERVATION ORDER 2019

(Pages 15 - 32)

To consider the report of the head of transaction and universal services to seek permission to confirm the tree preservation order.

CONSIDERATION OF PLANNING APPLICATIONS

6 PLANNING APPLICATION - 19/02011/R3CFL- ST MARKS CE PRIMARY SCHOOL (Pages 37 - 80)

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

7 PLANNING APPLICATION - 19/00361/FUL - 20-25 CHAPEL ROAD (Pages 81 - 102)

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

8 PLANNING APPLICATION - 19/01658/FUL - 20 GURNEY ROAD (Pages 103 - 128)

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

9 PLANNING APPLICATION - 19/01963/FUL - THE CONIFERS, WRIGHTS HILL
(Pages 129 - 152)

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

10 PLANNING APPLICATION - 19/01823/FUL - 5 BLENHEIM AVENUE
(Pages 153 - 166)

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

GENERAL BUSINESS

11 REVIEW OF INFORMATION FOR THE VALIDATION OF PLANNING APPLICATIONS
(Pages 167 - 178)

Report of the Head of Planning and Economic Development seeking approval for the local validation requirements following a review.

12 QUARTERLY DEVELOPMENT MANAGEMENT FIGURES
(Pages 179 - 180)

Report of the Service Lead Manager Development detailing key planning metrics for information and consideration.

Monday, 3 February 2020

Service Director – Legal and Business Operations

Agenda Item 4

Minutes of the meeting held on:

- 14 January 2020; and
- the Special Meeting held on 28 January 2020

and to deal with any matters arising.

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 14 JANUARY 2020

Present: Councillors Savage (except minute number 49) (Chair), Mitchell (Vice-Chair), Coombs, G Galton, L Harris, Windle and Prior

Apologies: Councillors Vaughan

43. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Vaughan from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Prior to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 12 December 2019 be approved and signed as a correct record.

45. **PLANNING APPLICATION - 19/01537/FUL - BANISTER PRIMARY SCHOOL**

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

Variation of condition 21 (Pedestrian Access) of planning permission 12/00489/R3CFL to allow use of pedestrian gate on Banister Gardens - temporary 6 month application.

Catherine Webb and Stefano Persico (local residents objecting), P K McBride (Chair of Governors), David Hockin (School Business Manager), Alistair Chaplin (supporter) and Councillor Shields (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the Panel refused to grant planning permission for the reasons set out below:

Reason for Refusal

The proposal to vary condition 21 of planning permission 12/00489/R3CFL to allow the use of the pedestrian gate in Banister Gardens for general school access, including for a temporary trial period of 6 months, is not supported. The proposed control measures, including the use of school staff to prevent vehicles from entering Banister Gardens to drop-off/collect pupils is not enforceable because such measures would not override existing highway rights which the public have to access Banister Gardens. Pedestrian school access from Banister Gardens would likely lead to a significant increase in parents parking within this narrow cul-de-sac which would have an adverse impact on the residential amenities of the area arising from increased noise, disturbance,

increased on-street parking pressures, congestion and obstruction to access/traffic flow at drop-off and collection times. Furthermore the likely increase in the number of vehicles parking within Banister Gardens during school drop off/collection times would adversely impact on the safe manoeuvrability of vehicles and pedestrians within this cul-de-sac because of the narrow width of the carriageway and likelihood that vehicles will park in the turning head close to the school gate. The proposal is therefore contrary to policy SDP1 (i) of the Local Plan Review (2015).

46. **PLANNING APPLICATION - 19/01457/FUL - 7A BROWNING AVENUE**

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

Redevelopment of the site for 6 dwellings in total comprising erection of a single storey rear extension and alterations to roof including side dormers to facilitate conversion of existing building into 4 x 1 bed flats and erection of 2 x 2-bed semi-detached single storey houses with associated parking, cycle and refuse storage (Resubmission of 19/00818/FUL) (amended description).

Tracy Teesdale and Ken Raquet (local residents/ objecting), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that there had been additional correspondence from an objector since the publication of the papers for the meeting. Officers requested that recommendation be amended so that the Panel delegated authority to officers for the confirmation of Habitats Regulation Assessment.

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

A further motion to refuse to grant planning permission, for the reasons set out below, was then proposed by Councillor L Harris and seconded by Councillor G Galton. Upon being put to the vote the motion was carried unanimously.

RESOLVED

- (i) That the Panel delegate authority to the Head of Planning and Economic Development to confirm the Habitat Regulation Assessment
- (ii) That the Panel refuse planning permission for the reasons set out below:

Reasons for Refusal

1. **UNACCEPTABLE LIVING ENVIRONMENT.**

The proposed layout fails to provide an acceptable living environment for prospective residents by reason of the relatively small flat size proposed for flats 2, 3 and 4, when compared against nationally prescribed space standards, the lack of useable floor space within the loft for flat 4, the position and limited outlook to the bedroom window serving Flat 1 in terms of its relationship with the boundary, and Flat 2 being wholly single aspect with north facing windows where occupants would fail to receive direct sunlight into habitable rooms. As such the proposal is contrary to saved policy

SDP1(i) of the amended City of Southampton Local Plan Review (2015) and the relevant provisions of the Council's approved Residential Design Guide SPD (September 2006), and particularly paragraph 2.2.1, in respect of creating a quality residential environment.

2. SECTION 106

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy CS25 of the Amended Local Development Framework Core Strategy Development Plan Document (2015) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- a) Measures to support site specific transport contributions for highway improvements in the vicinity of the site in accordance with Policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- b) In the absence of a Highway Condition Survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
- c) Either a scheme of measures to reduce pressure from the development on the Special Protection Areas of Southampton Waters or a financial contribution towards the Solent Disturbance Mitigation Project (SDMP) in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended).

47. PLANNING APPLICATION - 19/01729/FUL - 12 MELCHET RD

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

Erection of a two-storey end of terrace two-bedroom dwelling (Resubmission of 19/00321/FUL).

Rob Mullane (local resident objecting) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that additional correspondence had been received since the publication of the report. It was also explained that a further condition relating to permitted development rights would be added, as set out below. The Panel requested and officers agreed that the parking condition should be amended, as set out below, in order to ensure the allotted parking spaces were clearly defined.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment .

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

RESOLVED that the Panel:

- (1) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (2) Delegated authority to the Head of Planning and Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure 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.
- (3) Delegated authority to the Head of Planning and Economic Development to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within reasonable timescales.

Additional and Amended Conditions

RESIDENTIAL - PERMITTED DEVELOPMENT RESTRICTION (PERFORMANCE CONDITION)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

REASON: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

Car Parking (Pre-Occupation)

The car parking spaces and access shall be provided in accordance with plans to be first submitted to, and approved in writing by the Local Authority, before the development first comes into occupation and thereafter retained as approved. The plan shall include details of surface treatment, levels and a means for demarcating the divide between the 2 parking spaces without the need for any formal means of enclosure. The existing and proposed dwelling shall each be allocated 1 parking space.

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

48. PLANNING APPLICATION - 19/01832/FUL - 4 FITZROY CLOSE

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

Erection of a single-storey front and two-storey side extension. (Re-submission of planning application 19/01442/FUL).

Kevan James (local residents/ objecting), and Veronica Foley (applicant), were present and with the consent of the Chair, addressed the meeting.

The Panel fully explored the distances between the proposed new extension and the existing terrace facing the property. The Panel was made aware of an ongoing dispute between the owner of the property and neighbours in regard to land to the side of the house however, noted that such disputes were a civil matter and outside of the powers of the Panel.

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 Savage, Mitchell, Prior, Coombs and Windle
AGAINST: Councillors L Harris and G Galton.

RESOLVED that planning permission be approved subject to the conditions set out within the report.

RECORDED VOTE to grant planning permission
FOR: Councillors Savage, Mitchell, Prior, Coombs and Windle
AGAINST: Councillors L Harris and G Galton.

RESOLVED that planning permission be approved subject to the conditions set out within the report.

COUNCILLOR MITCHELL IN THE CHAIR

49. PLANNING APPLICATION - 19/01793/FUL - SOUTHERN WATER - KENT RD

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

Construction and operation of a motor control centre kiosk, poly dosing kiosk and polymer powder handling kiosk (3 detached buildings).

Anne Dugdale (agent), and Councillor Savage (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the need for minor changes to the wording of conditions 5,6 7 and 10 as set out below. In addition it was noted that the title of the table set out in paragraph 6.12 of the report should read as “HGV movement summary (average).”

The Panel noted the request from the ward councillor to adjust the delivery times and, after a unanimous vote in favour of adjusting these hours, resolved that condition 7 be further adjusted to set the delivery hours, as set out below.

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

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Amended Conditions

5. Construction Traffic Management [Performance Condition]

Unless otherwise agreed in writing by the local planning authority construction HGV traffic shall not arrive at or depart from the site outside of the following hours:

0800 – 1600 Monday – Friday;

09:00 to 13:00 hours Saturdays; and

at no time on Sundays and recognised public holidays.

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

6. Construction Management Plan (Pre-Commencement)

The development shall be carried out in accordance with the submitted and approved Construction Environmental Management Plan (as listed below) along with the additional following points:

- Waste skips and lightweight materials shall be covered - rather than will be covered if deemed necessary - as dust is not the only consideration.
- Noise monitoring is required to protect potential noise sensitive receptors - rather than wait for complaint which may cause delay and potential ongoing problems for complainants.

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

7. Operational Traffic Management [Performance Condition]

The movement of Heavy Goods Vehicles associated with Portswood WwTW shall be carried out in accordance with the agreed Traffic Management Plan that includes the following measures:

- Vehicle arrival and departure times limited to 0900 – 15:30 Monday – Friday;
- All vehicles are clearly liveried as Southern Water;
- These practices are embedded through induction training and regular tool box talks.

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

9. 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 manage risks associated with land contamination-at the development 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.

10. Use of uncontaminated soils and fill (Performance)

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 its quality and be submitted to the Local Planning Authority for approval prior to operational use of the development.

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

NOTE: Councillor Savage withdrew from the Panel and addressed the meeting on this matter in his role as a ward councillor.

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 28 JANUARY 2020

Present: Councillors Savage (Chair), Mitchell (Vice-Chair), Coombs, G Galton, L Harris, Fielker and Prior

Apologies: Councillors Vaughan and Windle

50. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillors Vaughan and Windle from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillors Prior and Fielker to replace them for the purposes of this meeting.

51. **SOUTHAMPTON INTERNATIONAL AIRPORT**

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

Consultation from Eastleigh Borough Council regarding a planning application at Southampton Airport for the following development proposal: Construction of a 164 metre runway extension at the northern end of the existing runway, associated blast screen to the north of the proposed runway extension, removal of existing bund and the reconfiguration and extension of existing long stay car parking to the east and west of Mitchell Way to provide an additional 600 spaces. (This application is subject to an Environmental Impact Assessment)

Angela Cotton, Felix Eigenbrod, Katherine Barbour, Lyn Brayshaw, Gareth Narbed and Kendall Field -Pellow (local residents/ objecting), Neil Garwood (applicant), and Councillor Fuller (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer corrected an error within the report stating the paragraph 5.14 of the report should read:

“In the UK, domestic and international aviation emissions account for about 6% of total greenhouse gas emissions or 22% of the transport sector’s greenhouse gas emissions...”

In addition it was reported that further correspondence had been received following the publication of the report. It was noted that this included a letter from Councillor Hammond on behalf of the Southampton Labour Group objecting to the airport expansion. It was noted that the comments in the objection had been supported by an additional email from Angela Cotton supporting the Labour Group decision to object to the airports expansion.

The Panel then considered the officers recommendations, as set out in the report. On being put to the vote the recommendation was lost.

RECORDED VOTE: on the officer recommendation

FOR: Councillors L Harris, G Galton and Prior

AGAINST: Councillors Savage, Mitchell, Coombs and Fielker

A further motion to respond to the consultation objecting to the expansion of the airport refuse, as set out below, was then proposed by Councillor Mitchell and seconded by Councillor Coombs.

RECORDED VOTE the motion proposed by Councillor Mitchell

FOR: Councillors Savage, Mitchell, Coombs and Fielker

ABSTAINED: Councillors L Harris, G Galton and Prior

RESOLVED that the Panel delegated authority to the Head of Planning and Economic Development to:

1. Prepare and submit an objection letter on behalf of Southampton City Council to Eastleigh Borough Council ahead of them determining their planning application ref F/19/86707. The response shall include this report including Appendices and the redacted public comments received by Southampton City Council, to include the comments from the Labour Group.

The objection letter will comprise the following three parts:

Firstly, the proposal fails to satisfy the requirements of environmental and social impacts to residents of Southampton, particularly in respect of noise;

Secondly, the economic benefits do not outweigh the adverse environmental and social impacts and the application's submission suffers from a lack of information as set out on pages 20-21 of the Panel report; and

Thirdly, in the event that Eastleigh Borough Council are minded to approve the application following the receipt of the SCC objection, they are encouraged to secure the control measures as set out on pages 21-22 of the Panel report, through planning conditions or S106 obligations.

The response letter will cover the following matters raised by Councillor Coombs:

- Insufficient details in relation to tree works in the event of a change to the obstacle limitation surfaces around the airport / details of any tree works to be agreed in the event that tree works are required and Eastleigh Borough Council are minded to approve;
- Off-site tree planting and mitigation;
- Car occupancy Rates;
- No justification for the change in flight split which may underestimate the noise impact;
- 25% growth restriction in line with the advice from the Committee on Climate Change;
- Regional jet aircraft noise details

NOTES

- 1) That no vote taken on the second part of the proposed officer recommendation which sought delegated authority to respond to any subsequent consultation on application ref F/19/86707, subject to agreement from the Chair of the Planning and Rights of Way Panel. Therefore any further consultation from Eastleigh Borough Council ahead of their determination of this application will be brought before the Planning and Rights of Way Panel for a decision on the consultation response of Southampton City Council.
- 2) That the Labour Councillors sitting on the Panel confirmed that they had no part in the discussions leading to the additional correspondence from the Labour Group Leader seeking an objecting to the proposed airport expansion.

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DECISION-MAKER:	PLANNING RIGHTS OF WAY PANEL		
SUBJECT:	OBJECTION RECEIVED REGARDING THE MAKING OF THE SOUTHAMPTON (8 MOUNTAIN ASH CLOSE) TREE PRESERVATION ORDER 2019.		
DATE OF DECISION:	11 FEBRUARY 2020		
REPORT OF:	HEAD OF PLACE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Gary Claydon-Bone	Tel: 023 8083 3005
	E-mail:	Gary.claydon-bone.co.uk	
Director	Name:	David Tyrie	Tel: 023 8083 3005
	E-mail:	David.tyrie@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY
None

BRIEF SUMMARY

A request was received to fell two Oak trees that form part of a linear group feature to the local area. The loss of the trees was considered to have a negative impact on the local amenity and environment and accordingly a tree preservation order was made. The making of a tree preservation order has been objected to. Members are required to consider the objection and whether it is expedient to confirm the TPO in the interests of amenity of the area.

RECOMMENDATIONS:

- (i) To confirm The Southampton (8 Mountain Ash Close) Tree Preservation Order 2019, without modifications.

REASONS FOR REPORT RECOMMENDATIONS

1. On the 4th June 2019 – A webform was received by a resident of 8 Mountain Ash Close requesting permission to fell two oak trees in the rear garden of the ex-authority property. Guidance is given on the City Council’s website informing residents of ex-authority properties to make contact with the City Council to gain permission as the trees may be protected by a covenant within the title deeds that requires the owners to first make contact with the Council.
2. The main reason given for the request to fell was in relation to branches that fell into the rear garden of the property and the concern that this raised for the residents who have young children. (See Appendix 1)
3. On the 12.08.19 – A site visit was undertaken by a City Council tree officer to assess the trees and either agree to the felling or to make a tree preservation order to prevent the loss of the trees.
4. The trees were found not to have any notable defects that would warrant the felling of the two trees. There was some remedial work that could be undertaken, such as raising the trees canopy over the garden and the removal of deadwood. This information was passed on to one of the residents of the property.

5. There were no signs of significant branch failure, but the tree officer was able to see that some small limbs had been removed and left stubs. It was not known if these stubs were as a result from tidying up the remaining limb after a failure or were a result of small limbs being removed. Other dead wood was observed in the canopy and some showing signs that parts have fallen in the past.
6. The impact of the loss was calculated by the use of an industry accepted method for calculating if a tree is suitable for a tree preservation order. This method is known as TEMPO, which is an acronym for Tree Evaluation Method for Protection Orders and gives a score dependant of various points, one of which is visual amenity. When officers complete a TEMPO form, the aim is to be conservative in the scoring so the end value can be increased but it would be extremely difficult to lower the score. Based on the score given by the assessment, it indicated that a tree preservation order would be suitable in this case. (See appendix 2)
7. On the 20.08.19 - A tree preservation order was made and served on the address. Copies were also served on the neighbouring properties. (See appendix 3)
8. On the 17.09.19 – An email was received from a resident at the address raising an objection to the making of the tree preservation order.
9. The main points raised in the objection were over the safety of the tree in relation to branches falling. Further comments were made over the making of the order on the basis that the loss would result in a negative impact on the local amenity. The resident did not agree that the amenity should be based on what the public can see and has highlighted that the trees are privately owned and are not an ‘exhibition to the general public’.
10. The resident has also highlighted that the trees could be removed and replaced somewhere else, such as a local park and that this would have a higher amenity than the trees in the rear garden of the property.
11. On the 8.10.19 – An email was sent to the resident who lodged the objection. Information was given regarding the fallen limbs that were reported and also further advice was given regarding the removal of deadwood from a protected tree being exempt work and not requiring an application to be submitted. (See appendix 4)
12. The resident was given information regarding public amenity and it was explained the tree preservation orders were based on the visual amenity of the trees to the public. A copy of the industry accepted method of evaluating the trees for a tree preservation order was supplied. Within this document, visual amenity is assessed as part of the process.
13. The resident was informed that if they still have concerns regarding the trees condition the tree then they should make contact with a tree surgeon or arboricultural consultant. Any information passed to the city council tree officer would be reviewed and if it demonstrates a requirement to remove the trees, then the tree preservation order would not be confirmed and they would be able to be felled. No further information was received from an independent expert to support the claim that the trees posed a demonstrable risk to the residents.
14. There have been two further attempts to make contact with the resident in relation to the objection, however contact was not successful, therefore the

objection to the making of the tree preservation order is considered as being upheld by the resident. As such the tree preservation cannot be confirmed by the tree officer without agreement by the elected members of the planning & rights of way panel.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 15. To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable management of the trees.

DETAIL (Including consultation carried out)

- 16. NONE

RESOURCE IMPLICATIONS

Capital/Revenue

- 17. Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.

Property/Other

- 18. Compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss of damage which was not reasonably foreseeable

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 19. In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not.

Other Legal Implications:

- 20. The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law

RISK MANAGEMENT IMPLICATIONS

- 21. NONE

POLICY FRAMEWORK IMPLICATIONS

- 22. NONE

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	N/A

SUPPORTING DOCUMENTATION

Appendices

1.	Information given on Webform to Southampton City Council
2.	Tree Evaluation Method for Protection Orders (TEMPO)
3.	The Southampton (8 Mountain Ash Close) Tree Preservation Order 2019
4.	Email to resident explaining reason behind the making of the order
5.	Google Street view images of the trees subject of this tree preservation order

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
--	-----------

Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1. None.	

Information from resident given on Webform

Tree number: T2-045. Two very old, large Oak Trees both over hanging low in our garden. A few large branches on the trees have snapped and fallen into our garden, which I saw happen from my kitchen, situated at the back of our house.

I have photo evidence showing snapped branches on the trees. This branch landed in our boundary however it was borderline of our fencing, adjoining our neighbours property. This could have caused injury or danger to life, as this particular branch that fell was very wide and could have easily caused a head injury if not worse, had a person happened to be underneath it at the time.

The neighbouring property have children who are always playing in the garden, particularly on their trampoline situated at the end of their garden, underneath our trees.

We also have two young children aged 3 and 1. Thankfully my children weren't in the garden playing at the time as this now scares me every time they go out to play.

Also the other tree is pushing on our fencing and is hanging directly over neighbours property (same property/family as mentioned above) - situated diagonally to ours. This also worries me every time we have a storm, as this tree is leaning directly into the bedrooms of our neighbour's property.

We would like these trees to be taken down as they are very old, before anything serious happens to said properties or danger to life, which we do not want to be held responsible for.

04.06.2019

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO): SURVEY DATA SHEET & DECISION GUIDE

Date: 12/08/2019	Surveyor: G Claydon-Bone
Tree details	
TPO Ref:	Tree/Group No:
Location: 8 Mountain Ash Close	Species: 2 x oak

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

* Relates to existing condition and is intended to apply to severe irremediable effects only.

Score & Notes
3

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Score & Notes
4

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Just suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes
3

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | |
|--|
| 5) Principal components of arboricultural features, or veteran trees |
| 4) Tree groups, or members of groups important for their cohesion |
| 3) Trees with identifiable historic, commemorative or habit importance |
| 2) Trees of particularly good form, especially if rare or unusual |
| 1) Trees with none of the above additional redeeming features |

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- | |
|-------------------------------|
| 5) Immediate threat to tree |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree |
| 1) Precautionary only. |

Score & Notes
5

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:
16

Decision:
Make TPO

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Form of Tree Preservation Order

Town and Country Planning Act 1990

The Southampton (8 Mountain Ash Close) Tree Preservation Order 2019

Southampton City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as The Southampton (8 Mountain Ash Close) Tree Preservation Order 2019

Interpretation

2.— (1) In this Order “the authority” means the Southampton City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 20th August 2019

Signed on behalf of the SOUTHAMPTON CITY COUNCIL

A handwritten signature in black ink, appearing to be 'MJS' followed by a large, stylized flourish.

Authorised by the Council to sign in that behalf

SCHEDULE 1

The Southampton (8 Mountain Ash Close) Tree Preservation Order 2019

**Individual Trees
(encircled black on the map)**

No on Map	Description	Situation
T1	Oak	1 x Oak on North West Boundary
T2	Oak	1 x Oak on South West Boundary

**Groups of trees
(within a broken black line on the map)**

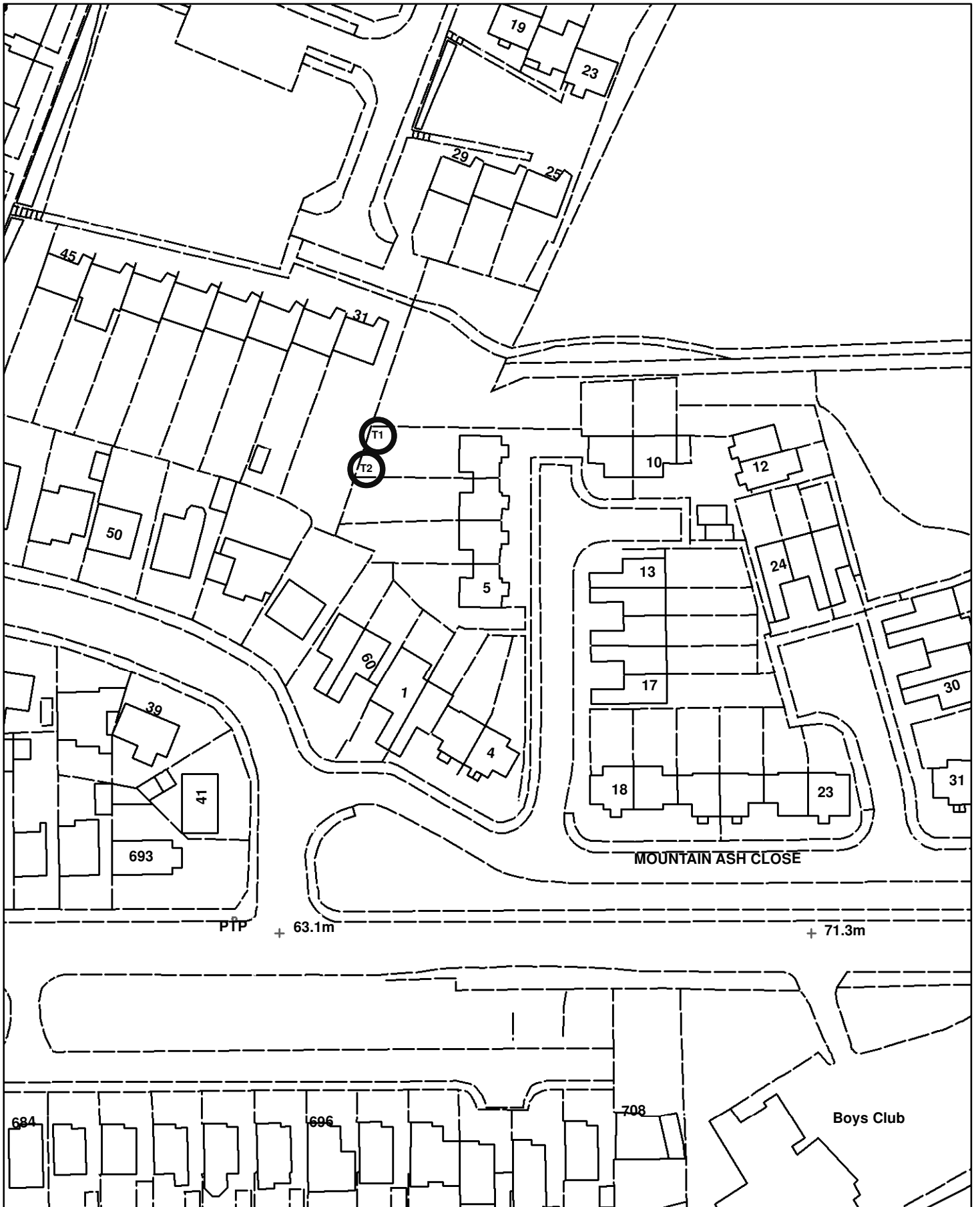
No on Map	Description	Situation
	NONE	

**Woodlands
(within a continuous black line on the map)**






No on Map	Description	Situation
	NONE	

**Trees Specified by Reference to an Area
(within a dotted black line on the map)**

No on Map	Description	Situation
	NONE	



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 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

- Key**
-  Individual Trees
 -  Group
 -  Woodland
 -  Area
 -  Not TPO'd

The Southampton (8 Mountain Ash Close) Tree Preservation Order 2019	
TPO Ref: T2-710	Department: Trees team
Drawn: CANI	Page 26
Scale: Not to Scale	



Mitch Sanders
 Service Director
 Transactions and Universal Services
 Southampton City Council
 Southampton SO14 7LY

Agenda Item 5

Appendix 4

Dear * ****,

With regards to the tree preservation order that covers the two oak trees at the rear of your property and your email of the 17th of September in which you have objected to the making of this order. I have read through the contents of your email and hope that I able to offer you satisfactory answers to the points raised.

The points noted are as follows.

'The trees in question have been deemed "safe", however I believe this is not so. If you notice on photos I have sent in my previous emails, you can see at least 5 areas on the left tree listed as T2, where branches have snapped and fallen into our garden during the trees lifetime'.

From the photograph that you provided, I was able to clearly see 4 points in the photograph that may be the points that you refer to. I have marked each point with either a single red dot or a double red dot.



The single red dots represent areas of the tree that appear to have fallen as deadwood and not a failure of live material. Deadwood is exempt work from the tree preservation order legislation, therefore you do not require formal permission from the City Council to have this removed. Although not a requirement, I would ask if you could notify the tree team (trees@southampton.gov.uk) that you are having the dead removed as we may receive calls from concerned residents that the trees are

being felled. If we are aware of the work, then we are able to advise the public accordingly.

The points highlighted with two red dots are old pruning wounds rather than failure points.

I have a 1 year old, and 4 year old son and daughter, who love to be outside, and rightly so, should be playing in their own private garden. However by law of averages it will be them outside playing and at any given time a branch could fall on them, as has done since we have been living here since December 2017 - but this is deemed safe by the council.

If the tree officer deems the tree trunks safe then I'm not disputing his decision as obviously this has been checked, but as stated, and clearly shown in photos the branches are not safe.

As mentioned above, dead material can be removed from the tree with no application required, therefore if you are concerned about dead material falling, it would be my recommendation to have a professional remove this from the tree.

When reviewing a trees condition, it is only possible to form an opinion on its condition from what can be seen from a ground perspective and from symptoms the tree is displaying. If a tree is in a poor condition, it would not be appropriate to place a tree preservation order upon it. If you have further concerns over the trees health or safety, I would recommend that you have an independent report carried out on the trees. If you decide to do this, I would welcome the report from a suitably qualified person with details over the trees condition. If it is clearly demonstrate that the tree is not suitable for a tree preservation order, due to its condition or health, then it would not be suitable to confirm this provisional order.

It states in this letter received a TPO has been placed to protect "the amenity of the area and enjoyment to the public". However I find this an absurd reasoning, as up until a couple of months ago - via my correspondence, the council were not even aware of the trees existence in our property. Also the trees in question are on private property and are not an exhibition to the general public. I am angry and upset that your reasoning to keep the trees is more about the general public's perception, over the health, safety and welfare of the family involved living at the private property.

Tree preservation orders are based primarily on public visual amenity, which is to say that the trees should have a level of visibility from a public area. When assessing a trees suitability for a preservation order, an industry accepted method of calculating the suitability is completed. This method is known by TEMPO, which stands for **T**ree **E**valuation **M**ethod for **P**rotection **O**rders.

When I complete a TEMPO form, I always score conservatively, therefore this can be subjectively lower than others may score, but I believe that it makes the score more defensible if questioned. I have attached a copy of the completed TEMPO form to this email. Please review this form and feel free to raise any questions over the scoring applied.

I am kindly asking you to reconsider this provisional TPO decision, with regards to my children being able to enjoy their private garden safety.

I am of the opinion that the trees are worthy of long term retention by a tree preservation order for the reason given above, therefore I am not in agreement with your request to have the order lifted. I understand that this is not the outcome that you would have wished for, therefore you have the right to appeal against this order to a body of elected councillors.

If you wish have this order considered at a public meeting of the Planning & Rights of Way Panel, please complete the attached form and return.

Once confirmed that you wish for this to be discussed at the open public meeting, I will prepare a report that I present to the councillors on the evening of the meeting and then this is discussed and voted upon. You will be invited to the meeting and will have the opportunity to present your case to the councillors prior to a vote being taken. You are also allowed to submit any reports or documents for consideration, however these need to be sent to me in good time as they would be listed as an appendix within my report.

My report covers the merits of the trees and how the preservation order came about. I would also provide a copy of the TEMPO form as justification of the amenity and suitability of the trees for a preservation order. You would receive a copy of my report prior to the meeting and it would also be available on the night of the meeting for anyone to pick up.

Alternatively you are able to withdraw your objection to the tree preservation order.

Please note, if no response is received then this is considered as your intention to uphold your objection and this would result in the objection being presented at a Planning & Rights of Way Panel. The outcome of the meeting, along with the minutes of the case, would be published on the City Councils website.

What if the order is confirmed?

If the preservation order is confirmed, be it by approval from the elected members of the Planning & Rights of Way Panel or by the Council confirming the order with no objections, this then becomes permanent protection on the trees.

If you require to carry out work to these trees, you would be required to submit an application to the City Council*. This can be done online or submitted on a paper form. Once received and registered, your application would be assessed and a decision issued. If the application is approved, you are entitled to carry out the work detailed within the decision notice, however, if refused you are entitled to appeal against the Council's decision and submit your appeal to the Planning Inspectorate. This is independent to the council and a decision is made based on the refusal reason and how the work would impact the tree's health and/or the impact to the local amenity that the tree provides.

If the council's decision is overturned, you are entitled to carry out the work you applied for. If refused, you are able to appeal against the decision of the Planning Inspectorate but only on a point of law.

Both the application and appeal process are free of charge.

If you have any further questions on any of the points above, please do not hesitate to contact me.

Kind regards.

Gary Claydon-Bone
City Tree Officer

Tree Team
City Services

Southampton City Council

Tel: 023 8083 3005

Email: trees@southampton.gov.uk

* There are certain exceptions within the tree preservation order legislation that remove the requirement for an application to be submitted.



The two Oak trees form part of a linear feature – Seen from adjacent street



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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 11th February 2020 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	MP	DEL	15	19/02011/R3CFL St Marks CE Primary School
7	AL	REF	15	19/00361/FUL 20-25 Chapel Road
8	SB	CAP	5	19/01658/FUL 20 Gurney Road
9	AL	DEL	5	19/01963/FUL The Conifers, Wrights Hill
10	JF	CAP	5	19/01823/FUL 5 Blenheim Avenue

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

SB – Stuart Brooks

AL – Anna Lee

JF – John Fanning

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

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 3 2011-2031
 - (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 (revised 2016)
- (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) Cycling Strategy – Cycling Southampton 2017-2027
- (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) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (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 11th February 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: St Marks CE Primary School, Stafford Road, Southampton			
Proposed development: Demolition of existing buildings and erection of part three/part two-storey new school with associated gym, access, parking, landscaping and sports facilities (including multi use games areas and a flood lit all weather pitch) (departure from local plan).			
Application number:	19/02011/R3CFL	Application type:	Large Scale Major
Case officer:	Mathew Pidgeon	Public speaking time:	15 minutes
Last date for determination:	03/03/2020	Ward:	Freemantle
Reason for Panel Referral:	Departure from the Development Plan with objection	Ward Councillors:	Cllr Windle Cllr Shields Cllr Leggett
Applicant: Morgan Sindall		Agent: Vail Williams LLP	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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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. Overall, the acute educational need and positive community benefits associated with the development and its 'proposed dual use' are considered to outweigh the dis-benefit of any associated increased on-street parking pressure and a BREEAM rating of less than 'Excellent'. 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 39 - 42 and 46 of the National Planning Policy Framework (2019).

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	Appendix 2 Appeal Decision, Itchen Sixth Form College, Southampton.

Recommendation in Full

1. Delegate to the Head of Planning & Economic Development to conditionally approve following the receipt of additional information and the removal of the highways objection and confirmation that BREEAM Excellent will be achieved.
2. That the Head of Planning & Economic Development be given delegated powers to add, vary and/or delete relevant parts of the above requirements and/or conditions as necessary.

Background

Local Authorities have a statutory duty to provide sufficient school places as set out in s14(1) of the Education Act 1996. Southampton City Council has previously invested significantly in primary school development in order to meet the increased demand for places in the City. Following a review in June 2018 (Southampton City Council Education Capital Programme Report), there is a requirement to provide an additional 1,500 secondary school places within the Central Planning Area of the City in order to meet increased internal demand for secondary school places within Hampshire. The St. Mark's School project forms part of this programme of secondary school expansion projects across the City. This project looks to provide 900 pupil places and the two schools will become an all-through school, providing primary and secondary education. The project expands the age range and capacity at St. Mark's Church of England Primary School (ages 4-11 years) to an all-through school (ages 4-16 years), on the same site. The School will need to be expanded by September 2022, with the proposed primary phase comprising 2 Form Entry (FE), and the secondary phase being 6 FE.

1. The site and its context

- 1.1 The application site comprises St Marks Primary School and adjoining former civil service playing fields to the rear of the school. The site is located in Freemantle Ward, approximately 1 kilometre to the North West of the city centre.
- 1.2 The front part of the site facing Shirley Road is fenced with railings, behind this is a border of undergrowth and trees; beyond this are the school buildings and ancillary outside areas. The main school playground is at the front of the site closest to Shirley Road with the school buildings behind.
- 1.3 The front and rear parts of the site are separated by Malmesbury Place. Malmesbury Place is closed at the north western end to vehicular traffic and only allows access for pedestrians and cyclists. To the south west, Malmesbury Place joins the junction with Stafford Road and Western District Cut where vehicular access is provided. The section of Malmesbury Place, separating the front part of the site from the playing fields, is a private road and is used to access the school

car park positioned adjacent to the north west boundary which is next to dwellings on the southern side of Malmesbury Place. Currently there are 34 parking spaces on site. For the private section of Malmesbury Place the public have in the past had permissive rights to pass through as pedestrians/cyclists although this is not a right of way.

- 1.4 The existing school can also be accessed by vehicles and pedestrians/cyclists via Western District Cut which defines the south eastern boundary along the front part of the site. Western District Cut is accessed by vehicles and pedestrians/cyclists from Stafford Road, however access from Shirley Road to Western District Cut is restricted to pedestrians only. No formal school car parking areas are located off Western District Cut.
- 1.5 Beyond the school buildings, to the north east, are the school playing fields/former civil service sports ground. The playing fields are surrounded by terraced housing which back onto the site. Currently the playing fields are turfed; in the past however this part of the site has included changing rooms, tennis courts and a bowling green. The playing fields have also been laid out for a range of sporting activities in the past including football, cricket, softball/rounders and athletics. The playing fields measure approximately 3.4ha.
- 1.6 The existing school buildings are a collection of much altered Victorian buildings and modern modular buildings. The buildings are not listed or locally listed, however their age and Victorian design provide a positive contribution to the local built environment.
- 1.7 The school building is occupied by the existing St. Marks Church of England Primary School and currently provides primary education for 630 pupils (4-11 years).
- 1.8 There are 48 protected trees on the site and two protected groups of smaller trees; the majority of which are positioned on the front section in front of the existing school buildings.

2. Proposal

- 2.1 Owing to the size of the front part of the site and restrictions over the use of the playing field (where construction of buildings would be contrary to policy) the existing school facility will be demolished before construction of the new school can begin. To ensure that continuous education is achieved a temporary school will need to be constructed on the playing field for use throughout the construction period. This is subject to a separate planning application. Once complete pupils will decant across to the new facility ready for the start of the 2022 academic year. The proposal involves the demolition of approximately 3240sqm of existing floor space and the development of approximately 9240sqm of new floor space.
- 2.2 The proposal involves the relocation of the majority of the existing school buildings from the current centrally located position adjacent to Malmesbury Place to a position closer to and addressing Shirley Road.
- 2.3 The proposed main school building would house the main teaching spaces/classrooms as well as the main entrance/reception, learning support, library, two school halls, dining facilities and servicing areas. To the rear there

would be a detached sports and drama block and on the existing playing fields there will be a reconfiguration and formalisation of playing pitches including Multi Use Games areas with flood lighting.

- 2.4 The main school building would be 12m in height to Shirley Road (3 storeys) and it would house the secondary year groups. Then on the section of the building adjacent to Western District Cut the height would drop to 9m (2 storeys) where the building would be occupied by the primary year groups.
- 2.5 Owing to the context of the site, and a wish to reference the character and identity of the existing school within the new school, the main material used for the external elevations of the building will be a deep red brick. On the corners adjacent to Shirley Road however, and for the parts of the building occupied by servicing areas, a buff brick will be used. In addition, and with reference to the existing school building and nearby buildings constructed at a similar time, stone string courses, and stone window frames and sills are proposed. Internally the appearance of the school, including the sports/drama block, will have a more modern appearance with coloured rainscreen cladding being incorporated. Common throughout the building will be powder coated aluminium windows, doors, gates and railings.
- 2.6 Two new pedestrian and cycle accesses into the site will be provided on Shirley Road. The car parking area will remain located in the same place as existing however access will change for vehicles so that drivers enter the site from Malmesbury Road/Malmesbury Place rather than from Stafford Road/Malmesbury Place. As a consequence of the proposal Malmesbury Place will also no longer provide a link across the site to Stafford Road and as such the permissive route across the site will be permanently removed.
- 2.7 The school currently benefits from a total of 34 car parking spaces. The scheme includes the provision of a total of 57 parking spaces (including 3 disabled bays) and 4 specific minibus spaces. This represents an overall increase of 23 car parking spaces. There are also hard surfaced (concrete) multi use games areas (MUGA) that could be used for parking at times of high demand (parents evening, drama/stage performances & sporting events). The scheme does not however provide provision for parking motorcycles.
- 2.8 A total of 274 covered and secure cycle parking spaces are proposed, reflecting the aspirations of the emerging school travel plan. 114 cycle hoops (228 cycles) will be provided for the secondary school, 14 hoops (28 cycles) for the junior school and 9 hoops (18 cycles) will be provided for staff.
- 2.9 45 of the 48 trees on site of varied size and species are proposed to be felled to facilitate the development. 56 of the trees are considered to be low quality with a maximum of 10 years life expectancy. 18 are moderate trees with a life expectancy of 20 years and there is only one tree of high quality (more than 40 years life expectancy). A replacement of 2 for 1 trees is proposed to compensate for the trees that will be removed. As well as tree planting there will also be further landscaping improvements to compliment the development, this includes softening the appearance of the buildings and floodlit playing pitches.
- 2.10 The site will also become available for community use outside of school hours including sporting facilities.

		Pupils	Staff (full time equivalent)	Car parking	Cycles parking
Existing primary school.		630 (4–11 yrs old)		34	
Proposed	Primary	420 (4–11 yrs old)		34	
	Secondary	900 (11-16 yrs old)		23	
	Combined	1320	150	57	274

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. In this case the scheme may not achieved BREEAM ‘Excellent’ and has been advertised as a departure accordingly.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The application site is not allocated in the current development plan, although the existing playing pitches are 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.
- 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.

4. Relevant Planning History

- 4.1 The school dates from the late 1800’s.

- 4.2 The site was previously used by the Civil Service as a private sports club with access taken from Malmesbury Road. Two ancillary buildings were erected and extended before their demolition between 1999 and 2004. An area of hardstanding, and its vehicular access exists, but are currently unused.
- 4.3 A planning application for housing development was refused in 1964 due to the site's designation within the development plan for open space and playing field uses.
- 4.4 Permission was granted on 24th March 2010 for a change of use from private open space (class D2) to school playing fields (class D1) (LPA ref: 10/00105/R3CFL refers).
- 4.5 An application for a Certificate of Appropriate Alternative Development (CAAD) under S.17 of the Land and Compensation Act 1961 was submitted by the Council's Children's Services and Learning Directorate (ref: 10/01585/FUL) for land at the former civil service sports ground, positioned to the rear of the site, in 2010. Following approval of the application the City Council as Education authority acquired the land from Stonechat Development Ltd and Bovis Homes Ltd, both of whom had an interest in the land, through a compulsory purchase order.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying 572 adjoining and nearby landowners, placing a press advertisement **13.12.2019** and erecting a site notice **10.12.2019**. At the time of writing the report **19** representations have been received from surrounding residents including Cllr Galton. The following is a summary of the points raised:

5.2 Additional parking and traffic associated with the school run and after school clubs harm neighbouring amenity by creating high levels of traffic congestion Response

- The project will lead to funding input to the school travel plan to enable the school to engage with pupils, parents and neighbours, to address this issue by encouraging sustainable travel to school.
- The scheme involves the formation of two new accesses into the site, this will help to spread the impact of the 'school run' parking and traffic experienced by local residents.
- The highways team will review the need for more Traffic Regulation Orders and site specific highways works associated with the site to mitigate the impact of the development.
- The development triggers the need for site specific highways works to mitigate the impact of the development.
- There will be a decrease in junior school children attending the site as a consequence. Junior school pupils are more likely to be driven to the school than secondary school pupils.
- It is likely that people driving their children to school will already be on the highway network – for example they will drop their children off at or close to the school on their way to work.

- The Council's Highways team will review the need and local interest for active travel zones around the site.
- Officers acknowledge that the enlarged school may lead to some increased on-street parking pressures during morning drop-off and afternoon collection times, given that approximately 15% of the additional 900 secondary school places are forecasted to travel to school by car. Any additional impacts will need to be managed through the above control measures. The delivery of new educational facilities to meet identified education need is considered to outweigh these impacts.

5.3 ***Loss of existing building of historic character***
Response

- Whilst the building is of character and holds the affection of local residents it is neither listed nor locally listed. The Historic Environment Officer is also not opposed to the redevelopment of the site as the buildings have been substantially altered since construction in the late 1800's.

5.4 ***Building design lacks sustainable principles – including passive solar gain, incorporation of Combined Heat and Power, BREEAM Excellent should be achieved. SCC should set an example – Green City Charter/Carbon Neutral by 2030.***

Response

- Officer's are discussion with the applicant with the aim of achieving the highest possible sustainability level for the building.
- At the time of writing the report a condition is suggested requiring BREEAM Excellent although this may change by the date of the Panel meeting if acceptable justification is provided and agreed although officers agree that Council schemes should meet the requirement of our Development Plan.

5.5 ***Reusing existing buildings is more environmentally responsible***
Response

- Unfortunately the existing building cannot be easily altered/extended to provide either the quality or quantity of teaching space required by modern education standards and as needed to meet the demand of secondary school places in the central area of Southampton.

5.6 ***Environmental impact of the removal of natural grass playing surface and replacement by all-weather pitch (flooding/carbon absorption/biodiversity).***

Response

- The Council's Flood risk management team, Ecologist and Sustainable Development Officer have all reviewed the application and have not objected owing to suitable mitigation measures which can be delivered such as additional tree planting sustainable drainage systems/design and permeable hard surfacing materials.

5.7 ***Air Pollution from traffic around the entrances to the school especially Malmesbury Place given that the main site access will change.***

Response

- The Council's Scientific Team have reviewed the submission and do not oppose the application on the basis of air quality.

- 5.8 ***No dedicated community provision. Removal of ad-hoc community access. Contrary to details of the compulsory purchase order which requires community and school access.***

Response

- A community use agreement will be negotiated and secured so that the community will have access to the facilities available at the school outside of formal school hours. For safety, security and pupil safeguarding reasons once the playing fields have been absorbed in the school more formally there will not be the opportunity for informal access to the playing field for (for example) dog walking, recreation and sports. The community use agreement must balance the use of the school grounds out of hours with neighbouring residential amenity.
- The Council's legal team have identified that the land's legal designation is as playing fields under the education acts and, therefore, must be used as school playing fields. Community use, including dog walking, is currently allowed by informal agreement however a change of use has not occurred.
- Under the legal status of the land there is no requirement for informal public access of the land to be maintained.

- 5.9 ***Use of flood lights on artificial sports pitches - impact on neighbouring residential amenity (light impact)***

Response

- The information submitted with the application relating to lighting has been reviewed by the Council's Environmental Health Team. The conclusion being that the lighting design will prevent harmful direct light onto the playing surface without leading to harmful light spillage onto neighbouring residential properties.
- National standards for flood lighting has been achieved and the lighting is not opposed subject to limitation of hours and on this basis the lighting plan submitted.
- The hours of the field and associated lighting will be restricted to 5pm to 8.30pm Monday to Friday and 9am – 7pm Saturday and Sunday.

- 5.10 ***Use of artificial sports pitches during the evening - impact on neighbouring residential amenity (noise impact)***

Response

- The amended information submitted to support the application relating to noise has been reviewed by the Council's Environmental Health Team. The conclusion being that whilst there will be an impact generated by the school, and in particular the evening use of the outdoor sporting facilities, significant harm will be mitigated due to the incorporation of the acoustic barriers and limitation of the hours of use.

- 5.11 ***Use of flood lights on artificial sports pitches - impact on wildlife.***

Response

- The Council's Ecologist raises no objection to the application subject to the securing of mitigation measures.

- 5.12 ***The compulsory purchase order (CPO) places restrictions on the addition of floodlighting.***

Response

- The CPO is not a relevant material planning consideration.

- 5.13 ***Residents backing onto the playing field have not been asked if they would or would not like trees planted on the boundary.***

Response

- Tree planting shown is indicative and that details of the quantity, position, and specification of trees will be reserved by condition.

- 5.14 ***Visual harm caused by the change in character of the playing field including visual impact of noise barrier.***

Response

- The boundary fence to the playing field will be 2.4m high. The fencing around the all-weather playing pitches will be set within the boundary of the site some 20m from the closest residential property on Malmesbury Place, 25m from the closest properties on Suffolk Avenue and 45m from the closest properties on Malmesbury Road. The boundary treatment to the all-weather playing pitches will be a combination of 3m high acoustic barrier and 4.5m high weldmesh ball stop fencing. The separation distance is deemed sufficient to prevent significant visual harm.
- The layout of much of the playing fields could occur without the benefit of planning permission and the use of the land is not changing.

- 5.15 ***Safety impact of noise barrier (creating a space that cannot be naturally surveyed)***

Response

- The school will need to put management arrangements in place to ensure the site is safe and secure.

Consultation Responses

- 5.16 **SCC Highways: Holding objection**

At the time of writing this report the Highways Officer has concerns owing to the impact of the development on local residents and discussions between the Council's Highways Officer and the applicant's Highways consultant have not come to a conclusion. The Highways Team are aware that the proposed new school, which includes new vehicular access from Malmesbury Road/Place, will impact the local community, the main comments are summarised as follows:

- 5.17 Parking pressure and congestion in the roads directly adjacent to the school site; in particular at the beginning and end of the school day, through community use outside of school hours and the impact of changing vehicular access point to the car park from Stafford Road to Malmesbury Road/Place. The potential for overspill parking on site during time of high use by the community is being investigated.
- 5.18 The main safety concern raised relates to pedestrians crossing Shirley Road in front of the school without using dedicated pedestrian crossing points. This has been witnessed during officer's site visits associated with the development. The proposal is likely exacerbate the existing safety concern due to the higher pedestrian modal split of secondary school children (69% walking to school). The highways team are therefore reviewing potential crossing opportunities as part of the ongoing discussions.

- 5.19 Consideration has been given to the impact of pupils spilling out onto Shirley High Street.
- 5.20 Parking Standards: There are currently 34 parking space on site serving the primary school and this is not proposed to change notwithstanding the fact that there will be a reduction of 210 primary school places as a result of the development. The proposal will increase the amount of spaces to a total of 57 including 3 disabled/less mobile user spaces and 4 mini bus parking spaces. The additional 23 spaces meet the Council's maximum parking standards (0.75 parking spaces per classroom [rounded up]) for the additional 900 secondary school pupils assuming that there will be approximately 30 pupils per class room (therefore 30 class rooms).
- 5.21 It is not clear where coaches would park when visiting the school.
- 5.22 The transport assessment anticipates 69% of secondary school pupils will walk to school, 9% will cycle, 1% will use a scooter and 15% will arrive and depart by car. These figures have been queried.
- 5.23 Officer's note: Formal highways comments are therefore on hold until further information is received. It is however anticipated that by the date of planning panel the discussions will have been finalised and appropriate mitigation measures agreed to prevent significant harm to neighbouring residential amenity along with highway congestion & safety. An update will be provided at the panel meeting. The recommendation may change to reflect the receipt of this information.
- 5.24 **SCC Sustainability: Holding Objection**
At the time of writing the report the development is targeting BREEAM Very Good with a score of 59.9% (where there is a minimum of 55% for Very Good and 70% required for Excellent). In addition, potential additional credits have been identified (Improved Case Scenario) which increase the score to 74.1% sufficient to achieve an 'Excellent' rating
- 5.25 Insufficient justification has been provided explaining why the additional credits required to achieve 'Excellent' have not been reached and this is especially relevant given the Council's local declaration of a *'climate emergency'* and the adoption of Southampton's Green City Charter which states, *'Southampton will be a better place for present and future generations that is prepared for the challenges presented by climate change. We will achieve this by ensuring we are ambitious, lead by example and set ourselves challenging goals.'* This includes the objectives of being carbon neutral by 2030.
- 5.26 The Council's Sustainability advisor is therefore of the opinion that the additional credits must be sought. Therefore at the time of writing the report the Sustainability Advisor does not support the scheme unless BREEAM Excellent is achieved. Therefore conditions are recommended to secure BREEAM Excellent. A further update will be provided on this matter at the panel meeting.
- 5.27 **SCC Open Spaces – Objection**

This is an area which is very low in accessible green space the nearest green space to local residents being around 500m away (approximately 7 or 8 minute walk). The Council aims to provide usable green space within 300m of properties (approx. 5 minute walk) wherever possible. The green space is currently being used by local residents for informal recreation, such as walking, dog walking, picnics etc. and has been done so for over 5 years. The proposal will remove this resource from the local residents and mean the City has less accessible green space for its residents to use. Whilst there are covenants on the land for its use, the Council should be looking at how we can best serve the needs of the community whilst providing the new school and its grounds. This may include some kind of community use agreement which goes beyond hiring pitches and recreational facilities.

5.28 Concern is also raised owing to the lack of trees being planted and also the use of synthetic pitches. Given the climate crisis which has been declared by the Council and the clear issues with Climate Change the Council should be looking to enhance green space to enable it to mitigate these issues rather than using unsustainable surfacing, particularly in an area where we should be providing an example to children for the future. Detail on how the all-weather pitches are to be constructed and how these will aid climate change mitigation is required along with enhanced tree planting across the site with trees planted in small copse and spinneys to get the best benefit from them.

5.29 **SCC Trees – Holding Objection**

On the main school site, discounting the playing fields, there are approximately 48 individual trees and 2 groups of smaller understorey trees and shrubs. Of these there are 45 individuals and the two groups proposed for removal to facilitate the development, leaving just 3 trees on this part of the site. The majority of these trees are mature and semi-mature native species and were recently protected by a Preservation Order to highlight the amenity and ecological value they provide to the site and surrounding area.

5.30 It is disappointing to see this level of site clearance prior to development with little regard to the maturing tree population. It is understood that to retain more trees would likely result in specific engineering techniques being needed to enable the build and to protect trees and the associated costs for this. However the value these trees provide at present is considerable and their removal would be of significant detriment to local amenity, mitigation of pollution from Shirley Road and the wildlife they both attract and provide habitat for. Their value, if lost, would take many years to recover.

5.31 A holding objection is raised until further details are provided to justify loss taking account of available engineering solutions. Furthermore detailed mitigation plans are required identifying planting and species specification which is especially relevant for trees planted in hard surfaced areas.

5.32 If planning permission is minded to be granted for this proposal I would require full protection provisioned to those trees retained and a detailed landscape plan giving a diverse range of species and ultimate mature sized trees to mitigate the loss. I would also like to see planting specifications submitted detailing adequate undisturbed soil volumes (species specific) for all new trees to be able to reach their mature size without future pressure applied to them due to damage to surrounding

hardscaping and buildings. This could be achieved with the use of specific arboricultural engineering where needed in the form of modular suspended surfaces and integrated storm water management systems, allowing tree roots to thrive in un-compacted soil for the life of the tree and channel water runoff to where it can be useful. Use of a system like this, particularly in the courtyard area, would help prevent future damage to surface materials as the trees mature and allow larger species trees to be selected. For these systems to be effective they need to be included at the design stage rather than retro fitted later on. An update on tree matters will be provided at the panel meeting.

5.33 SCC Ecology: Holding objection

Based on the details submitted the proposal would result in the net loss of biodiversity for the following reasons:

- Data from the static bat surveys is missing;
- No plan showing the routes of bat flights;
- There is no assessment of the impact of removing the wildlife area;
- There is no assessment of the impact on bats of removing trees;
- There is no assessment of the impact of floodlighting which will stop bats foraging over much of the site, including the replacement planting;
- There is no mitigation and enhancement strategy.
- Officers have requested this additional information and an update on these ecology matters will be provided at the panel meeting.

5.34 SCAPPS – Results in the loss of public open space. SCC open space strategy acknowledges that there is a lack of open space in Shirley/ Freemantle/fails to meet national standards. The field was compulsory purchased in 2010 and permission granted for education and community use. Draft community use agreement is vague and doesn't allow informal access. The scheme should include a 'pocket park' as a minimum.

5.35 SCC Early Years and Childcare Service: The scheme helps the Council to fulfil its statutory duty pursuant to section 2 of the Childcare Act 2016 and sections 6, 7 and 7a of the Childcare Act 2006. Accordingly support is given.

5.36 SCC Principal Officer for Education and Schools: The rebuilding and expansion of St Marks School is a key part of the council strategy for the expansion and improvement of secondary school capacity in the city. Accordingly support is given.

5.37 Sport England – Sport England considers that the proposal will provide an improved offer for sport at the site with a range of new indoor and outdoor sports facilities and improvements to the existing playing field which could help to meet both the educational and community's needs for sport in the area. Sport England therefore considers that the proposal is capable of meeting our E5 exception policy, which states:

5.38 *'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'*

- 5.39 This is subject to requested conditions being added.
- 5.40 **SCC Flooding** - The submitted Flood Risk Assessment and Drainage Strategy identifies that the proposed drainage system is through the use of swales and oversized pipes. Any proposals for a sustainable drainage system should be designed in accordance with the non-technical standards for sustainable drainage systems), which includes controlling peak flow and volume of runoff to as close as reasonably practicable to greenfield rate and volume and design of the system so it manages surface water on the site up to and including the 1 in 100 year plus climate change rainfall event. No objection subject recommended conditions.
- 5.41 **SCC Right of Way** - The Malmesbury Place footpath is managed to ensure it does not become a public right of way rather it is a permissive path which the school/land owner has interrupted on a regular basis over the past 20 years in order to prevent it from becoming a public right of way. There have also been signs erected to identify its private status which further protect it from becoming a public right of way. The council has a duty to maintain a Definitive Map of rights of ways and also has a duty to keep the map under continuous review. It can be confirmed that currently there are no pending applications seeking to establish a public right of way through the length of Malmesbury Place.
- 5.42 **SCC Environmental Health (Pollution & Safety): No objection**
A combination of time restriction and acoustic control measures as detailed in the updated Acoustic Assessment Report will prevent significant adverse effects / noise nuisance to neighbours as the predicted residual noise level at the worst affected property would be at least 7 dB(A) below the Sport England threshold value of 50 dB(A) LAeq, 1hr, and therefore indicative of an acceptable noise level both in garden areas and within the property. The following conditions are requested:
- Out of hours facilities available for regular bookings from 5pm to 8.30pm Monday to Friday and 9am – 7pm Saturday and Sunday.
 - Acoustic barrier added to the outside of the all-weather playing pitches.
 - Acoustic barriers built outside the perimeter fence, so they are protected from being hit by balls generating impact noise;
 - All fencing must be securely clamped with resilient fixings to avoid vibrations;
 - Sheet metal signs can generate noise is struck by hockey balls etc. and should be avoided, or provided only in the form of soft vinyl signs;
 - Lightweight plastic shelters should be located away from the playing surface, preferably in recesses;
 - All access routes should be located away from the adjacent housing, so far as is practical;
 - Facilities managed to avoid antisocial behaviour and unnecessarily raised noise levels; and
 - Pitches used for hockey - solid backboards shall be lined with foam pads, to absorb impact energy.
- 5.43 **SCC Clean Air Team – No objection**
The Air Quality Assessment (AQA) supporting this application is considered suitable and sufficient and we are comfortable with the conclusion that there is little risk to the development impacting local air quality to the extent that statutory standards are compromised. Although impacts associated with the development

have been quantified as “negligible” by the assessment it does suggest a net increase in emissions and the opportunity to contribute towards cumulative impacts. The development also presents an opportunity to introduce measures that would contribute towards emission reductions and these should be pursued where possible. No objection is raised subject to the conditions recommended in section 6.1 of the Assessment.

5.44 **SCC Design: No objection** subject to recommended conditions to secure details of building elements including:

- Materials details;
- Windows and door openings to show reveal depths;
- Elements of the façade that are raised showing significant shadow depths on the elevations;
- Prevention of permanently visible safety railings on the roof (as visible from the street scene);
- Details of the wall defining the servicing compound; and
- Public art requirement.

5.45 **Historic Environment/Built Heritage - No objection**

St Marks CE Primary School is a multi-period education complex which contains a linear range of late-C19 historic buildings built of brick with gabled frontages. Architectural details include stone finials, large mullioned picture windows, and horizontal stone bands - all typical of late-Victorian schools of this period. The original plan form of the school was extended and enlarged to the south in the 1930`s with buildings built in a similar style. Since this time the older buildings have been altered and upgraded (the former timber windows have been replaced with uPVC), and large-scale C20 extensions and new buildings have enveloped the plot to the south and west.

5.46 Whilst from a conservation perspective the preference is to reconfigure and reuse as much of the existing school as possible the majority of the buildings on-site are relatively recent and generic buildings of no significant heritage value. The late-C19 range of buildings display some degree of heritage interest from a historic, social, and architectural standpoint due to their age and community function, however, in terms of significance, the former segregated entrances of the school have been obscured, the original windows have all been replaced with modern units, and the original plan form and layout of the units have been affected by modern purpose built school additions. Unfortunately, these changes have severely reduced their historic character and integrity to such an extent that the school does not display a sufficient degree of heritage interest or intactness to meet the council`s local listing criteria. Notwithstanding this, the late-C19 school buildings would be considered a non-designated heritage asset, and whose heritage interest, albeit low, would still need to be considered in the planning balance.

5.47 No objection is raised subject to relevant conditions.

5.48 **SCC Archaeology - No objection** subject to conditions to secure a watching brief on ground works, evaluation to determine if there is archaeological potential, archaeological work programme if necessary, structure recording and damage assessment.

- 5.49 **SCC Environmental Health (Contaminated Land)** – The land use is sensitive to land contamination and there is a risk that the development works result in contamination being released into the environment. No objection subject recommended conditions to secure Land Contamination investigation and remediation, Use of uncontaminated soils and fill and measures to manage any Unsuspected Contamination exposed as a consequence of the development.
- 5.50 **SCC Employment and Skills Development Coordinator:** An Employment and Skills Plan is needed and will be secured via legal agreement.
- 5.51 **Hampshire Fire and Rescue Service** – No objection has been raised however recommendations have been made and have been forwarded to the developer.
- 5.52 **Hampshire Constabulary** – No objection has been raised however recommendations have been made and have been forwarded to the developer.
- 5.53 **Southern Water** – No objection subject to requested conditions and informatives.to secure sustainable drainage and details of the proposed means of surface water and sewerage disposal.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development;
 - ii. Sports pitch provision and community use;
 - iii. Design
 - iv. Sustainability;
 - v. Residential amenity;
 - vi. Highways and parking;
 - vii. Air quality
 - viii. Ecology and trees.
 - ix. Mitigation of direct local impacts

Principle of Development

- 6.2 The NPPF (Paragraph 94) states that *‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
 - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.’*
- 6.3 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.

- 6.4 The scheme will ensure that the Council meet the statutory duty to provide sufficient school places by providing 900 pupil places within a new all-through school by the required date of September 2022. The application is therefore supported in principle.
- 6.5 The Development Plan supports the principle of school development which seeks to modernise and improve teaching facilities within the City for the benefit of pupils and teaching staff. Whilst it is acknowledged that continuous education provision creates a significant constraint the plan also seeks to secure high quality education facilities which can be used for multiple purposes to benefit the community.
- 6.6 The new buildings will provide much improved facilities for a growing number of children, and the development will also enable the Council to control the use of the building so that it can be accessed by community groups' outside of school hours.

Sports pitch provision and community use

- 6.7 As part of this application for the replacement school there is a need to ensure that the redevelopment can be undertaken without compromising the school's ability to provide continuous education provision on site. There is also a need to safeguard open space, including playing fields, due to Core Strategy Policy CS21 and paragraph 96 and 97 of the NPPF.
- 6.8 LDF Core Strategy Policy CS21 (Protecting and Enhancing Open Space) seeks to retain the quantity, and improve the quality, of existing open space provision.
- 6.9 Whilst the playing pitches are publically accessible at present the land is legally designated as school playing fields under the education act and so must be used as school playing fields. The critical distinction being that the open space is 'private' rather than 'public' and, therefore, the public do not have the right of access. Currently access by the public is permitted by the land owner (the school) on an informal basis.
- 6.10 There is a presumption against developing existing school playing fields unless alternative provision of equal (if not better) space is provided. Due to the need to provide continuous education on site there will need to be a temporary school built on the playing field. This will result in a temporary loss of playing fields on site during construction. Throughout the construction of the school pupils will still however be able to use some of the field for outside play. The temporary school forms part of a separate application.
- 6.11 For safeguarding reasons informal public access of the playing fields will cease on commencement of development of the new school.
- 6.12 Once the replacement school is completed the existing buildings can be demolished and the land reinstated as replacement sports pitches.
- 6.13 As part of the development the school are proposing to significantly improve the sporting facilities available on the existing sports field which includes providing all weather sporting facilities. The proposal is therefore considered to be a net benefit in terms of sporting provision which is important given the increased intensity of use that will result as a consequence of the additional secondary school element. Sport England support the approach.

- 6.14 As clarified by the Council's legal team there is no requirement to provide the public with access to the open space. However, the new school will be subject to a community use agreement with managed community access to the school facilities.

Design

- 6.15 The current scheme intends to demolish all the buildings on-site and erect a contemporary purpose built all-through school with associated facilities.
- 6.16 The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. The new building would be a significant structure with a 66m long and 12m height fronting Shirley Road (not including expected plant equipment). The external design of the public facing elevations of the main school building has been formed with the aim of seeking to incorporate some of the historic details of the original school within its design. The aesthetic of the proposed school will make reference to the character and identity of the existing school by reinterpreting elements of the existing design features including stone string courses, deep red bricks used on the main elevations fronting the public realm, and stone window frames & sills. The primary hall will also effectively be reconstructed.
- 6.17 Alternative options for the location and configuration of buildings have been reviewed in detail, with a conclusion being that the proposed siting is the only feasible location to deliver the required scheme and optimise open areas of the site for sports facilities; the location also enables the site to operate efficiently and without pause and prevents the need to build on the open space which would be contrary to policy CS21.
- 6.18 In terms of the proposals, it is acknowledged that the public benefits of creating a complete new through school facility on an existing educational site is substantially high. It is also acknowledged that alternatives that included the retention of some of the buildings were assessed but were deemed impractical due to the constraints of the older buildings and the need to meet modern standards. Furthermore, creating a traditional primary hall building on-site to display elements of historic fabric would provide some form of reference to the school's past.
- 6.19 On this basis, although the retention and reuse of the late 19th Century buildings would be preferred from a conservation perspective it is concluded in the planning balance that the harm resulting from the total loss of the non-designated heritage asset would be outweighed by the high public benefits presented by the scheme. As required by the Council's Heritage team a full photographic and archaeological recording scheme for the buildings on-site will need to be carried out prior to works commencing.

Sustainability

- 6.20 The adopted LDF Core Strategy Policy CS20 commits the Council to securing sustainable development. The applicant proposes to meet and exceed BREEAM 'Very Good' and, at the time of writing, the application cannot achieve BREEAM 'Excellent' which is required by Core Strategy Policy CS20. The development is therefore not policy compliant as new developments are expected to achieve BREEAM 'Excellent'. As such the proposal represents a departure from the Development Plan (refer to paragraphs 5.18 – 20 for full details).

- 6.21 The proposal is currently able to achieve BREAM Very Good with a score of 59.9% (where there is a minimum of 55% for Very Good and 70% required for Excellent). This is not considered sufficient by Officer's and as such negotiations are ongoing with the hope that a higher BREAM score can be achieved. In the meantime, and notwithstanding the current state of negotiations, a condition is recommended to require BREEAM Excellent. An update will be given to panel on the negotiations.

Residential amenity

- 6.22 Representations have been received from neighbouring occupiers raising concerns regarding traffic generation and associated parking and congestion problems (discussed below in the highways and parking section), loss of access to the playing field that is currently accessible on an ad-hoc basis and noise & lighting impact from the playing pitches with concerns mostly relating to out of school hours. The response to these concerns as detailed above identify that whilst officers appreciate that development will have an impact in planning terms the impact is justified and is acceptable. The benefits of the proposal outweigh the negative and conditions have been recommended where appropriate.
- 6.23 Regarding the concerns in relation to loss of public access to the playing fields, there are no planning or legal reasons to oppose the scheme on the basis as the open space is not 'public'. It is 'private' open space owned by the Council's education department. Legally the land is 'playing fields' under the education act and the current informal use of the land by members of the public is permitted by informal agreement rather than by law. It is fully within the Council's Education Team and the School's rights to exclude the public from the site (on child safeguarding grounds) during school hours. Community use, including dog walking etc could be permitted in the evenings and weekends and outside term times by informal agreement however given the management difficulties associated with allowing members of the public access to school playing fields for safeguarding reasons it is unlikely that this will be possible in the future.
- 6.24 The community will be able to use the sports and other school facilities by formal arrangement and will be secured through the community use agreement.
- 6.25 Noise impact can be managed by the school staff during school hours and will also be mitigated by measures set out in the amended noise assessment and as agreed by the Council's Environmental Health Officers. The main mitigation measures that will be required include restricting the hours of 'community use' outside of school hours to 5pm – 8:30pm Monday to Friday and 9am – 7pm Saturday and Sunday along with the use of an acoustic barrier and fixings to the fencing around the artificial pitches that prevent excessive noise and vibration caused by ball strikes. The predicted noise level, as a result of the mitigation measures put forward are also below the national threshold set by Sport England when measured at the worst affected property.
- 6.26 The flood lighting proposed also meets national standards and will also be mitigated by restricting the hours of use to 5pm – 8:30pm Monday to Friday and 9am – 7pm Saturday and Sunday. On the edge of the field tree planting is proposed where practical in order to also mitigate the visual impact of the flood lights.

- 6.27 Officers consider that the proposed hours of use strike a fair balance in terms of making the sports facilities available to the community at evening and weekends whilst protecting the amenities of residents later into the evening. The proposed hours are consistent with the hours of use of other similar school community facilities across the city. That said, officers recommended similar hours to the panel for the proposed artificial sports pitch at Itchen College (LPA Ref 18/00520/FUL) and the panel revised the hours of use down on that particular application to 6pm to protect the amenities of neighbouring residents. Itchen College subsequently lodged a planning appeal seeking later hours and the appeal inspector upheld the Panel's decision and agreed that the hours of operation of the sports pitch at Itchen College should be no later than 6pm. A copy of the Itchen College appeal decision is attached as **Appendix 2**.
- 6.28 The outlook from habitable rooms and the garden serving the residential property at 255 Shirley Road will be effected by the proposal. This is owing to the depth of the proposed school building positioned close to the shared boundary. Fortunately the school building will however be positioned so that significant shadowing of the garden and house will not occur during the afternoon and evening; there will however be an impact on the amount of sunlight received to the garden in the morning. Mitigation in the form of tree planting will help soften the impact and obscure glazing will also be needed to prevent privacy loss. This is judged to be a negative aspect of the proposal that must be balanced against the positive elements.
- 6.29 Taken in the round and upon considering the positive aspects of the proposal it is judged that no significant privacy and/or amenity issues will arise as a consequence of the development in terms of noise, light impact and direct impacts of the buildings proposed providing the mitigation offered is secured. The application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v).

Highways and parking

- 6.30 A Transport Assessment has been submitted to support the application. A travel plan, which will include measures to reduce the likelihood of staff arriving by car and parents arriving and collecting children by car, can be secured through the unilateral undertaking.

The Transport Statement predicts the transport, to and from school, modal split for secondary school pupils attending the school:

Mode of travel	% modal split	Number of pupils (900 total)
Walk	69%	621
Car	15%	135
Cycle	9%	81
Bus	6%	54
Scooter	1%	9
Park and stride	0%	0

- 6.31 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). It is noted that the school is located in an area that is classified as being highly accessible due to its close proximity to the transport corridor of Shirley Road. Based on this location a maximum parking standard of 0.75 spaces per classroom is identified within the SPD. Thus for a 900 place secondary school and based on 30 students in each class this would equate to a requirement for 23 parking spaces. A primary school with 420 pupils equates to further 10.5 spaces. In this instance 57 spaces are proposed which equates to an additional 23 parking spaces on site. The Highways Team have not objected to the proposed level of car parking which exceeds the maximum standard and retains the existing parking provision for the junior school.
- 6.32 It makes sense to intensify educational use on this large 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 redevelopment of this school is acceptable in highway safety terms subject to mitigation measures and site specific highways work which are in the process of being agreed. It is hoped that by the time that the application is presented to planning panel that the mitigation measures are finalised and agreed. Accordingly the panel will be updated at that time.
- 6.33 The repositioning of the main building and the two additional access points will help to distribute the impact of pupil's arrival and departure from school experienced by local residents. This will help to potentially dissipate the impact of the 'school run' on local residents.
- 6.34 Vehicle access has moved from Stafford Road to Malmesbury Place. Which will likely have an impact on Malmesbury Place at the beginning and end of the school day along with potentially causing an impact when the school facilities are being used out of hours as part of the community available facilities.
- 6.35 The cycle storage provision will be increased to 274 spaces. The quality of the cycle storage accommodation will also be considerably improved and it is hoped that the provision will encourage more pupils and staff to use bicycles to travel to and from the site.
- 6.36 As confirmed by the Council's legal team (rights of way) the Malmesbury Place footpath a permissive path meaning that the School and Council (as land owner) have allowed the public to pass along the route in the past. The route is however not a public right of way and therefore there is no legal reason why the route cannot be stopped and access for public users denied.
- 6.37 It is argued by the highways consultant that the impact of the new all through school will be acceptable as there will be a reduction of 210 primary school pupils attending the school (from 630 to 420) as a consequence of the development. The lesser impact is considered as more junior school pupils are likely to be driven to school by parents, and those vehicles are already likely to be on the highway network development of this nature is however likely to cause some degree of

additional disturbance to residents in the local area at drop off and pick up times. This impact must be balanced against the positive aspects of the proposal.

- 6.38 As a means of mitigation the project will lead to funding input to the school travel plan to enable the school to engage with pupils, parents and neighbours, to address this issue by encouraging sustainable travel to school. The formation of two new accesses will help to spread the impact of the 'school run' and the highways team will review the need for an active travel zone in nearby streets (in consultation with local residents).
- 6.39 The Highways consultants have also made the point that it is likely that people driving their children to school will already be on the highway network for a variety of reasons, the main reason is likely to be that they are driving to work. On balance the impacts of the expanded school are considered to be capable of mitigation.

Air Quality

- 6.40 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.41 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
 - Minimise the impact of climate change
 - Reduce health inequalities and;
 - Create a more sustainable approach to economic growth.
- 6.42 The application will address the Green Charter and the air quality impact of the development by the implementation of an updated travel plan which will encourage sustainable modes of transport and mitigation measures set out in the Air Quality Assessment submitted with the application.

Ecology and Trees

- 6.43 In light of the Cities 'Green City Charter' and its environmental responsibilities Council led developments should be leading the way in providing sustainable and effective green infrastructure and eco-system services. In schools particularly, where the children are likely learning about and taking an interest in the subject, this seems ever more important. Officers are aware of these requirements and are seeking improvements to the current scheme with further updates at the Panel meeting.

- 6.44 At the time of writing the report there is a holding objection from both the Council's Planning Ecologist and Tree Officer. The reasons for the holding objections are set out above in section 5 above. It is however anticipated that by the date of planning panel the remaining issues will have been resolved and the objection removed.
- 6.45 Adopted Local Plan policies SDP6 (vii), SDP7(i) and SDP12 seek to ensure that major planning applications are supported by tree survey work and details of tree protection. The trees on site are protected by The Southampton (St. Marks C of E Primary School) Tree Preservation Order 2019. This makes them a material consideration in the planning process.
- 6.46 45 of the 48 trees on site (and 2 groups [making 77 trees in total]) are proposed to be felled as a consequence of the development. 56 of the trees are considered to be low quality with a maximum of 10 years life expectancy. 18 are moderate trees with a life expectancy of 20 years and there is only one tree of high quality (more than 40 years life expectancy). Compensatory planting can be provided on site to offset the impact and trees of greater future amenity potential can be added.
- 6.47 The principle of the development is not opposed by the Tree Team however the submitted Arboricultural Method Statement and Impact Assessment that accompanies the application is not of sufficient detail to allow the Tree Team to lend their support at present to the scheme. Whilst the loss of trees on site albeit of limited value is regrettable the provision of a new school and potential for replacement planting (2:1 ratio) outweighs the loss of trees from a planning perspective. Removed trees can be compensated for and an amended Arboricultural Method Statement and Impact Assessment will need to be submitted. Planning conditions can be applied to address the concerns of the Tree Team.
- 6.48 The ecological mitigation measures currently listed are deemed insufficient. However there would appear to be plenty of available space on the site to provide appropriate mitigation including tree planting and habitat creation. The details of the mitigation measures are being agreed at present with discussions taking place between the Council's Officers and the applicant's consultants.

Mitigation of direct local impacts

- 6.49 Planning obligations to mitigate against the impacts of the new larger school are recommended to be secured through an Internal Undertaking secured by condition.
- 6.50 The Internal Undertaking will 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.
- 6.51 Public realm improvements are also likely to be required securing 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.

- 6.52 The Internal Undertaking will also secure the submission of a public art strategy, 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.

7 Summary

- 7.1 At the time of writing this report discussions are still taking place to secure the highest possible BREEAM standard and the most effective highways, ecology and tree mitigation measures and it is anticipated that improvements will be agreed above the current offer.
- 7.2 The replacement school will provide new and improved school facilities and there is a need to increase secondary school places in the Central Planning Area of Southampton by 1500 places by September 2022.
- 7.3 This project will therefore help to achieve the Council's statutory duty to provide sufficient school places as set out in s14(1) of the Education Act 1996. The St. Mark's School project forms part of this programme of secondary school expansion projects across the City and looks to provide 900 pupil places resulting in an all-through school, providing primary and secondary education for children between the ages of 4 – 16.
- 7.4 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 highway impact, sustainability standards and impact on trees & ecology.

8 Conclusion

- 8.1 The application is recommended favourably and delegation is needed to secure details of BREEAM and highways impact mitigation.

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

MP for 11/02/2020 PROW Panel

PLANNING CONDITIONS*/Reason for refusal* (*Delete as necessary)

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.Internal undertaking agreement (Pre-Commencement Condition)

No development shall commence until an internal undertaking has been agreed and entered into with the Council covering the following heads of terms:

- 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. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- v. Submission approval and implementation of either a scheme of measures or a financial contribution towards a public art strategy for the site.
- vi. Submission and implementation within a specified timescale of a Travel Plan.

- vii. Secure a Community Use Agreement including public access to school facilities outside of school hours taking account of condition 41.
- viii. 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).

Reason: Planning permission can be issued following the resolution of the Planning and Rights of Way Panel as the site is currently within Council ownership. Furthermore, as the development will create localised impacts a S.106 legal agreement is required in the interests of the proper planning of the area and to mitigate the impact of the development in accordance with Policy CS25 of the amended City of Southampton Core Strategy (2015).

4. 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 sporting and community uses 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.

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 Condition)

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 along with details of all means of enclosure/boundary treatment sand hard surface materials, have 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. Wheel Cleaning Facilities [Pre-Use 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.

8. Construction Management Plan (Pre-Commencement Condition)

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

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

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

9. Access and Parking during demolition/construction [Performance Condition]

The application site shall at all times during the demolition and construction phase provide facilities for the loading/unloading/circulation of vehicles and for the parking of a maximum of 34 cars to serve the school use.

Reason: To prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety.

10. Parking [Performance Condition]

The application site shall at all times, following the completion of the development, provide facilities for the loading/unloading/circulation of vehicles and for the parking of a maximum of 57 cars, 4 mini-buses and 274 bicycles to serve the school use as identified on the hereby approved plans. The parking and servicing areas shall thereafter be retained for parking/servicing use in association with the educational buildings and their "dual use" hereby approved only.

Reason: To prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety.

11. Cycle Storage [Pre-Occupation Condition]

Before the building is first occupied full details and specifications of facilities to be provided for the secure storage of 274 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to the first occupation of the development hereby approved and retained thereafter whilst the site is used for education.

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

12. Refuse & Recycling [Pre-Occupation Condition]

Before the building is first occupied details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the

Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

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.

13. Internal Lighting (Pre-Occupation Condition)

A written lighting scheme to demonstrate how the internal rooms of the building shall be illuminated outside of daylight so that lights are turned off in rooms when they are not required and methods of ensuring that neighbours do not experience significant light intrusion (in particular occupants of 255 Shirley Road), shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

Reason: To respond to neighbouring concerns/in the interests of neighbouring amenity and sustainability.

14. External Lighting [Pre-Occupation Condition]

A written lighting scheme to demonstrate how the parking areas and access routes across the site shall be illuminated outside of daylight hours, to include a light scatter diagram with relevant contours, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the hereby approved development. The installation must be maintained in accordance with the agreed written scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005.

Reason: In the interest of safety and security and to prevent harm to local wildlife (in particular bats); and to protect neighbouring amenity.

15. Ecological Mitigation Statement (Pre-Commencement Condition)

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

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

16. Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

17. Archaeological evaluation investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

18. Archaeological evaluation work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

19. Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the additional archaeological investigation is initiated at an appropriate point in development procedure.

20. Archaeological work programme (further works) [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

21. Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

22. Sustainable Drainage (Performance Condition)

No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the submitted Sustainable urban Drainage Systems are provided as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

23. 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 (in consultation with Sothorn Water). 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).

24. BREEAM Standards (Pre-Above Ground Works Condition)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage report, is 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).

25. 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).

26. Zero or Low Carbon Energy Sources (Pre-Commencement Condition)

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO₂ emissions of at least 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. 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 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).

27. Noise Report - [Pre Occupation Condition]

Unless otherwise agreed in writing with the Local Planning Authority prior to the occupation of the hereby approved school the mitigation measures listed in the acoustic report and referenced below shall be fully implemented and thereafter permanently retained whilst the development is occupied for education purposes.

Acoustic report: ASSESSMENT OF NOISE FROM PROPOSED AGP & MUGA FACILITIES
Ian Sharland, 18 January 2020, Ref: M4328-TS-01.

- Acoustic barrier added to the outside of the all-weather playing pitches.
- Acoustic barriers built outside the perimeter fence, so they are protected from being hit by balls generating impact noise;
- All fencing must be securely clamped with resilient fixings to prevent vibrations;
- No signage shall be added to the fencing around playing pitches which might otherwise generate vibration and noise if the fence is struck by balls etc.
- Lightweight plastic shelters should be located away from the playing surface, preferably in recesses;
- All access routes should be located away from the adjacent housing, so far as is practical;
- Facilities shall be managed to avoid antisocial behaviour and unnecessarily raised noise levels; and

- Pitches used for hockey - solid backboards shall be lined with foam pads, to absorb impact energy.
- The use of the plant equipment shall not exceed the noise limits set out under Section 2.4.2 of the submitted noise report (ASSESSMENT OF NOISE FROM PROPOSED AGP & MUGA FACILITIES Ian Sharland, 18 January 2020, Ref: M4328-TS-01) which states: 'The Local Authority will seek to ensure that noise from new mechanical services are limited to a level which is at least 10 dB below the existing level of background noise. Based on a survey of external noise conducted in March 2019, the following limits will be applied:
- Table 18 – External Noise Limits for New Building Services Plant Period Maximum Acceptable Noise Level from New Building Services Plant, LAeq, t dB(A):
 - 0700 – 1900 27 LAeq, t dB(A)
 - 1900 – 2300 25 LAeq, t dB(A)
 - 2300 – 0700 22 LAeq, t dB(A)

It should be noted that the levels are to be assessed at the facade of any adjacent noise sensitive property. Furthermore, if the noise under consideration is considered to be tonal, intermittent or otherwise of a noticeable character, the corrections set out in British Standard 4142 are to be applied

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

28. 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 scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

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

29. 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.

30. 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.

31. 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 measures.
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots.
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs).
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

32. 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:

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

Reason: To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to

ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

33. Landscaping, Lighting & Means of Enclosure Detailed Plan [Pre-Occupation Condition]
Notwithstanding the submitted details before the occupation of the development hereby approved a detailed landscaping scheme and implementation timetable shall be submitted, 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 tree pit design, 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.

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.

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.

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.

34. Window specification limitations [Performance Condition]

All windows shall have a reveal of at least 100mm from the finished facade.

Reason: In the interests of amenity by endeavouring to achieve a building of visual quality.

35. Plant Equipment Screen (Pre-Commencement Condition).

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 scheme is submitted to and approved in writing by the Local Planning Authority showing how the plant equipment at roof top level is to be screened. Once approved the plant equipment screen shall be installed prior to the occupation of the building and shall be retained in perpetuity.

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

36. Floodlit Multi Use Games Technical details. (Pre-Occupation Condition).

The floodlit Multi Use Games Area hereby permitted shall not be constructed other than substantially in accordance with Sport England's technical design guidance: Artificial Surfaces for Outdoor Sport (2013): <https://www.sportengland.org/facilities-and-planning/design-and-cost-guidance/artificial-sports-surfaces/>.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy CS21.

37. Artificial Grass Pitch (Pre-Occupation Condition).

Use of the Artificial Grass Pitch shall not commence until:

(a) certification that the Artificial Grass Pitch (AGP) hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy CS21.

38. Artificial Grass Pitch management and maintenance (Pre-Occupation Condition).

Before the Artificial Grass Pitch (AGP) is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This should include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that new facilities are capable of being managed and maintained to deliver facilities which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy 21.

39. Playing field drainage (Pre-Occupation Condition).

No drainage works/improvements to the playing field shall commence until a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.

Reason: To ensure the quality of playing field/pitches is satisfactory.

40. Flood Lighting (Performance Condition)

The development shall be carried out in accordance with floodlighting drawing Lighting Project: Horizontal and vertical illuminance levels, St Marks School, UKS17076-3A, 18/07/2019

Reason: In the interest of residential amenity/to minimise the impact on protected species.

41. Sports pitches hours of use (Performance Condition)

The outside sport pitches and flood lighting approved shall not operate for the purposes of community use outside the following hours:

5pm to 8.30pm Monday to Friday; and

9am – 7pm Saturday and Sunday

School use of the flood lighting and outside playing pitches shall also not operate outside the following hours

8am to 8.30pm Monday to Friday; and

9am – 7pm Saturday and Sunday

The sports pitches shall not be used for community use during daytime school hours within term times. The flood lighting shall be switched off when there are no evening bookings during the above operating hours.

Reason: To protect the amenities of the occupiers of existing nearby residential properties. Hours of use beyond 6pm in the evening would result in noise disturbance to neighbouring residential properties, contrary to policies SDP1(i) and SDP16(i) of the City of Southampton Local Plan Review (2015).

42. Obscured window specification [Performance Condition]

The windows in the north west flank elevation, facing the neighbouring property 255 Shirley Road, of the main school building which fronts onto Shirley Road at ground, first and second floor level [serving the classrooms and stair wells] must be obscured and shall only have a top light opening above a height of 1.7m above the floor level of the room to which it serves unless (at ground floor) it can be demonstrated prior to occupation that the boundary treatment defining the site is sufficient to prevent harmful overlooking.

Reason: To protect the privacy enjoyed by the occupiers of the adjoining property.

43. Staggered start and finishing times (Pre Occupation Condition)

The development hereby approved shall not be occupied until the start and end of the school day for primary and secondary year groups are agreed in writing by the local planning authority. The primary schools start and finishing times shall be staggered from the secondary year groups start and finish times. Once agreed the development shall be carried out in accordance with the agreed details.

Reason: To limit the impact of the development on the highways network during peak drop off and pick up times and the start and end of the school day.

Application 19/02011/R3CFL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
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
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT1	Location of Development
CLT3	Protection of Open Spaces
L2	School Expansion Sites
L4	Nursery Provision
H2	Previously Developed Land

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)

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Appeal Decision

Site visit made on 28 May 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2019

Appeal Ref: APP/D1780/W/18/3219336

Itchen Sixth Form College, Middle Road, Southampton SO19 7TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Itchen College against the decision of Southampton City Council.
- The application Ref 18/00520/FUL, dated 19 February 2018, was approved on 14 September 2018 and planning permission was granted subject to conditions.
- The development permitted is proposed installation of a 3G football turf pitch with associated fencing, 6 x flood lights and 2 x storage containers (Additional information received regarding hours, parking, litter, drainage and noise).
- The condition in dispute is No.3 which states that: The sport pitch and flood lighting approved shall not operate outside the following hours:
Monday to Thursday - 9am to 6pm
Friday to Sunday - 10am to 6pm
Recognised public holidays - Closed
The sports pitch shall not be used for community use during daytime College hours within term times. The flood lighting shall be switched off when there are no evening bookings during the above operating hours.
- The reasons given for the condition are: To protect the amenities of the occupiers of existing nearby residential properties. Hours of use beyond 6pm in the evening would result in noise disturbance to neighbouring residential properties, contrary to policies SDP1(i) and SDP16(i) of the City of Southampton Local Plan Review (2015). The submitted Transport Assessment has failed to properly assess the parking impact when the sports pitch is operating at capacity for community use during the evening (after 6pm) and therefore the application has failed to demonstrate that there will not be harmful parking overspill into surrounding residential streets outside of recognised daytime College hours as required by the provisions of Policies SDP1 and SDP4 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

Decision

1. The appeal is dismissed.

Background

2. Permission has been granted for a 3G football turf pitch with associated fencing, 6 floodlights and 2 storage containers. The pitch could be used for football, either as a full-sized pitch or four 5-a-side pitches, or rugby. No spectator seating would be provided. The Council's planning officer had negotiated an earlier closing time of 9pm from the appellant's preferred time of 10pm. The planning officer's report concluded that with a closing time of 9pm, there would be no adverse impact on living conditions from noise or lighting with no objection raised by the Council's Environmental Health Officer.

3. Despite a recommendation for activity to cease at 9pm, which the appellant suggests would effectively require a cessation of sporting activities by 8.45pm, the Council's Planning and Rights of Way committee imposed an earlier closing time of 6pm, with no opening on public holidays. The appellant requests that the condition is varied to allow the later opening times originally suggested.

Main Issues

4. The main issue is whether the condition is reasonable and necessary to protect the living conditions of neighbouring residents in terms of noise from the pitch, and inconvenience and disturbance caused by overspill car parking.

Reasons

Noise

5. The site is an existing playing field for the college. The field contains an existing sports pitch that slopes too steeply to comply with FA guidelines and is prone to waterlogging. The college site is surrounded by residential properties. A neighbouring school provides a buffer to residential properties on Heath Road and the college buildings lie between the playing field and dwellings on Deacon Road. However, a number of dwellings on the opposite side of Middle Road face the field and those on Spring Road back onto the site.
6. The appellant engaged the Council and others in extensive pre-application discussions, including scoping the methodology for a Noise Impact Assessment (NIA)¹ that accompanied the application. The NIA follows guidance by Sport England² (SE) and the Institute of Acoustics³, and concludes that average noise levels at noise sensitive residential properties, measured over 1 hour periods, would not exceed thresholds considered unacceptable by the World Health Organisation⁴ (WHO). It also indicates that in a worst case scenario, maximum noise levels experienced in the same locations would be below those maximum levels present in the existing ambient noise environment.
7. However, whilst the Council does not dispute the methodology used, I also have a critique⁵ of the NIA that suggests the assessment method may not give a true representation of noise disturbance. Having regard to this evidence, I find that the distinctive characteristics of the likely noise emitting from a sports pitch through intermittent short-term events including shouting, balls hitting perimeter fences and the like would likely be easily discernible against the ambient noise.
8. Whilst the maximum noise levels from these events are predicted to remain below those in the existing noise environment, there is no substantive evidence regarding the sources of those existing maxima. It is likely that the existing noise would be of a different character to the particular sounds associated with sporting activities. I, therefore find that they would be intrusive to neighbouring residents.

¹ MLM Group (April 2018) Noise Impact Assessment.

² Sport England (2015) Design Guidance Note "Artificial Grass Pitch (AGP) Acoustics – Planning Implications"

³ Institute of Acoustics Bulletin Article (Vol 43 No. 1 January/February 2018) "The Assessment of noise from all-weather sports pitches".

⁴ World Health Organisation (1999) "Guidelines for Community Noise".

⁵ Robert Davis Associates Statement of Robert Davis on Noise, on behalf of the Itchen Local Residents' Association

9. I understand that the guidance relied upon in the NIA may be the only relevant advice available. I also note that the SE guidance does not recommend a detailed analysis of likely noise in this way and also indicates that noise above the WHO recommendations would not necessarily be disturbing. However, there is no particular evidence, either within the SE guidance or NIA, as to why the characteristics of short term noise events should be given limited weight, particularly as the WHO recommendations themselves indicate that the measurement of average noise is best suited to noise that is effectively continuous.
10. The existing sports field can accommodate similar activities to those that would be played on the 3G pitch. It is unregulated in terms of its hours of use, but the frequency by which it can be used is limited by its shortcomings. By contrast, the 3G pitch will allow more intensive activity throughout the year and as such is likely to generate noise more frequently than the existing pitch. Indeed, the ability for such activities to take place with greater frequency is part of the rationale of the project.
11. The Council has offered little reason as to why 6pm should be the time that noise from the pitch becomes harmful, in the face of evidence that ambient noise levels remain similar later into the evening. However, I can accept that during the early evening, many people desire a more tranquil environment at their homes. In the absence of substantive evidence to the contrary, 6pm would be a reasonable time from which this might be expected. Furthermore, given the prevalence of family-style housing in the locality there is a reasonable likelihood that a number of children may be sleeping before the appellant's requested cut-off time. The associated sports centre and bar may be open until 11pm, but this appears to be an indoor facility and there is no compelling evidence to suggest it would produce comparable noise to the proposed outdoor pitch.
12. With regard to the above, I find that noise disturbance from the proposed pitch would harm the living conditions of neighbouring residents. The hours of operation in the disputed condition are, therefore, reasonable and necessary to safeguard living conditions, and to bring the proposal into compliance with Policies SDP 1 and SDP 16 of the City of Southampton Local Plan Review 2nd Revision 2015 (LP) that seek to protect the amenity of citizens and prevent noise-generating development that would cause an unacceptable level of impact.

Parking

13. The site is some distance from the city centre and other local centres. I understand that it is not particularly well-served by public transport, especially in the evenings. This may account for high levels of car ownership in the area and significant on-street parking pressure in the surrounding residential streets.
14. The parking arrangement at the college site is somewhat awkward with two separate access points from different roads serving two different, unconnected car parks. There is some dispute over the total number of parking spaces available at the college site. However, the appellant's appeal statement clarifies that a parking capacity survey indicated that outside college hours, when the facility would be in use by the general public or other organisations, there was spare parking capacity of at least 42 spaces at the site.

15. Whilst the appellant's traffic survey may not have taken account of the potential for other college-based activities being undertaken at the site, there is no substantive evidence that these would be regular. If the pitch were used to its maximum capacity as four 5-a-side pitches and therefore up to 40 players, it would appear that sufficient parking capacity would usually exist even if every one of those users travelled to the site individually by car. Moreover, regardless of its configuration, the Parking Standards Supplementary Planning Document (2011) (SPD) indicates that a maximum of only 7 parking spaces should be provided for a pitch of this size.
16. I can appreciate that the awkward parking layout means that if one car park is full, visitors would have to completely leave the site and re-enter at a different point. This could cause some congestion in the narrow accesses and surrounding streets but the Council has not suggested that this would be harmful to highway safety. Given the significant over-provision of parking against the SPD standards, even accounting for the slightly awkward arrangement of on-site parking, I find no compelling evidence that the proposal would significantly add to the parking pressures in the area.
17. Even if I am wrong, I note that the condition imposed by the Council allows the facility to operate at the weekends when residential parking pressure is also said to be significant. There is no substantive evidence to indicate that later evening opening times would have a significantly different effect on the surrounding area compared to that which has already been permitted.
18. I therefore, find that the disputed condition is not necessary to prevent inconvenience or disturbance from additional parking pressure on the surrounding residential streets. As such, it is not needed to bring the proposal into compliance with LP Policies SDP1 or SDP4; or Policy CS19 of the Southampton Core Strategy Development Plan Document Partial Review 2015, which seek to ensure priority is given to non-car transport modes, that regard is given to the SPD and other locational and design factors, and that development does not unacceptably harm the amenity of citizens.

Other matters

19. The proposal would contribute to meeting a shortfall in playing pitch provision within Southampton. There is a significant amount of support, including from England Rugby and various local clubs. The restrictions would reduce this benefit and leave less opportunity for the college to recoup the cost of the development. This could affect the overall project viability, such that the benefits did not arise at all. I also note that SE may not be able to support such restricted community use.
20. Given the topography and incidences of surface-water run-off affecting the adjoining junior school, the proposal with an integrated drainage solution, could lead to an improvement in off-site flood risk.
21. However, none of these matters alone or in combination are sufficient to outweigh the harm to living conditions that would arise from the extended operating hours sought. I have given consideration as to whether some extension in hours could be allowed for a limited period of time in order to measure the effects on the area. However, the appellant has indicated that a minimum period to secure a viable development would be 3 years. Such would be a significant period of time in which to subject neighbouring residents to

adverse living conditions so I cannot allow such a situation to arise. In any case, it would not mitigate the harm that I have identified.

Conclusion

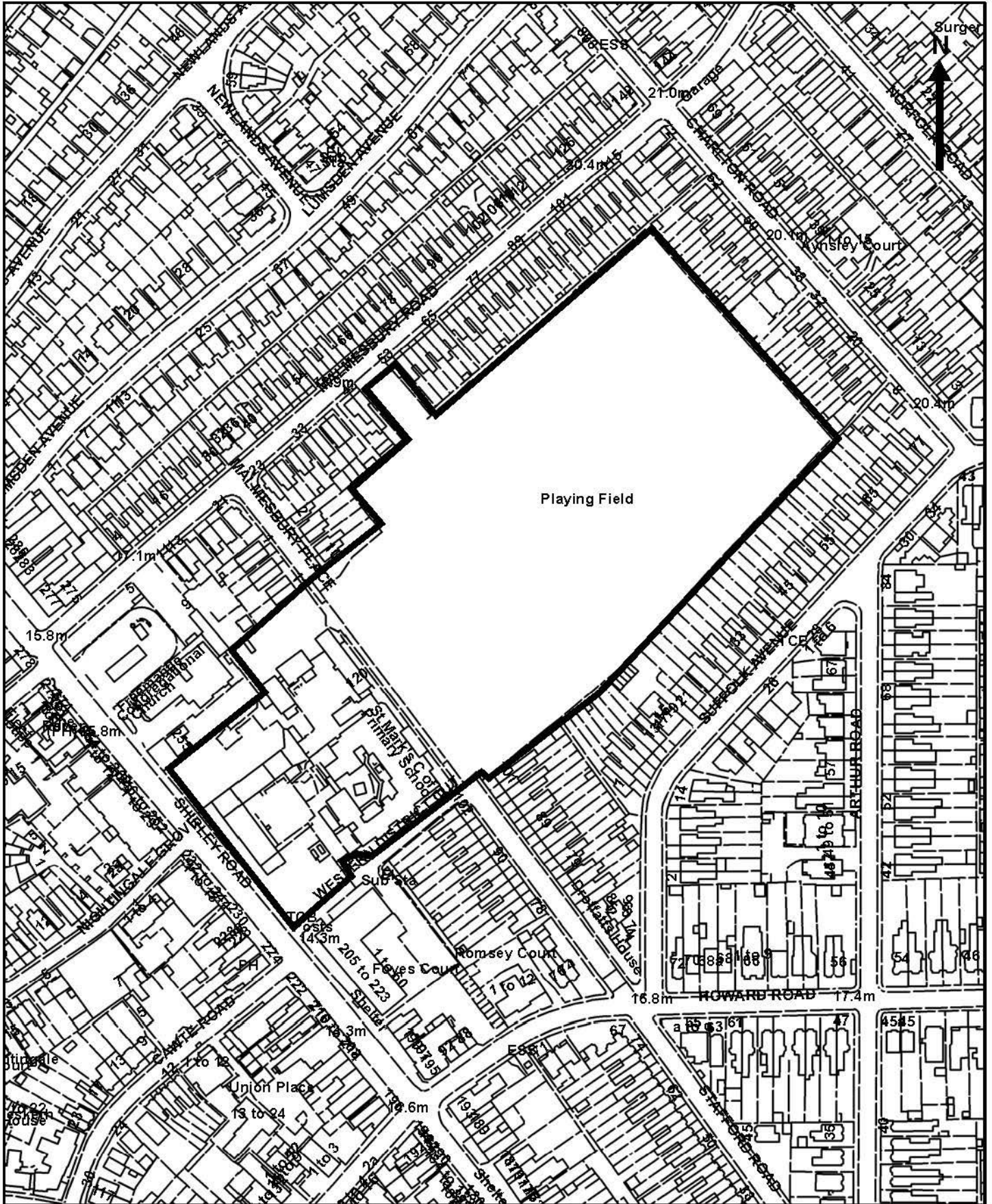
22. For the reasons given, balancing the enjoyment of the participants and benefits of providing sporting facilities against the impact on the neighbourhood, I find that the disputed condition is reasonable and necessary to protect living conditions. Accordingly, the appeal is dismissed.

M Bale

INSPECTOR

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Agenda Item 6 19/02011/R3CFL



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Planning and Rights of Way Panel 11th February 2020
Planning Application Report of the Head of Planning & Economic Development

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

Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Not applicable
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Recommendation in Full

Refuse for the following reasons:

1. REASON FOR REFUSAL – Unsafe Flood Risk

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

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

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

2. REFUSAL REASON - Failure to enter into S106 agreement

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

- i. Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- ii. In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- iii. Submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- v. Submission and implementation of a Travel Plan.
- vi. A community use agreement in accordance with CS11 of the Core Strategy.

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

1. The site and its context

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

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

2. Proposal

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

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 As set out above, the site is safeguarded for light industrial purposes by policy AP3 of the City Centre Action Plan and the application has been advertised as a

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

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

4.0 Relevant Planning History

- 4.1 The most recent history for the site was in 1978 and 1981 for offices and extension to existing joinery shop at rear and alterations and extensions to offices and stores plus re-siting of covered store respectively. None of which are directly relevant to this application.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (**22.03.2019**) and erecting a site notice (**22.03.2019**). At the time of writing the report **20** representations have been received, sixteen of which are in support. The letters of support received highlight the benefits of providing a new primary school and finding a permanent location for the existing school facility. The following is a summary of the points raised by the objectors:

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

Response

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

5.3 *Poor location for a school*

Response

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

5.4 *Site lies within a flood risk zone*

Response

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

5.5 *Noise impact on the other commercial uses*

Response

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

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

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

Response

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

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

Response

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

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

Response

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

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

Response

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

Consultation Responses

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

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

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

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

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

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

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

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

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

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

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

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

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

5.14 SCC Design – No objection

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

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

5.15 SCC Sustainability Team – No objection

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

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

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

5.17 SCC Environmental Health (Contaminated Land) - No objection

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

5.18 SCC Air Quality Team – No objection

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

5.19 SCC Archaeology - No objection

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

5.20 **Southern Water – No objection**

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

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

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

6.0 Planning Consideration Key Issues

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

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

6.2 Principle of Development

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

6.3 Potential impact of flooding

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

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

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

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

6.4 Design and effect on character

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

6.5 Residential amenity

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

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

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

6.6 Parking highways and transport

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

7. Summary

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

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Case Officer ARL for 11/02/2020 PROW Panel

Core Strategy - (as amended 2015)

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

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

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

City Centre Action Plan - March 2015

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

Supplementary Planning Guidance

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

Other Relevant Guidance

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

1. Trip Impact

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

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

2. Parking

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

3. Highway Layout Proposal

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

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

4. Junction Modelling

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

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

5. **Railway Crossing**

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

6. **Emergency Blue Route**

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

7. **Summary**

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

Exception Test

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

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

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

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

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

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

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

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

Reliance on Site Flood Plan

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

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

Safe Refuge

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

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

Off Site Muster Point

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

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

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

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

On-site drainage monitoring

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

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

SCC Emergency Planning

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

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

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

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

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

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

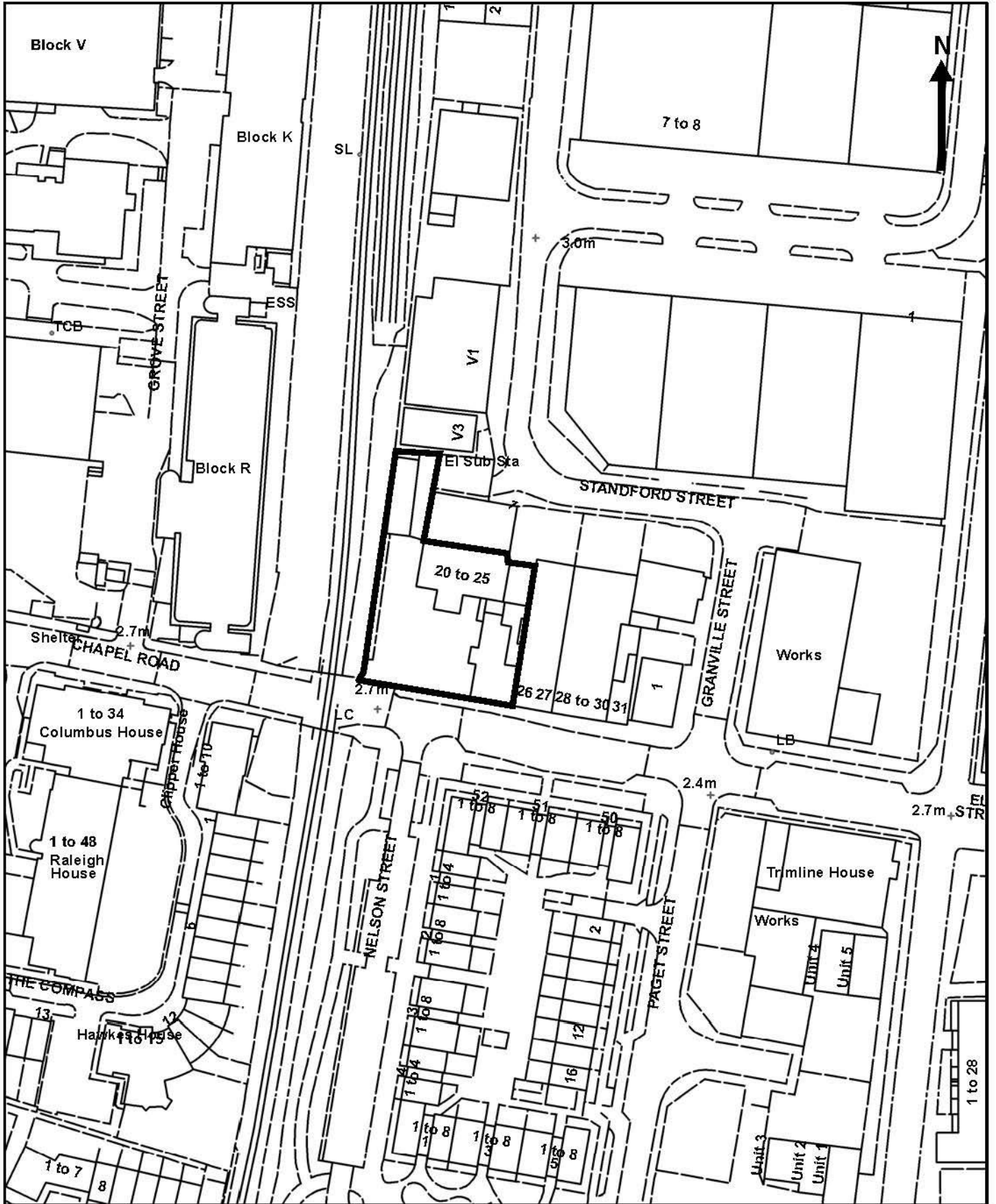
3. Taking the above into account, the design was developed as follows:
 1. All classrooms from Year 1 to 6 were placed on upper floors at +8.000, well above the extreme flooding level and provided safe refuge in line with FRA extract above
 2. The ground floor level was raised by 300mm as per FRA advice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

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

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

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

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Agenda Item 8

Planning and Rights of Way Panel 11th February 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: 20 Gurney Road, Southampton			
Proposed development: Change of use from a dwelling (C3 Use) to a flexible use for house in multiple occupation (HMO) (C4 Use) or class C3			
Application number:	19/01658/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	Extension of Time 23.02.2020	Ward:	Shirley
Reason for Panel Referral:	Request by Ward Member/ Five or more letters of objection have been received	Ward Councillors:	Cllr Hannah Coombs Cllr Satvir Kaur Cllr Mark Chaloner
Referred to Panel by:	Cllr Kaur	Reason:	Loss of family home Out of character Parking impact
Applicant: Mr Karl Peckham		Agent: n/a	

Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS13, CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, H4, H7 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the HMO SPD (2016) and Parking Standards SPD (2011).

Appendix attached			
1	Development Plan Policies	2	HMO 40m radius survey
3	Appeal decision 10 Lumsden Avenue	4	Findings of Parking Survey

Recommendation in Full Conditionally approve

1. The site and its context

- 1.1 This site is located within the ward of Shirley some 300m from Shirley High Street. The surrounding area is mainly characterised by two storey residential properties within a suburban context. Many of the properties have off-street parking for between 1 and 2 vehicles within Gurney Road and nearby street including Reynolds Road, Cunard Avenue, and Bramston Road. There are street parking controls in Gurney Road and nearby streets.
- 1.2 The site itself comprises a two storey semi-detached dwelling within a modest sized plot (site area of 220sqm) set back from the street by a front garden and driveway for parking, with a rear garden of 90sqm. The property is currently vacant as it is undergoing internal and external renovation works, which include the replacement of the existing garage lean-to with a side extension and loft conversion through the installation of a small dormer on the rear roof slope. These works do not require planning permission and are being carried out under permitted development rights.

2. Proposal

- 2.1 It is proposed to convert the existing 3 bedroom family dwelling (class C3) to a 5 bedroom House of multiple occupation (HMO) (class C4). The physical extension works being undertaken to the dwelling under permitted development do not form part of this application as they would not require planning permission.
- 2.2 The occupiers will share common facilities including kitchen, dining room/lounge and bathroom. The retention of the communal rooms can be conditioned for communal use only so it would not be able to be used as an additional bedroom. Since the submission, the plans are being amended (being sought at the time of writing this report) to show a 5 bedroom HMO. The ground floor front lounge is intended to be used as a bedroom and the bedrooms are to be sequentially renumbered. Likewise, Bedroom 4 (shown as Bedroom 3 on the current plans) is shown to be under the minimum HMO licensing floor size by 0.51sqm, however, the measurements shown are not entirely accurate as the applicant was unable to measure the floor area correctly due to the renovation works taking place. The floor plans will be updated, and verified by the case officer on site, before the Panel meeting to confirm whether or not the bedroom floor size is compliant. Otherwise, the HMO licensing minimum room size standards are complied with as follows :-

Bathroom – 1 shared bathroom required up to 5 persons

Bedroom 1 – 17sqm (min – 6.51sqm)

Bedroom 2 – 14sqm (min – 6.51sqm)

Bedroom 3 (ensuite) – 15sqm (min – 6.51sqm)

Bedroom 4 – to be confirmed following site visit (min – 6.51sqm)

Bedroom 5 – 13sqm (min – 6.51sqm)

Combined Kitchen/living room – 24sqm (11.5sqm for upto to 5 persons)

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan

(adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a mixed and balanced community, whilst the policies requires HMO proposals to be assessed against maintaining the character and amenity of the local area. A 10% threshold test (carried out over a 40m radius) is set out in the HMO SPD to avoid over-concentrations of HMOs leading to an imbalance of mix of households within a community.
- 3.4 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

4. Relevant Planning History

- 4.1 There is no relevant planning history for the site.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, erecting a site notice on 03.12.2019. At the time of writing the report **14** representations have been received from surrounding residents and an objection from the local ward Councillor Satvir Kaur (Panel referral). The following is a summary of the points raised:
- 5.2 **The additional parking demand generated from 5 more cars, in addition to the local shoppers and businesses visiting Shirley High Street parking in the street, will lead to further competition for street parking with local residents, block driveways, and cause congestion and potential highways safety problems. It was the opinion of the Inspector (appeal ref no. APP/D1780/19/3233152- 19th Dec 2019) in up-holding the Council's refusal (LPA ref no. 18/00898/FUL), that the use of surrounding streets for additional parking from the redevelopment of the ex-Riley Snooker Club in Church End would result in unacceptable levels of inconvenience and harm the living standards of residents. This could lead to a detrimental impact to**

the character of the area by more front gardens being paved over and front boundary walls taken down to accommodate displaced street parking. The depth of the driveway is not large enough to accommodate a parked vehicle in accordance with the Council's minimum parking space size (5m by 2.4m).

Response

Each scheme should be dealt with on its own merits and the referenced proposal in Church Lane was a much larger scheme comprising 22 flats so its impact on parking is not comparable to this application, whilst the Inspector noted that the parking survey did not show the parking capacity available. The applicant has undertaken a parking survey within a 200m radius of the site (in accordance with the methodology under the Lambeth model) between the hours of 22.20pm – 02.15am on Saturday 11th January 2020 and the hours of 22.10pm – 00.30am on Wednesday 15th January 2020 (the summary or results is attached to **Appendix 4**). The survey found that 93 and 89 (out of 263 spaces) street parking were available, and only 138 and 143 (out of 246 spaces) off-road driveway spaces were occupied for the 226 properties in the survey area. The application site has one on plot car parking space and a condition is recommended to retain the existing boundary wall in order to protect the character and appearance of the existing street scene. There would be no parking gains by demolishing the front boundary wall to create additional on-plot parking because forecourt parking served by a widened drop kerb would result in the loss of existing on-street parking.

5.3 Loss of a family home.

Response

Although the property would no longer be available for families when used as a HMO, the proposal would not be contrary to policy CS16 which prevents the loss of a family dwelling, given that the property can be readily converted back into use as a family dwelling with minimal changes. That said, a condition can be applied to give the property flexible use so it can be occupied by either a family or as a HMO.

5.4 Errors with the plans – i) Land Registry documents not permitted because of copyright breach and is out of date; ii) Plans are inaccurate as the side extension has not been built yet, so not possible to assess character and appearance impact; iii) The plans do not show the parking spaces.

Response

Based on the information submitted with the application, the case officer is satisfied they are able to make a proper assessment following a site visit. The type of site location plan submitted clearly sets out the location of the site and does not prejudice the decision of the application.

5.5 It is unclear from the plans how many residents will occupy the HMO. The other rooms can be occupied as bedrooms to allow up to 6 six persons.

Response

The applicant proposes up to 5 bedrooms (the ground floor plan has been updated to show a 5th Bedroom which keeps the property within class C4), however, a condition will be applied to retain the communal living space to be used for those purposes only. The property can be occupied with up to 6 persons under class C4.

5.6 In addition to the 10% threshold assessment, the HMO SPD expects other material considerations to be taken into consideration. There are no

existing HMOs in Gurney Road or anywhere nearby. The street is a desirable area for families with predominantly family households. The introduction of the HMO is out of character with the make up of households as family homes. The transient nature of the tenants living in the HMO will negatively change the character of the street. This will set a precedent for more HMOs and this will change the character of the area. Negative impact on the appearance of the street scene by poor refuse management and additional demand for waste by HMO household. These concerns were raised by a Planning Inspector in similar circumstances under appeal decision at 30 Glen Eyre (appeal ref no. APP/D1780/A/12/2185123).

Response

The majority of households (95% of 19 properties) within the 40m radius will remain as family homes so the introduction of the single HMO would not significantly change the character of the area. The nature and intensity of the proposed HMO use would not be out of character with the street, and would not harm the residential amenities of the neighbouring occupiers. There is an ongoing need for shared HMO housing in the city. In allowing the 10 Lumsden Avenue appeal, the Planning Inspector concluded 'it seems on the balance of probabilities that the conversion would have little impact on the prevailing character hereabouts' (paragraph 14 refers), and 'no evidence that one conversion would have a significant or detrimental effect on this character' (paragraph 12 refers). The outer-suburban character of this appeal is different to the suburban context of the application site, and the Inspector distinguished the contextual difference between the outer-suburban location of the Glen Eyre appeal saying they were not comparable (*see Appendix 3*).

- 5.7 **The over-intensive use would result in additional comings and goings to the detriment of established residential amenity within the peaceful area for families and elderly persons and would be different to the existing family occupation. There will be a loss of amenity to the neighbouring occupiers from noise disturbance caused by the independent lifestyle of the individual occupiers, including parties and friends visiting.**

Response

The nature and intensity of the proposed HMO use would not be out of character with the street, and would not harm the residential amenities of the neighbouring occupiers. In allowing the 10 Lumsden Avenue appeal, the Planning Inspector concluded overall that the introduction of a HMO would not adversely affect the amenity of the neighbouring residents (paragraph 14 refers). There are further safeguards because a HMO licence would be required (Shirley ward is covered by the second additional licensing scheme) and, therefore, the management and standards of property would be monitored by other teams in the Council. The Council has powers to serve a noise abatement notice where it considers that any noise nuisance caused by the residents is deemed as statutory noise nuisance. This in itself is not however a reason to withhold planning permission.

- 5.8 **The access of the cycle storage through the house to the rear garden is an unacceptable design solution and therefore would not meet the Council's requirements for cycle storage under the Parking Standards SPD.**

Response

The garden access for many properties in the city are constrained by having no side access for cycles, so this arrangement would not be uncommon. Whilst it would not be ideal, it would not be inconvenient for the residents to take their

cycles through the house. This would not be sufficient reason by itself to warrant refusing the application.

5.9 Loss of property value.

Response

This is not a material planning consideration.

Consultation Responses

5.10 SCC Highways – No objection

5.11 SCC Environmental Health (Pollution & Safety) – No objection

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity; and,
- Parking highways and transport.

6.2 Principle of Development

6.2.1 Following changes to legislation in April and October 2010, the government introduced the right to move between C3 (family dwelling) to C4 (small HMO) uses without planning permission. The C4 HMO classification was introduced to cover small shared houses within residential areas occupied by between 3 and 6 unrelated individuals who share basic amenities i.e. bathrooms, living rooms, kitchens. These permitted development use rights were removed in April 2012 when the Council confirmed a citywide Article 4 direction to control the problems associated with high concentrations of HMOs in local communities.

6.2.2 Policy H4 acknowledges that there is a need to maintain the supply of HMO housing whilst balance this against maintaining a sustainable mix of households within the community. The threshold test set out in section 1.1 of the Council's HMO SPD indicates that the maximum concentration of HMOs should not exceed 10% of the surrounding residential properties within a 40m radius. Although the property would no longer be available for families, the proposal would not be contrary to policy CS16 which prevents the loss of a family dwelling, given that the property can be readily converted back into use as a family dwelling with minimal changes. That said, a condition can be applied to give the property flexible use so it can be occupied by either a family or as a HMO. Furthermore, the 10% threshold limit allows for an element of lower cost and flexible housing within the community for lower income persons to benefit from, who can provide low paid services in the local economy, as well groups such as students, whilst the 95% of family homes remaining within the 40m radius retains a strong mix and balance of less transient owner occupiers living in the community.

6.2.3 As such, the principle of development to convert the property into a C4 HMO can be supported subject to an assessment of the planning merits in relation to the relevant policies and guidance.

6.3 Design and effect on character

- 6.3.1 The extension works being undertaken under permitted development (ground floor side extension and loft conversion/rear slope roof dormer) do not form a consideration as part of this application as they do not require planning permission. As such, the Council do not have any control over the visual and amenity impact of these works. Nevertheless, the side extension replaces the demolished lean-to on the same footprint. A planning condition is recommended to safeguard the existing boundary wall in order to protect the character and appearance of the street scene. 20 Gurney Road is a semi-detached property and the adjoining house has a matching front boundary wall and the majority of properties within the street have front boundary treatments.
- 6.3.2 From carrying out the 40m radius survey (**see Appendix 2**), the up to date records for the Electoral Register, Planning Register, Licensing Register, and Council Tax show that the resulting concentration of HMOs would be 5% (1 HMO out of 19 residential properties). Although the Council does not have a comprehensive database on the location of all HMOs in the city, these sources provide the Council's best known evidence. This would be the first HMO within the 40m radius survey area, however, not the first in the street as there is an existing HMO at 7 Gurney Road, and 17 Gurney Road was formerly a HMO according to Officers research.
- 6.3.3 The strategy of the Council is to support balanced communities and a sustainable mix of residential properties. The character of the area is predominantly family housing within this suburban street, however, the primary purpose of the HMO SPD guidance is to set a 10% threshold limit to determine where the introduction of HMOs into a local community would tip the sustainable balance and mix of households to the detriment of the local character. In this case, the majority of households (18 of 19 properties) within the 40m radius will remain as family homes so the introduction of the single HMO would not significantly change the character of the area.
- 6.3.4 The concerns raised by the Inspector under the example of the dismissed Bassett appeal decision from 2012 (appeal ref no. APP/D1780/A/12/2185123) at 30 Glen Eyre refers to a different character contextually within the city. This view is supported by an Inspector's decision in 2015 nearby at 10 Lumsden Avenue (**see Appendix 3**) within a more relevant context to the application site (appeal ref no. APP/D1780/W/15/3005204). In this particular case, the Inspector made a clear distinction in the contextual difference between appeal decisions in Southampton within suburban and outer suburban locations, and placed limited material weight on comparing the impact of introducing a new HMO within this suburban area (paragraph 15 refers). The Lumsden Avenue application (refused by the Planning Panel) is similar in circumstances to this application, as there were 90% family homes remaining in the 40m radius area, whereby the Inspector concluded that 'it seems on the balance of probabilities that the conversion would have little impact on the prevailing character hereabouts' (paragraph 14 refers), and 'no evidence that one conversion would have a significant or detrimental effect on this character' (paragraph 12 refers).

6.4 Residential amenity

- 6.4.1 The occupiers of 18 Gurney Road share a party wall with the proposed HMO. The bedroom and lounge/diner on the ground floor, 2 bedrooms on the first floor, and bedroom in the roofspace are adjacent to the party wall. The residents of the

HMO would have a different pattern of lifestyle as a household whom live independently of each other compared to a family household living a single unit. So the degree of harm should be assessed on whether the additional comings and goings at different times of the day and night would cause a significantly greater impact than the activities associated with a family household. The property can be occupied by upto 6 persons being a C4 HMO, whilst the family unit could be occupied by 2 adults and 2 to 3 children in a 3 to 4 bedroom house, where the children could be leading more independent lives as older teenagers or staying at home in their early 20s after college. The comings and goings would be mainly perceptible from entering and leaving the front door of the property, however, this impact would be limited as front door is situated on the far side of the party wall to 18 Gurney Road and on the otherside of the driveway from 22 Gurney Road. On balance, the scale, nature and intensity of the proposed HMO use, in terms of the noticeable disturbance from the higher levels of occupation and different lifestyle patterns compared to a family home, would therefore not be out of character with other properties in the street, and would not significantly harm the residential amenities of the neighbouring occupiers.

6.4.2 In allowing the Lumsden Avenue appeal, the Planning Inspector concluded overall that the introduction of a HMO would not adversely affect the amenity of the neighbouring residents (paragraph 14 refers). Due consideration was given to intensity of the comings and goings associated with the lifestyle of the residents being different to a daily pattern typical of family housing, and the transient occupation of the property. The impact on the semi-detached pair and other neighbour's from the intensity and patterns of comings and goings would be similar to this application. The Inspector also acknowledged that the different lifestyle of residents of HMOs must be balanced against the need for lower cost and flexible accommodation. The concerns are noted about noise disturbance from the occupiers through the party wall. It should be held that the use of the property and behaviour of the residents are treated as being in a reasonable manner.

6.4.3 In this instance, there are also further safeguards because a HMO licence would be required (covered by the second additional licensing scheme) and, therefore, the management and standards of property would be monitored by other teams in the Council. The Council has powers to serve a noise abatement notice where it considers that any noise nuisance caused by the residents is deemed as statutory noise nuisance. Not being a policy or legal requirement under Building Regulations and planning guidance to have a minimum level of soundproofing between existing party walls of residential properties, the applicant has offered to add sound proofing insulation to the party wall to improve sound proofing on the ground and first floors (secured by condition 6). There is no requirement under Building Regulations to provide a minimum level of sound insulation on the party wall for the loft conversion as the 18 Gurney Road have not converted their roof space.

6.5 Parking highways and transport

6.5.1 The parking standards set out in the HMO SPD (section 5) expects the 5 bedroom HMO to provide a maximum of 2 parking spaces within this high accessibility location to public transport being close proximity to Shirley High Street. The conversion would provide at least 1 off-street parking space on the existing driveway for a smaller car (albeit the depth of the space is 30cm under the standard 5m in an arrangement that already exists for the existing property) and

the unoccupied space on the street adjacent to the existing dropped kerb. That said, although 1 off-street parking is only available for a smaller sized car, this is still policy compliant as the Council does not have minimum standards. It is possible that not all residents will own a car, given the sustainable location in close proximity to good public transport links on Shirley High Street. Furthermore, it is unlikely that all the residents will own a vehicle.

- 6.5.2 One off-street parking space would be retained based on the existing frontage layout and a condition is recommended to retain the front boundary wall in the interests of protecting the character and appearance of the street scene. It is noted that the application form supporting this planning application indicates that two spaces could be achieved off-street. However there would be no parking gains by demolishing the front boundary wall to create additional on-plot parking because forecourt parking served by a widened drop kerb would result in the loss of existing on-street parking.
- 6.5.3 The Parking Standards SPD states that the provision of less spaces than the maximum standard is permissible, however, it should be demonstrated that there is sufficient kerbside capacity within the surrounding streets to absorb overspill parking. A parking survey was undertaken within a 200m radius of the site (in accordance with the methodology under the Lambeth model) between the hours of 22.20pm – 02.15am on Saturday 11th January 2020 and the hours of 22.10pm – 00.30am on Wednesday 15th January 2020 (the results summary is attached to **Appendix 4**). The survey found that 93 and 89 (out of 263 spaces) street parking were available, and only 138 and 143 (out of 246 spaces) off-road driveway spaces were occupied for the 226 properties in the survey area. Although this is only a snapshot of the street parking capacity, significant material weight can be given to the findings of the survey as they were carried out in accordance with the Lambeth Model (with photographic evidence). Therefore, it is considered that there is sufficient kerbside in the local streets to absorb the parking demand of the proposed HMO without adversely causing competition with the parking for nearby residents.
- 6.5.4 The Highway's Officer does not consider that the amount of trips generated and street parking demand associated with the HMO use would arise in an adverse impact to highways safety. Cycle storage facilities would need to be provided for 1 space per HMO bedroom. These facilities can be secured by condition through providing a lockable store in the rear garden. A condition can also be applied to require the provision of a suitable enclosure on the property frontage to screen the refuse bins.

7. Summary

- 7.1 In summary, the introduction of the HMO use is not considered to be harmful to the character and amenity of the area, and highways safety. The introduction of the HMO would not imbalance the mix of the family households in the community by retaining 95% of the properties as family homes, whilst this housing would also positively contribute towards the mix and range of smaller lower cost and flexible accommodation to benefit lower income and transient households within the local community. Furthermore, the comings and goings, including traffic and parking demand generated, associated with the HMO use would not be detrimental to the amenity and safety of the residents living in the area.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (d) 4.(f) (qq) (vv) 6. (a) (b)

SB for 11/02/20 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Retention of communal spaces (Performance)

The rooms labelled kitchen, dining/living on the plans hereby approved shall be retained for use by all of the occupants for communal purposes only to serve the occupiers whilst in HMO use.

Reason: To ensure that a suitable communal facilities are provided for the residents.

03. C3/C4 dual use (Performance)

The dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice (under Class V, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015). The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

Note to applicant: Whilst this planning permission allows occupation of the building as both a single dwelling and by a shared group, you are advised that an HMO that is licensed needs to have that license revoked before the building can lawfully be occupied again as a single dwelling.

04. Cycle storage facilities (Pre-Occupation)

Before the development hereby approved first comes into occupation, secure and covered storage for 5 bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

05. Refuse & Recycling (Pre-Occupation)
Prior to the occupation of the development hereby approved, details of an enclosure for the storage of refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored outside the storage approved.
Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.
- Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.
06. Soundproofing (Performance)
The specification of the party wall sound proofing insulation as offered by the applicant in the email received by the Local Planning Authority on 29th January 2020, namely 25mm acoustic sound slab and an additional layer of 12mm plaster board on the party wall at ground and first floor level, shall be installed in accordance with the approved plans prior to the first occupation of the HMO use hereby approved and shall thereafter be maintained and retained.
Reason: In the interests of residential amenity and for the avoidance of doubt.
07. Retention Front Boundary Wall (Performance)
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, the existing front boundary wall shall be retained and maintained for the lifetime of the use.
Reason: Use of the property as a 5-bed HMO could have a greater parking demand than the existing one on-plot space available and could result in demolition of the front boundary wall to create additional on-plot parking. Demolition of the front boundary wall would be out of keeping with the character and appearance of the semi-detached pair and the Gurney Road street scene.
07. Approved Plans
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.
Reason: For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy – (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

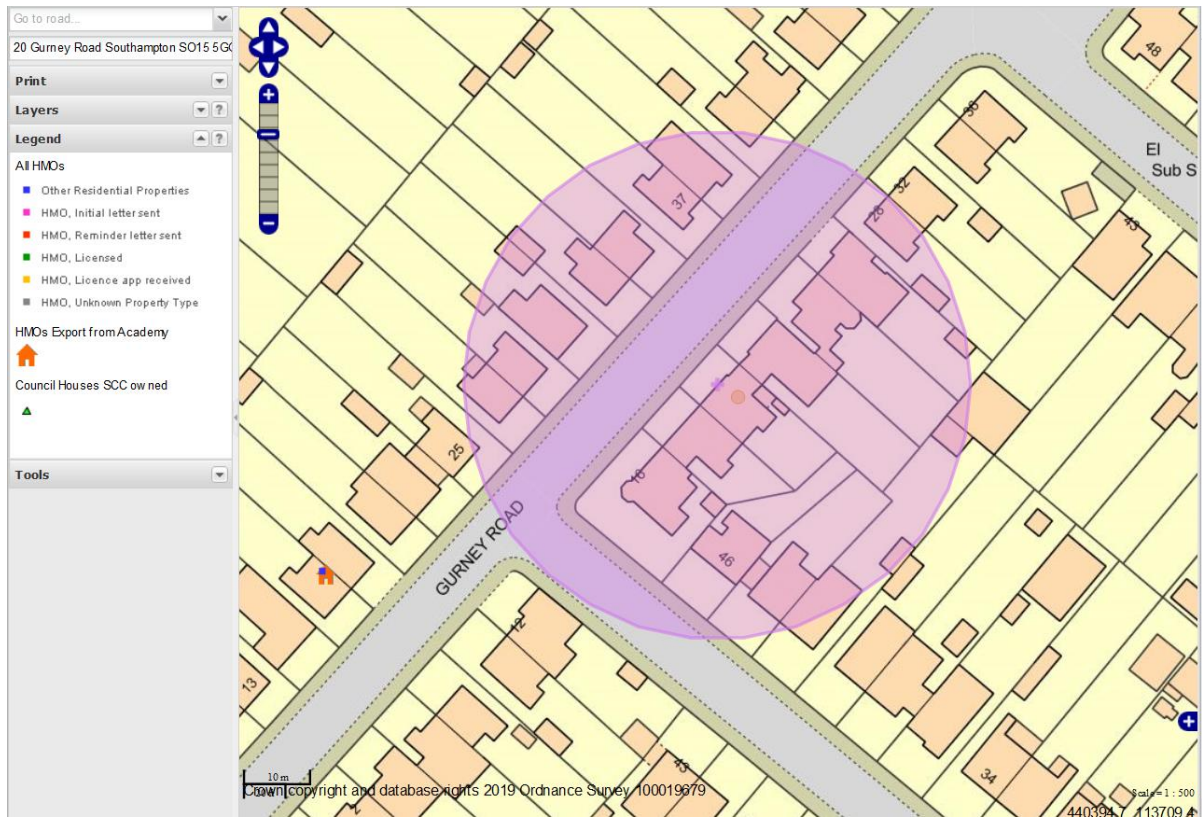
SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Houses in Multiple Occupation SPD (Adopted - May 2016)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)



Street	Use type	HMO record/Planning History	Number of Residential properties
Gurney Road			
16			1
18			2
20		Proposed	3
22			4
24			5
26			6
28			7
25			8
27			9
29			10
31			11
33			12
35			13
37			14
39			15
41			16
Cunard Avenue			
42			17
44			18
46			19

Total residential = 19; Total HMOs = 1; HMO concentration = 5%



The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2015

by **Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18/06/2015

Appeal Ref: APP/D1780/W/15/3005204
10 Lumsden Avenue, Southampton SO15 5EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Helen Smith against the decision of Southampton City Council.
 - The application Ref 14/01238/FUL/34228, dated 23 July 2014, was refused by notice dated 25 September 2014.
 - The development proposed is conversion of a 5 bedroom, three storey, semi-detached house into a house of multiple occupancy for up to 5 people (C3 to C4). The property is currently occupied by our daughter, a student at the University of Southampton. We are seeking the change of use to enable her to share it with other students, who will form a single joint tenancy.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from a C3 dwelling house to a 5-bed house in multiple occupation (HMO, class C4) at 10 Lumsden Avenue, Southampton SO15 5EL in accordance with the terms of the application, Ref 14/01238/FUL/34228, dated 23 July 2014, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (Location plan, ground floor plan, first floor plan, third (sic) floor plan (attic bedrooms).
 - 3) The C4 HMO use hereby approved shall not be occupied by more than 5 residents at any one time. Those rooms identified on the ground floor plan as 'Sitting Room', 'Dining Area' and 'Kitchen' shall be made available for all residents on a communal basis and not used as additional sleeping accommodation to serve the HMO use.
 - 4) Prior to the first occupation of the site as a C4 dwelling, details of cycle storage facilities to conform to the Local Planning Authority standard of one space per resident shall be provided and agreed in writing by the Local Planning Authority. Such parking and storage shall thereafter be permanently maintained for that purpose. For the avoidance of doubt this means that 5 secure, lockable cycle parking spaces shall be provided on site.
 - 5) Before the use commences details and a plan of the facilities to be provided for the storage, removal and recycling of refuse from the

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premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose. No refuse shall be stored on the public footpath or highway, except on collection days only, and shall be stored in accordance with the details to be approved.

Procedural matters

2. The proposal is described on the application form as set out in the preamble to the Decision. However it is described on the appeal form as "change of use from a C3 dwelling house to a 5-bed house in multiple occupation (HMO, class C4)". This is also the description on the Council's decision notice. Because planning permission goes with the land/building and contractual tenancy details are not relevant to the matters before me, I shall use this latter description in my determination of the appeal.
3. Southampton City Council have made a City-wide Article 4 (1) Direction requiring changes of use from Class C3 (dwelling houses) to Class C4 (Houses in Multiple Occupation (HMO)) to obtain planning permission. Any such proposals are assessed in accordance with the criteria in the *Houses in Multiple Occupation Supplementary Planning Document 2012 (SPD)*.
4. I have taken note of the *Southampton City Core Strategy Partial Review (CSPR)*, the *City Centre Action Plan (CCAP)* and the *Local Plan Review (LPR)* which were adopted in March 2015. However the amendments therein do not appear to supersede or alter the policies or any part of policies relevant to this appeal.

Main issue

5. The main issue in this appeal is the effect of the proposed change of use to an HMO on the character and amenity of the area, including parking demand, by reason of the level of use of the property.

Reasons

6. Lumsden Avenue is a broad street of spacious houses located to the north of Shirley Road, a busy shopping street that links the city centre with the town centre of Shirley. Most of the houses are semi-detached and set back behind forecourts or front gardens. Many, if not most of the houses have off-street parking, and the availability of on-street parking spaces is relatively limited. The street appears to be characterised by family housing but, because of its proximity to Shirley Road, it also appears to be used for commuter and shopper parking and the associated activity adds to its vibrancy.
7. Southampton is said to have a very high demand for HMO's to meet the needs of a large population of single people, including students, those on lower incomes, and young people. The Council's objectives appear to be to seek to ensure that these needs are met without unbalancing the housing mix. Thus, in out-of-city centres locations such as Shirley (Freemantle ward) the strategy is to ensure that a threshold of not more than 20% HMO's in any 40m radius is not breached. The Council acknowledge that the information about the numbers of HMOs is inconclusive but official records suggest that there is only one in the area relevant to this appeal. I see no reason to disagree that there is probably a very low number of HMOs in the surrounding area because there

were no obvious signs that the housing is intensively occupied. Accordingly permission would result in the percentage of HMOs rising to about 10% in the relevant 40m radius around the appeal site, well below the threshold of 20%.

8. But LPR Saved Policy H4 says that permission for conversion to an HMO will only be granted where a) it would not be detrimental to the amenities of nearby residents; b) it would not be detrimental to the overall character and amenity of the area and c) adequate amenity space is provided. In terms of the latter, there is no dispute that adequate amenity space is provided.

a) Parking

9. In respect of the criterion a) it is suggested that there is parking stress and that the HMO use would result in significant extra traffic generation. I agree that there is a possibility that 5 separate occupiers could each own a car and that this is likely to be greater than the car ownership associated with most large family homes. Only three cars could be accommodated within the site so there could be some additional parking demand. Nevertheless the Highway Authority does not object to the application though requested a parking survey, but that submitted by the appellant is disputed by residents. At the time of my visit there was some on-street availability, although the number of possible parking space has been reduced because residents park on their forecourts with and without a dropped kerb. It is unclear if the appellant's and the residents' parking assessments include both authorised and unauthorised off-street parking and in such circumstances I find the parking information inconclusive.
10. On the balance of probabilities it seems to me unlikely that the HMO would generate a need for 5 parking spaces because the site is close to a very high frequency bus route and within easy walking distance of a wide variety of shops and entertainment facilities. Moreover HMOs tend to be occupied by residents on lower incomes who would be less likely to own cars, particularly in this highly accessible location. Accordingly, I consider the proposal would be unlikely to cause parking stress in Lumsden Avenue and this weighs in favour of permission.

b) Character and amenity

11. In terms of criterion b), the concerns appear to be that the life style of future occupants and the greater intensity of occupation would lead to a reduction in the quality of the area. This tension is recognised by the Council in the SPD, but this also says that environmental problems, including poor refuse management, noise and anti social behaviour, high property turnover, neglected gardens and a lack of maintenance, are issues that tend to be exacerbated where there is a high concentration of HMOs. That would not be the case here.
12. I have no reason to doubt residents who say that the road is primarily occupied by families and this is demonstrated by the community spirit and events such as the street party. But there is no evidence that one conversion would have a significant or detrimental effect on this character. The area would continue to be mainly family housing and it is unlikely that anti-social activity would be tolerated. Moreover, although the housing in Lumsden Avenue and within the 40m radius appears to be generally in good or very good physical condition,

some of these environmental 'issues' are already part of the character of the housing hereabouts and are not exclusive to or as a result of HMO use.

13. I agree that the life style of residents of HMOs may be different to the daily pattern typical of 'family housing' but this must be balanced against the need for lower cost and flexible accommodation. Similarly, occupants of HMOs are likely to be transient, but this is probably also true of occupiers of other tenures such as the short-term letting of large houses such as No 10.
14. The strategy of the Council is to support balanced communities and a sustainable mix of residential accommodation. In this case, if permission were to be granted, up to 90% of the housing within the 40m radius would remain as family housing and it seems on the balance of probabilities that the conversion would have little impact on the prevailing character hereabouts. Moreover, because the premises are 3 storey there are further safeguards because a HMO licence would be mandatory and thus the management and standards of the property would be monitored by the Council. Accordingly, I conclude that permission for use as an HMO in these circumstances is not likely to cause serious harm to the amenity of residents in Lumsden Avenue and this too weighs in favour of permission.

Other considerations and findings on the main issue

15. A number of appeal decisions are relied upon to support the refusal but I have scant details of the circumstances and from what I have seen, the locations are not comparable. From my reading of the appeal decisions, most if not all appear to be concerned with proposals in suburban (or outer suburban) locations in Southampton and thus the character would be different. Neither does it appear that those appeals relate to 3 storey buildings and thus they would not be subject to mandatory licensing. Whilst Lumsden Avenue is very pleasant it is not tranquil as is the case with some of the cases brought to my attention. Moreover it is very accessible and well served by public transport, so that there is less need for car use. Accordingly I give only limited weight to these other decisions.
16. I understand the concerns of local residents but there is a need to ensure that communities are balanced and that the housing needs of the city are met. Moreover on the balance of probabilities it seems to me unlikely that the future occupants would undermine the character and amenity of this housing area. Accordingly I find that the proposed conversion of the property to an HMO would not result in unacceptable or adverse effects on the character and appearance of the area. Hence it would be in accordance with the strategic aims of CSPR Policy CS 16 which supports meeting housing needs, sustainable mixed communities and balancing the contribution of HMOs against potential harm.
17. Similarly the proposals would meet the requirements of LPR Policies SDP 1 and H4 and the SPD which all seek to ensure that providing for lower cost and flexible housing does not harm the amenity of residential areas and occupiers. In any event the C4 use could revert without planning permission to a C3 dwelling house and thus permission would not prevent this use in the future. The National Planning Policy Framework (the Framework) also says that planning should provide for the identified housing needs in their area.
18. Consequently my findings on the main issue weigh in favour of permission.

Conclusion and conditions

19. For the reasons I have given the appeal is allowed subject to conditions. In addition to the standard commencement condition it is necessary, for the avoidance of doubt, to list the approved plans. Conditions are also necessary to ensure that secure cycle storage is provided; this is in the interests of encouraging alternative forms of transport and reducing car use. Finally, in order to secure a high standard of amenity, controls are necessary to ensure that the number of occupants is capped and that there is provision for refuse storage.
20. But I do not agree that a condition which allows the 'flipping of use' between C4 and C3 is necessary. The GPDO¹ grants rights, which do not appear to have been altered by the Art 4 (1) Direction permitting a C4 HMO use to change to a C3 single family dwelling. Moreover permission has been granted because the circumstances that now prevail in Lumsden Road are such that HMOs form a small proportion of the housing stock in the relevant area. That situation could change and thus, in the event that the property reverts to a C3 use, the circumstances should be re-evaluated if a further period of C4 use is sought.

Sukie Tamplin

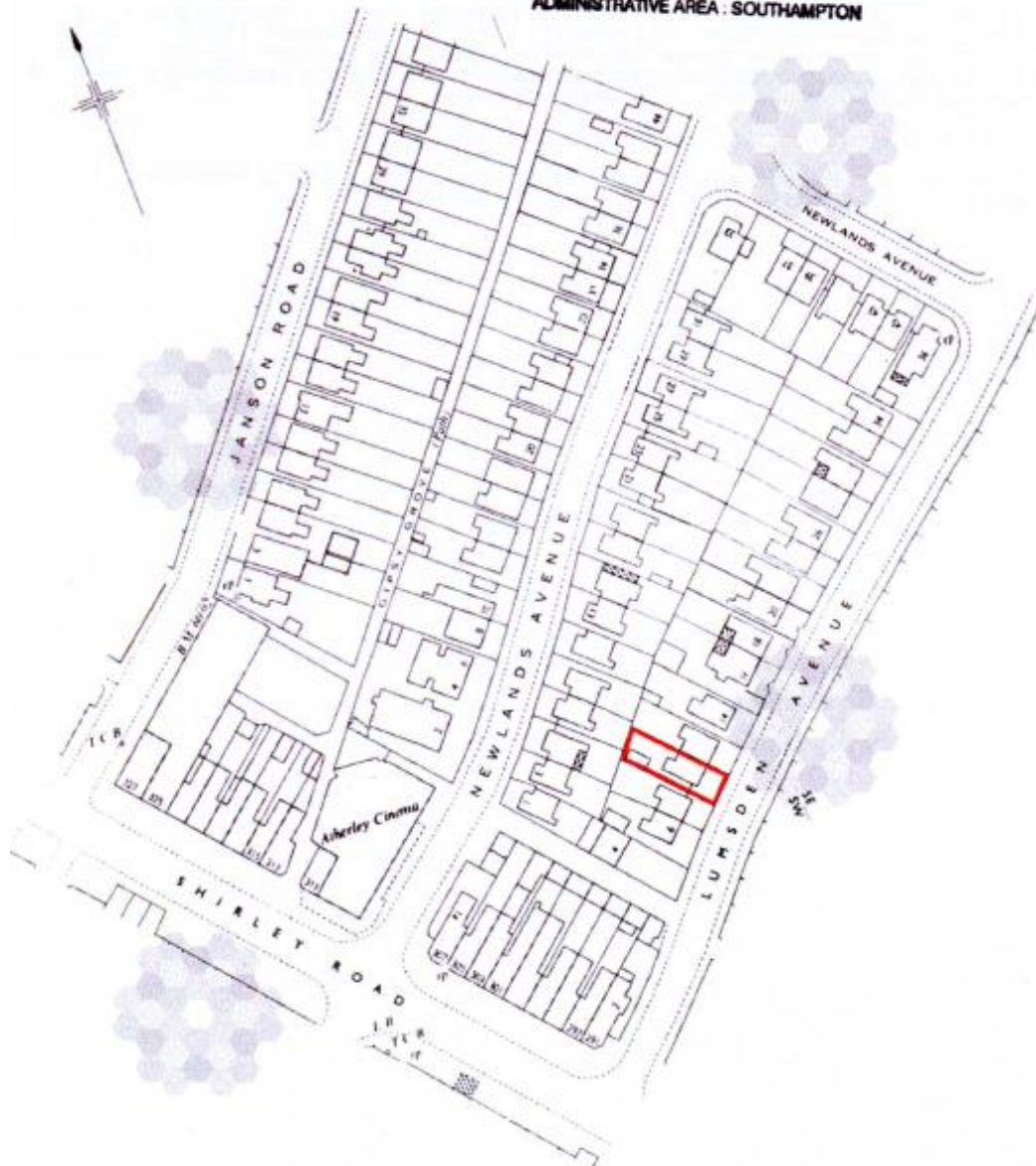
INSPECTOR

¹ Town and Country Planning (General Permitted Development)(England) Order 2015 Part 3, class L

H.M. LAND REGISTRY		TITLE NUMBER HP 224013	
ORDNANCE SURVEY PLAN REFERENCE	SU 4013	SECTION R	Scale 1/1250
COUNTY HAMPSHIRE		DISTRICT SOUTHAMPTON	

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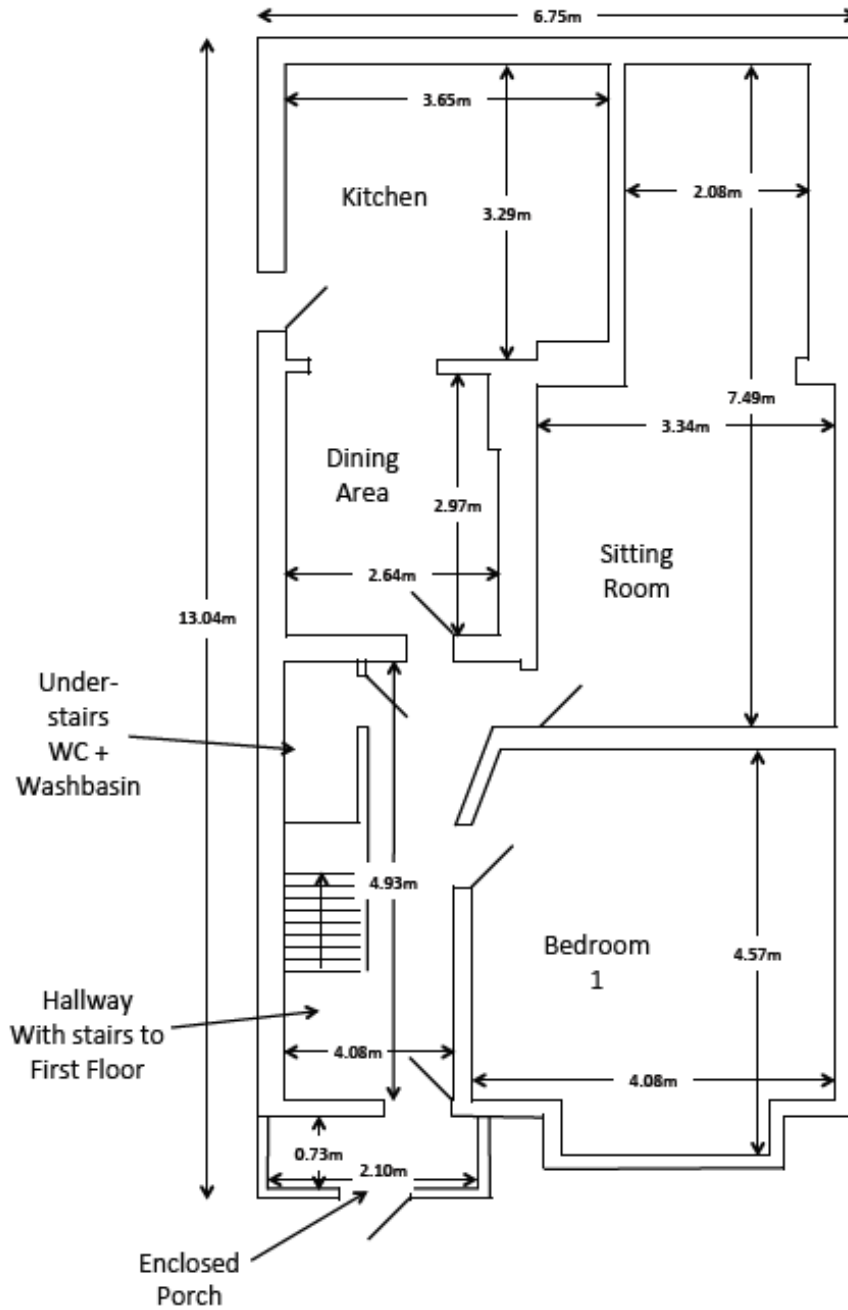
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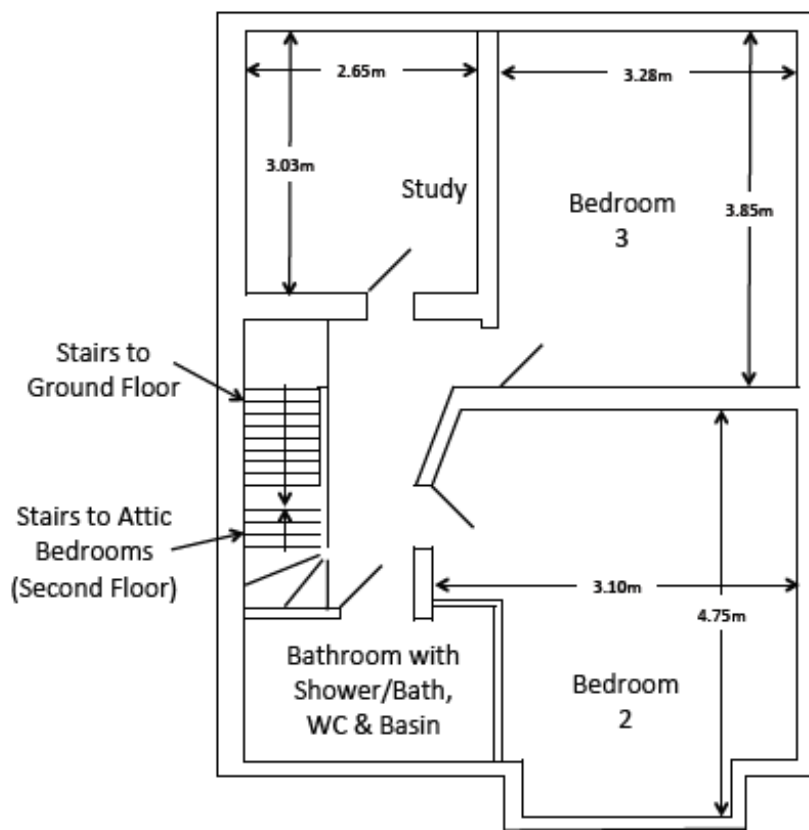
py is incomplete without the preceding notes page.

These drawings are not to the standard of those that would be provided by an architect. They are intended to show the layout and position of the rooms. The dimensions quoted are the maximum dimensions for each room. The scale is approximately 1:50 if the plan is printed on A3 paper.

Ground floor plan

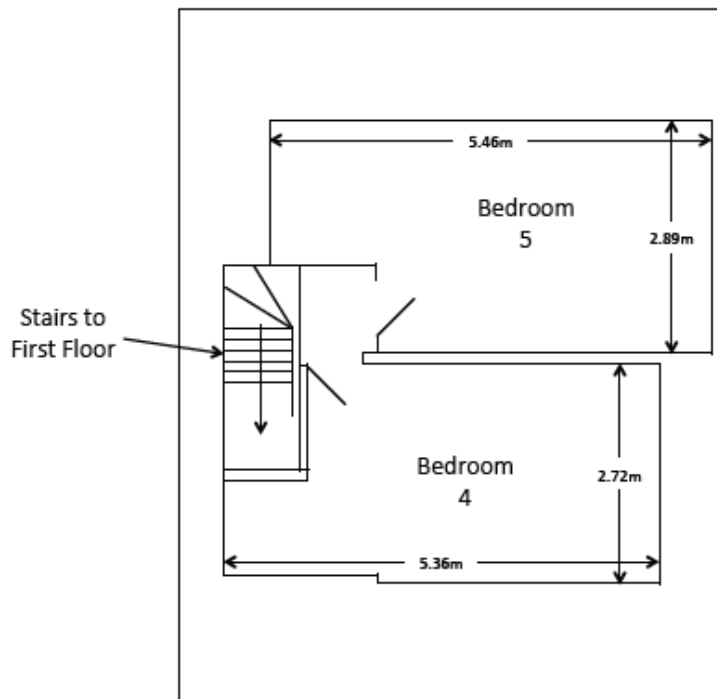


First floor plan



Each of these rooms has a Velux window in the roof.

Third floor plan (Attic bedrooms)



Section 5.

Conclusion

5.1

Following on from the survey carried out, Table 1 demonstrates that between the hours of 22.20pm – 02.15am on Saturday the 11th Of January 2020. Within a 200m radius of 20 Gurney Road there were 1360m of available raised kerb parking spaces, providing a potential of 263 spaces. During the survey period there were 170 parked vehicles leaving 93 on-road parking spaces available.

5.2

This equates to 35% available unrestricted parking spaces within the survey vicinity.

5.3

Secondly Table 2, this also demonstrates that between the hours of 22.10pm – 00.30am on Wednesday the 15th Of January 2020. Within a 200m radius of 20 Gurney Road there were 1360m of available raised kerb parking spaces, providing a potential of 263 spaces. During the survey period there were 174 parked vehicles leaving 89 on-road parking spaces available.

5.4

This equates to 34% available unrestricted parking spaces within the survey vicinity.

5.5

Thirdly Table 3, this demonstrates that between the hours of 22.20pm – 02.15am on Saturday the 11th Of January 2020. Within a 200m radius of 20 Gurney Road there were 226 existing properties facilitating 246 off road parking spaces, however only 138 of these spaces were used. Leaving a potential of 108 available spaces.

5.6

Finally Table 4, this demonstrates that between the hours of 22.10pm – 00.30am on Wednesday the 15th Of January 2020. Within a 200m radius of 20 Gurney Road there were 226 existing properties facilitating 246 off road parking spaces, however only 143 of these spaces were used. Leaving a potential of 103 available spaces.

5.7

When gathering the data for Table 3 and 4 only one off road parking space has been allocated for 20 Gurney Road. Once the renovation work has been completed there will be an additional parking space added to the front driveway, created off road parking for two vehicles.

5.8

Please note, in the addition to the two off road parking spaces available, there will also be a provision for safe bicycle storage. This provision will accommodate a total of 5 individual bicycles at the rear of the property.

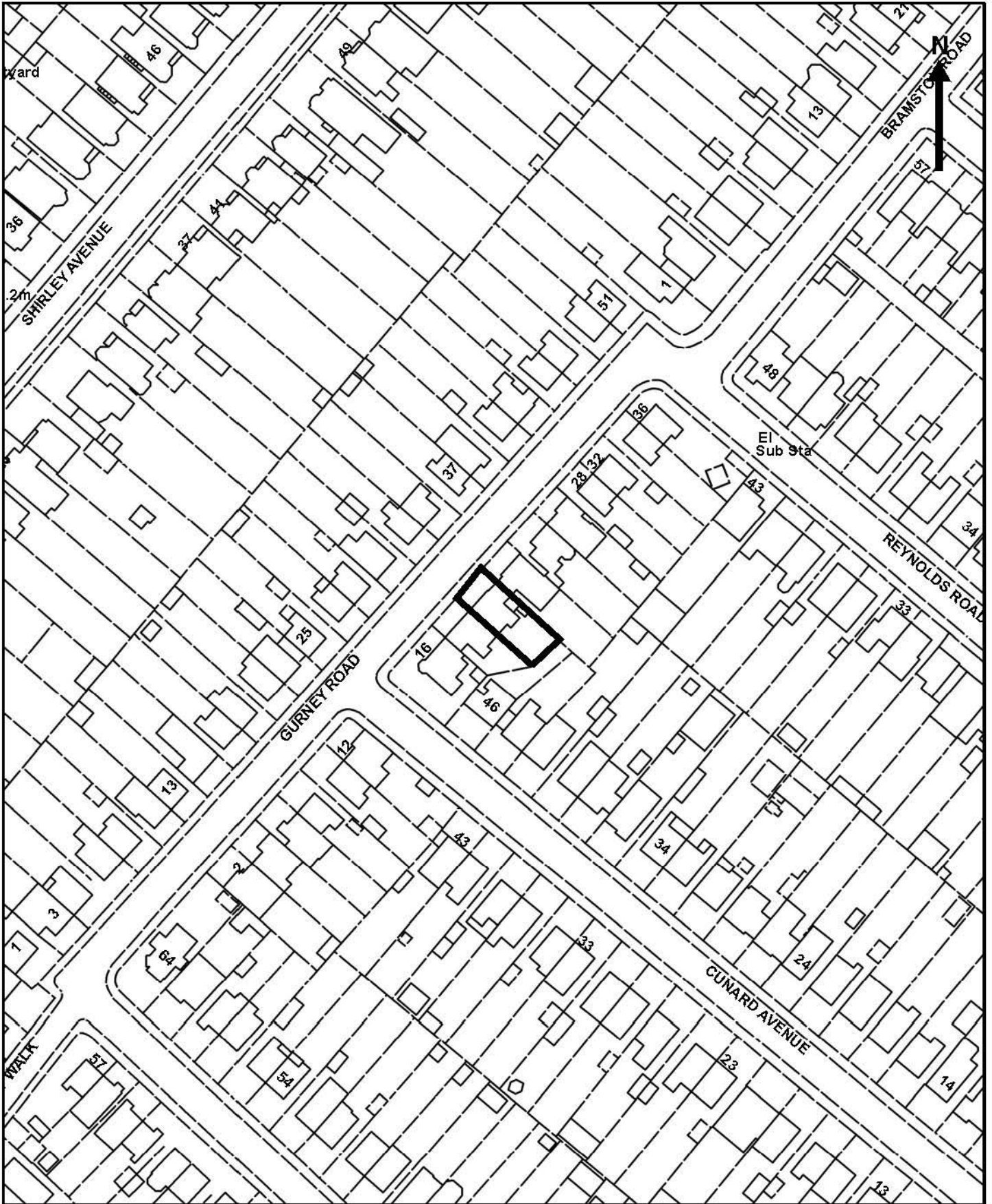
5.9

Southampton City Councils Residential Development Parking document states that if a property is within a high accessibility area, which 20 Gurney Road is, a dwelling with four and above residents only needs to have 2 allocated parking spaces. This will be available from the two off road parking spaces at the property. However if three parking spaces are required, an additional vehicle parked within the surrounding area would not increase parking stress for local residents.

5.10

Finally, as demonstrated within Section 4 it is unlikely that residents would choose to own a vehicle given its excellent location to most amenities and the easily available public transport links. Due to the links with both Southampton General Hospital and The Royal South Hants Hospital the target residents are health care professionals. We know there is a high demand from staff at both locations for high quality shared accommodation. Both sites are within walking and cycling distance of the property. In light of the parking survey we believe the application for 20 Gurney Road would have no detrimental impact on resident parking.

Appendix 1



Scale: 1:1,250

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Planning and Rights of Way Panel 11th February 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: The Conifers, Wrights Hill, Southampton			
Proposed development: Redevelopment of the site. Erection of 6 x 3 bed dwellings with associated parking, bin and cycle storage following demolition of existing dwelling (resubmission of 19/00832/FUL)			
Application number:	19/01963/FUL	Application type:	FULL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	19.02.2020 (Extension of Time Agreement)	Ward:	Woolston
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors:	Cllr Blatchford Cllr Hammond Cllr Payne
Applicant: Rivendale Homes Ltd		Agent: Vivid Design Studio Ltd	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
-------------------------------	---

Community Infrastructure Levy Liable	Yes
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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 such as character of the area, residential amenities and highway safety 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 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS23 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, NE4, NE7, H1, H2, H6, H7 and HE6 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant sections of the NPPF (2019)

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution 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 Developer Contributions SPD (April 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 the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - iv. 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.
3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site is currently a chalet bungalow in a large plot. The property lies immediately south of the ward boundary between Woolston and Sholing and is positioned at a highly prominent location, immediately adjacent to a junction. The bungalow is screened by a high evergreen hedge along its boundary.
- 1.2 The site area is 0.17 hectares and a substantial part of it is a garden with vegetation. This provides a pleasant break in development on this prominent corner site. The typical pattern of development in the area is detached and semi-detached houses – typically 2 storey - located in long plots with generous rear gardens. The site lies within an area of mixed character, due to the siting of Mayfield Park, a corner shop and flatted block opposite.

2. Proposal

- 2.1 Full planning permission is sought to redevelop the site to provide six, three-bed dwelling houses. The proposed dwellings are two-storey, to a height of approximately 9 metres, roughly one metre higher than the adjacent properties.

These properties will be on a higher level than due to the site lying at the top of the hill. The materials chosen for construction are brick with lintel and porch detailing. The dwellings have double-height bay features, pitched roofs and have chimneys to mimic neighbouring housing stock.

- 2.2 Each unit would have a lounge, kitchen/diner and toilet at ground floor and at first floor and bathroom, three bedrooms (one bedroom would have an en-suite). The properties all front the road with two tandem spaces bar unit six which has a space either side of the unit and informal visitor spaces adjacent to the proposed landscaped hedge.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.

- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A previous scheme for eight units (19/00832/FUL) was refused on 10.07.2019 for over-development, impact on the character of the area and poor residential amenities. Further to this, highway safety was a reason for refusal, based on the stoppage time for the refuse vehicle on the public highway, and standard S106 reasons for refusal. This application seeks to address these objections.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (**20.12.2019**). At the time of writing the report, 7 representations have been received from surrounding residents and a ward Councillor. The following is a summary of the points raised:

- 5.2 ***Highway safety issues (pedestrian and vehicular) relating to the adjacent junction and bus stop and the increased traffic due to the development. Neighbours feel the junction needs highway improvements***

Response

The Council’s Highway’s Development Management team have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. No objection has been received on these grounds. It is noted that the number of trips will increase to the site but the single vehicular access remains, albeit extended in width to provide better pedestrian

sightlines. Highway improvements will be secured by this application (see recommendation 2(ii) above), albeit relevant to the development in terms of scale and impact to ensure the development itself is acceptable in planning terms.

5.3 ***Construction traffic may use neighbouring parking areas and so could future occupiers.***

Response

A construction management plan condition is suggested which requires details of where construction traffic will park and the storage of materials will be located therefore seeking limit the harm to the surrounding area. Two parking spaces are proposed per unit with the addition of informal visitor parking so parking exceeds the maximum parking standards in this location (i.e. 2 spaces per dwelling).

5.4 ***Concerned about overlooking into flat opposite and impact of noise on neighbouring occupiers***

Response

The Council's adopted Residential Design Guide (RDG) Supplementary Planning Document stipulates separation distances between properties but no standards exist across the street. Since the front elevations and curtilages of properties are visible from public vantage points, frontages are typically less private than the rear. On this basis, overlooking across the street is not considered to be harmful. With respect to noise, all residential properties have the potential to generate noise. However, the Council's Environmental Health team has not objected and the delivery of housing should not be held up due to concerns that some residents may be unneighbourly. The planning system should plan for reasonable behaviour. Planning conditions can be used to minimise disturbance during the construction phase.

5.5 ***Concerned about the loss of wildlife***

Response

No objection has been raised by the Council's Ecologist, The proposal will not result in the loss of any important or protected trees. The proposal seeks to retain as much of the hedging as possible along the frontage and proposes to replant where the existing access way is located. A landscaping condition is suggested to ensure the provision of replacement semi-mature trees.

Consultation Responses

5.6 **SCC Highways – No objection**

The principle of development is acceptable, the introduction of Eurobins results in the same number of bins being collected and therefore the length of time the refuse vehicle would have to be obstructing the road during collection times would be the same. The concern raised is if there was a lengthier time, this may encourage drivers to overtake at a point where there is a slight bend in the road. The main conflict would be with vehicles travelling North East along Weston Lane turning left into Wrights Hill. There is a bit of a blind spot due to the bend and the left turn into Wrights Hill is fairly wide in terms of the junction radii. This could result in vehicles not having to slow their speeds as much. Although this scenario doesn't occur throughout every day and will be specific to when refuse is being collected (or deliveries), the possible severity of this risk is considered to be high.

The level of parking is above SCC policy due to the addition of visitor spaces and therefore it is recommended from highways point of view that this should be in compliance with Policy. However, as a planning balanced judgement, visitor spaces could be welcome here due to the various parking restrictions in the local roads.

Apart from the standard conditions listed below, a condition for pedestrian sightlines would be needed – due to site specifics, a 1.5mx1.5m area either side of the vehicular access is accepted.

The application is supported subject to the standard conditions regarding:

- 1) Bins storage and collection point
- 2) Cycle storage
- 3) Parking
- 4) Pedestrian Sightlines

5.7 **SCC Sustainability Team – No objection** subject to conditions to ensure energy and water targets are met.

5.8 **SCC Archaeology– No objection**

The application site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. LAAP 16 covers parts of the city defined as an area of archaeological potential about which little is known at present, due to a lack of formal archaeological fieldwork. Several prehistoric and Roman finds are recorded for the area; although of uncertain location, these may have come from the former gravel/clay pit and brickworks now the Miller's Pond/Sholing Valleys Study Centre to the northwest. The application site is on slightly higher ground overlooking the Sholing Valley streams. Some 160m to the northeast of the application site, in the same part of the landscape, a small pit containing Saxon pottery and Romano-British tile fragments was found. The application site therefore has some archaeological potential.

Archaeological remains, if present on the site, would be non-designated heritage assets under the National Planning Policy Framework. (Further information about the archaeological potential/heritage assets of the area is available on the Southampton Historic Environment Record.)

The proposed development involves the erection of six dwellings with associated parking, etc, following demolition of existing dwelling. Development here threatens to damage potential archaeological deposits, and an archaeological investigation will be needed to mitigate this. The archaeological investigation will take the form of a watching brief on the groundworks with provision to excavate if archaeological deposits are uncovered. Groundworks includes all level reductions, foundations, services/soakaways, etc. (This basic level of archaeological mitigation is proportionate to the size and archaeological potential of the site.) These are to be secured via condition.

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

The Environmental Health Team have no objections subject to a condition seeking a construction environment management plan.

5.10 **SCC Ecology – No objection**

The application site comprises a house and mature gardens with areas of lawn, trees, shrubs and boundary hedgerows. These habitats have the potential to support protected species including bats and nesting birds.

- 5.10.1 An ecology survey has been undertaken which establishes that the bat roost potential of the building and trees is negligible but that there is potential for nesting birds. Some of the boundary vegetation is being retained and a new native hedgerow is proposed along two sides which will maintain much of the biodiversity value of the site. Removal of the other vegetation poses a risk to breeding birds. Nesting birds receive protection under the Wildlife and Countryside Act 1981 (as amended) so mitigation measures will be required to prevent adverse impacts during vegetation clearance.
- 5.10.2 The vegetation running along the railway line adjacent to the northern boundary is likely to be used as a commuting corridor for bats. The orientation of the gardens adjacent to this vegetation is an improvement on the layout of the earlier planning application because it reduces the need for lighting and hence the risk of adverse impacts on bats. Should external lighting be required, I would like it to be LED using warm white (2700k to 3000K) luminaires with a peak higher than 550nm. Direct light spill onto vegetation should be avoided and lux levels around tree canopies should be no greater than 0.5lux.
- 5.10.3 The ecology report provided includes a number of mitigation and enhancement measures which are appropriate. However, bearing in mind the close proximity of bat foraging habitat I would like to see a bat box installed on plot 6. In addition, if the intention is to run the close boarded fencing on the western boundary up to the fencing along the railway line, a gap should be provided for hedgehogs. Conditions seeking an ecological mitigation statement, the protection of nesting birds and lighting is requested.

5.11 **SCC Community Infrastructure Levy**

The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is currently £104.38 per sq m, to be measured on the Gross Internal Area floorspace of the new dwellings. Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point. If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

5.12 **Southern Water – No objection**

Suggests a condition and an informative to secure details of the means of foul and surface water disposal.

5.13 **Network Rail - No objection in principle.**

Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts Network Rail prior to any works commencing on site.

6.0 Planning Consideration Key Issues

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

- Background;
- The principle of development;
- Design and character;
- Effect on residential amenity;
- Parking highways and transport and;
- Mitigation of direct local impacts.

6.2 Background

6.2.1 The earlier planning application on this site (reference 19/00832/FUL) was refused planning permission under delegated authority on 10.07.2019 for the following reasons:

6.2.2 **1. Overdevelopment, impact on character and poor residential amenities**

The proposed layout and excessive level of site coverage (with buildings and hard surfacing exceeding 50% of the site) is symptomatic of a proposal that results in both an overdevelopment of the site and a development that is out of character with the established pattern of development within the vicinity. Consequently, the development fails to provide sufficient garden sizes which are at odds with the pattern of development of the area and inadequate for the future occupiers of the proposed two/three bed units to enjoy, which could accommodate families with children. Furthermore the layout fails to respect the established building line and due to the proximity of the development to both the site and landscaped boundaries results in a poor outlook and reduced light level at the ground floor level of the units.

2. Highway Safety

The vehicular access location and the subsequent level of development would result in the refuse vehicle standing for a prolonged period whilst serving the additional residential units resulting in an obstruction for other road users. This impact when combined with the proximity of the site to the junction with Weston Lane and the existing road conditions could result in drivers overtaking close to a blind bend leading to issues of highway safety.

6.2.3 The proposal was also refused for failure to complete a section 106 agreement.

6.2.4 The revised scheme seeks to address these reasons. The main changes to the proposal are summarised as follows:

- The reduction in the number of units from 8 to 6 which has allowed the increase in garden space;
- Setting back the dwellings from the boundary with the roads to retain the front hedge;
- The improvement of the design detailing of the dwellings to reflect the established character of the area;
- Integrating the car parking with the housing, replacing a communal rear car park and;

- The provision of a screened communal refuse storage area adjacent to the access.

6.3 Principle of Development

6.3.1 The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable housing development, and the use of previously developed land. The redevelopment of this site for residential use, and particularly genuine family housing, is acceptable in principle and accords with the policies within the development and central government's guidance (through the NPPF) to promote sustainable and efficient use of land for housing development providing the character of an area is not compromised.

6.3.2 The proposal does result in the development of garden land but the resultant plot sizes are comparable to those which already exist within the area. The proposed density (of 35 dwelling per hectare - dph) is in line with the guide of 35-50 dph for the site having regard to criteria 1 of policy CS5 of the LDF Core Strategy and, as set out in section 6.4 below, has regard to the character and appearance of the existing neighbourhood. The principle of development is, therefore, considered to be acceptable.

6.4 Design and Character

6.4.1 The proposed layout, due to the decrease in the number of dwellings from eight to six, will sit comfortably within its immediate context by providing semi-detached dwellings, similar to the adjacent neighbouring development; each with gardens similar to neighbouring gardens depth adjacent. Each dwelling would be served by private gardens in excess of the 70sq.m in area, which the Residential Design Guide Supplementary Planning Document recommends for dwellings of this nature.

6.4.1 Parking for two cars is provided to the side of each dwelling, better integrating into the development and ensuring that hard-surfacing does not dominate the layout. The footprint of buildings and hard-surfacing now equates to less than 50% of the site area, as required by paragraph 3.9.2 of the Residential Design Guide.

6.4.3 The revised proposal is set back from in terms of the building line than the adjacent properties at 12-36 Wrights Hill which allows the majority of the front hedge to be retained, whilst ensuring sufficient space between the front boundary and the dwellings to secure good quality outlook. Furthermore, the set-back reduces the impact of the development on the streetscene. The current hedging surrounding the site is key to the character of the area. This will be retained, where possible, or replaced with mature hedging to retain the attractive corner feature. A landscaping condition has been suggested to secure the retention of the landscaping to front and provide replacement trees to the rear.

6.4.4 In terms of the elevation design of the dwellings, the amended proposal has been designed to be in keeping with neighbouring units in terms of the insertion of a double height bay and the side entrances which is positive and complies with policy and guidance. Infill development on corner plots need careful consideration to ensure that the local character and privacy of adjoining

dwelling is not harmed and the development makes a positive contribution to the enhancing the streetscene as set out in section 3.7.11 of the adopted RDG.

6.4.5 As such, it is considered that the proposal has fully addressed the previous reason for refusal in relation to character and amenity.

6.5 Effect on Residential Amenity

6.5.1 The relationship of the proposal with nearby residential occupiers did not form part of the previous reason refusal as was considered to be acceptable. Due to the corner position of the site and the railway line to the rear, the nearest properties other than 12-36 Wrights Hill are Mayfield View, 2 Newtown Road and 238 Weston Lane. These neighbouring properties are over 21 metres away – the minimum RDG standard. There are no privacy standards for the separation of buildings across a street since it is typical and expected for frontages of buildings to address the public realm. With respect to the properties at Wrights Hill, as the proposal would effectively continue the streetscene with the proposal broadly respecting the front and rear building line in the street, no harmful loss of outlook would occur as a result of the development. The only side facing windows proposed are to the ground floor, and therefore would be screened by boundary treatment. There will be indirect views potentially into the rear gardens of the neighbouring properties but this relationship is usual in suburban areas and does not result in a harmful loss of privacy for existing residents. The development is, therefore, considered to be acceptable in this respect.

6.6 Parking highways and transport

6.6.1 The previous highway safety reason for refusal related to the refuse collection arrangements, specifically the amount of time a refuse collection vehicle would have to wait on Wrights Hill whilst 8 individual bin containers were collected. The application now proposes a communal Euro-Bin store, adjacent to the vehicular access to the site which will reduce the time the collection vehicle waits on the highway. This store would be screened by vegetation. Subject to details of the elevational design of the store, this arrangement is considered to be acceptable and has addressed the previous reason for refusal.

6.6.2 The level of parking provision proposed is in accordance with the adopted Parking Standards SPD, as two spaces per unit are provided. On this basis, the level of parking would meet the demands of the development. There is provision for informal visitor parking on site that results in the development exceeding the maximum standards, but since there is a mixture of restricted and unrestricted on-street car parking in the area, this is considered to be acceptable. Overall, it is considered that the level of parking provision is entirely appropriate for the development and location. Furthermore, the site benefits from a corner shop opposite to meet the day-to-day needs of residents.

6.6.3 The Council's Highways Officer has raised no objection to the proposal with respect to parking or highway safety. There will be an increase in traffic from the development however, on balance, the scheme will not result in detrimental harm to the other users of the highway network or neighbouring occupiers. Therefore, subject to securing the mitigation measures set out in section 6.7 below, the proposal is acceptable in highway terms.

6.7 Mitigation of direct local impacts

- 6.7.1 Given the scale and impact of the development, the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). The main area of contribution for this development is for highway works and these works are to be secured via a Section 106 legal agreement with the applicant. These works will be improvements to pedestrian and cycle facilities within the vicinity. In addition the scheme triggers the Community Infrastructure Levy (CIL).
- 6.7.2 Furthermore, to address its impact on European designated sites for nature conservation, the application is delegated for approval subject to the payment of a contribution towards the Bird Aware Solent scheme. The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7. Summary

The provision of a small development of genuine family housing would address an identified need in the city and is designed to reflect the character of the area and minimise its impact on existing residents. The proposal addresses the previous reasons for refusal and provides a layout, density and acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

8. Conclusion

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

ARL for 11/02/2020 PROW Panel

PLANNING CONDITIONS

1. 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).

2. Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

3. Residential - Permitted Development Restriction (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof), or

Class E (curtilage structures), including a garage, shed, greenhouse, etc...

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

4. No other windows or doors other than approved (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission,

shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

5. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of the external appearance of the storage to house Eurobins for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage, that will solely house Euro bins and not individual bins, shall be provided in accordance with the agreed details and before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

6. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport

7. Parking and sightlines(Pre-Occupation)

The parking spaces and sightlines hereby approved shall be provided prior to the development first coming into occupation and the parking spaces shall be 2.4m wide by 5m width. In addition the access shall be provided in accordance with the plans hereby approved 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.

8. Energy & Water (Pre-Commencement Condition)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator 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 (Amended 2015).

9. Energy & Water (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 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified 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 Adopted Core Strategy (Amended 2015).

10. Landscaping & means of enclosure detailed plan (Pre-Commencement Condition)

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. hard surfacing materials;
- ii. planting plans, to include the retention of the existing boundary hedge where possible, 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 - to be agreed;
- iii. a replacement of trees of a ratio of two for one;
- iv. boundary treatment and;
- v. a landscape management scheme.

The approved hard and soft landscaping scheme 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, with the exception of the boundary treatment along Wright's Hill which shall be retained for the lifetime of the development.

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, screen the development, 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

11. Ecological Mitigation Statement (Pre-Commencement Condition)

Prior to development commencing, including site clearance, a programme of habitat and species mitigation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority.

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

12. 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

13. External Lighting Scheme (Pre-Commencement)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

14. 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.

15. Archaeological watching brief investigation (Pre-Commencement Condition)

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

16. Archaeological watching brief work programme (Performance Condition)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

17. Surface / foul water drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

18. 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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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.

19. Construction Management Plan (Pre-Commencement Condition)

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

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

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

20. Approved Plans (Performance)

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.

NOTES TO APPLICANT

1. Southern Water

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

2. Network Rail

Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to

any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

3. Community Infrastructure Liability (Approval)

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

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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<p>Stage 2 - HRA screening assessment</p>	
<p>Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.</p>	
<p>Solent SPAs</p> <p>The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.</p> <p>Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.</p> <p>The New Forest</p> <p>The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.</p> <p>The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).</p>	

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

POLICY CONTEXTCore Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
NE4	Protected Species
NE7	Rail Corridor
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
HE6	Archaeological Remains

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

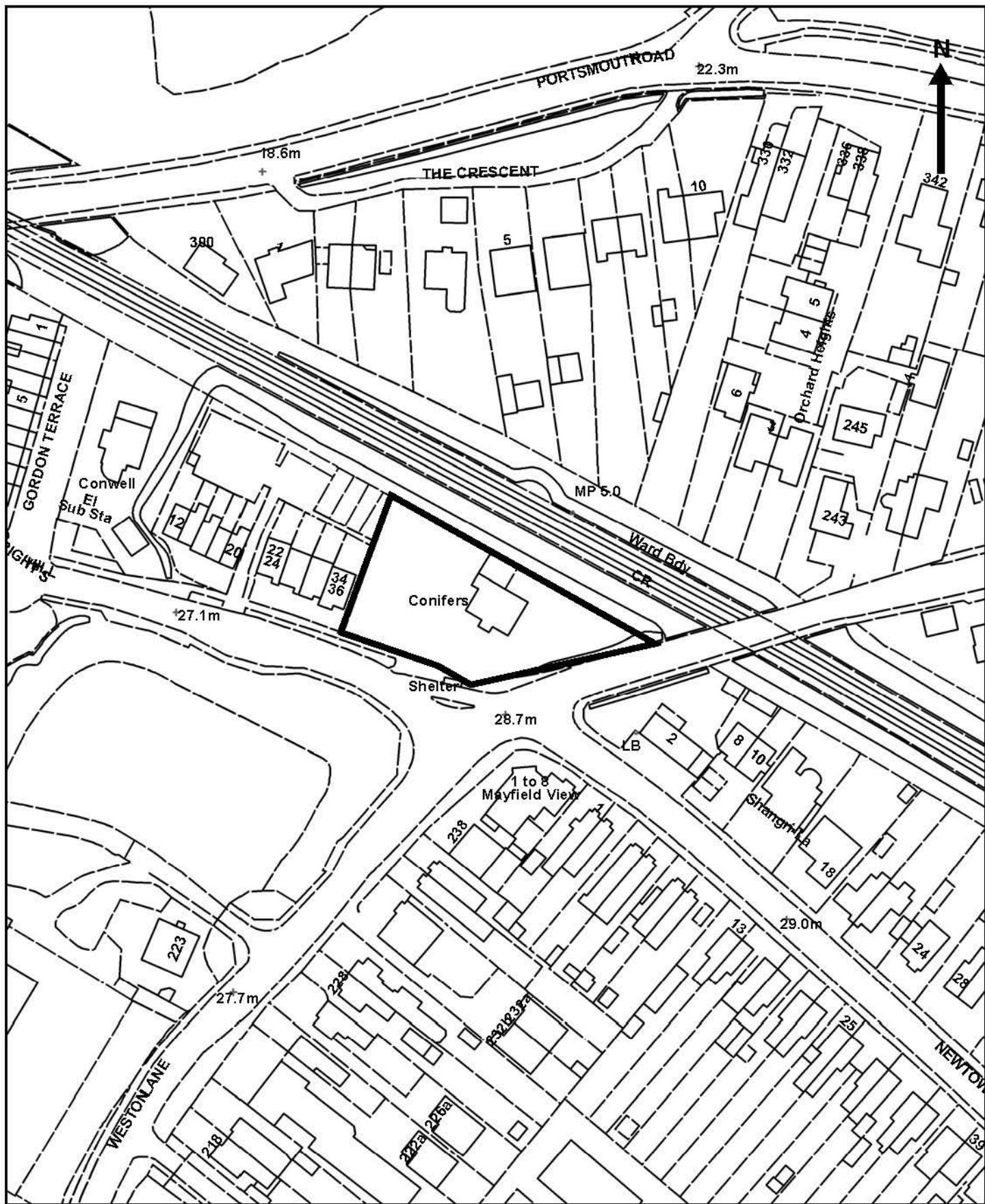
Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Scale: 1:1,250

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Planning and Rights of Way Panel 11th February 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: 5 Blenheim Avenue, Southampton			
Proposed development: Proposed alterations to garage including rear extension and pitched roof to facilitate conversion of garage to home business, Hair Salon			
Application number:	19/01823/FUL	Application type:	FUL
Case officer:	John Fanning	Public speaking time:	5 minutes
Last date for determination:	21.01.2020	Ward:	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Mitchell Cllr Cooper Cllr Savage
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Mr & Mrs John and Judith Saunders		Agent: N & J Design Ltd	

Recommendation Summary	Conditionally Approve
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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. 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 39-42 and 46 of the National Planning Policy Framework (2019). Policies –CS13, CS14 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP 5, SDP7, SDP9, SDP11, SDP16, SDP24, H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 The property is situated in the Oakmount Triangle Conservation Area, which is subject to an Article 4 direction which restricts the permitted development rights of residential dwellings.
- 1.2 The area is residential in nature, with a mix of different dwelling types. In the immediate local context of the application site the area mainly consists of larger detached two-storey dwellings situated in generous plots.

2. Proposal

- 2.1 The application proposes two elements. Firstly, a number of alterations to, and the rearward extension of, the existing garage to the side of the property. This would include conversion of the existing flat roof (3.25m) form to a mono-pitch roof reducing in height to the boundary (ridge 4.15m, eaves 2.4m). The application proposes the garage extending an additional 3.9m to the rear, including the introduction of 4 windows in the new roof slope. The existing garage door will be infilled and a new door and window will be installed in place.
- 2.2 These physical alterations are designed to facilitate the use of part of the property to serve a commercial functions as a hairdressers. The applicant has outlined that they intend to transition an existing business to work from home, potentially including up to 2 other members of staff. The commercial element would be limited to the floor space of the extended garage, with the rest of the property remaining purely in residential use. The applicant has proposed opening hours of 9.30-17.00 Wednesday to Saturday, with no customers on Sunday to Tuesday.
- 2.3 It is noted that in terms of the roof alterations to the garage, the scheme is similar to a scheme previously consented on the site for alterations to the garage under application 14/01458/FUL on 31.10.2014.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (**20.12.2019**) and erecting a site notice (**20.12.2019**). At the time of writing the report **17** representations from 13 different addresses have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Surrounding area is residential in nature and inappropriate for commercial activity/would set a precedent for commercial activity/would impact commercial viability of Portswood centre***

Response

The Councils policies support the flexible use of properties. The Council has policies which promote commercial activity within its district centres and restrict against the loss of residential properties. In this case the application does not represent the loss of a residential unit but the conversion of a small part of it to a commercial use which will operate in conjunction with the main residential function of the dwelling. The scheme has been put to the Council and must be considered on its individual merits with the impacts upon the existing neighbours and character of the area being properly assessed.

5.3 ***Proposal would exacerbate existing parking issues in surrounding area***

Response

The application proposes the conversion of an existing garage. The site retains some on-site parking but given the nature of the proposal it is likely there would be some associated on-road parking. This matter is discussed in more detail in section 6 below.

5.4 ***Any signage would be inappropriate in context of conservation area***

Response

No signage has currently been proposed and would be limited by the existing advertisement regulations.

5.5 ***Potential restriction against commercial activity in Title Deeds***

Response

The grant of planning permission would not remove any other legal issues which may restrict the applicant/property. Any issues with gaining the consent of the land owner or resolving any covenants in the deeds of the property would be a private legal matter between the relevant parties.

5.6 ***Creation of shopfront/physical alterations are inappropriate in context of host property and special character of conservation area***

No objection to roof alterations separately to commercial element

Response

The application does not propose the installation of a shopfront but would replace the existing garage door with a door and window. The proposals have been reviewed by the Councils Conservation Officer, whose comments are outlined below and discussed in more detail in section 6.

5.7 ***Proposal would allow alternate A1 uses within property which could further increase impacts beyond the current proposal***

Response

For clarity, the application only seeks consent for a partial commercial element, with the rest of the property remaining in residential use. It is considered that appropriate conditions can restrict and limit the extent of the commercial element to an acceptable level in a manner which is clear, precise and enforceable.

5.8 ***Applicant noted pre-application enquiry response from Council was submitted with application but was not publically available/local residents and residents groups should have been consulted at pre-application stage***

Response

The Council offers a process to seek advice on proposals prior to the submission of formal planning applications. Typically these discussions remain confidential unless the applicant chooses to engage with other third parties. As the applicant has waived this the advice offered has been made available on the Councils website.

Consultation Responses

5.9 **Conservation Officer** – Subject to suitable conditions to specify the materials and detailing of the proposed works, it is considered that the proposal would not cause harm to the character of the conservation area in terms of the physical alterations. Additional signage should be restricted and a condition imposed to ensure that the commercial element reverts to residential use when no longer in use.

5.10 **Oakmount Triangle Residents Association** – Application would represent conversion of a residential property to an A1 use which would be contrary to policy and undermine the viability of the nearby Portswood commercial area. Attempting to restrict the commercial use following consent would be unenforceable and result in an unclear use of the property. Physical alterations are out of keeping with the special design or appearance of the property within the surrounding street scene and wider conservation area. Deeds of the property likely include a clause restricting against commercial use. No details of if further extraction equipment required.

5.11 **City of Southampton Society** – Objection to any form of commercial enterprise within the conservation area.

6.0 Planning Consideration Key Issues

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

- The principle of use;
- Design and effect on character;
- Residential amenity;
- Parking

6.2 Principle of use

- 6.2.1 The application proposes the partial conversion of a residential property to create a commercial element to the use. Typically speaking, a low intensity of home working from a residential property would not require planning permission in its own right and would be treated as being ancillary to the residential occupancy of the house.
- 6.2.2 In this case, the applicant has outlined how they are hoping to operate a hairdressing business from the site, on an appointment only basis and with the employment of two other members of staff. On this basis it is considered that the intensity of use would trigger the need for planning permission and as such is considered to require consent in its own right.
- 6.2.3 The Council has a number of policies which seek to protect against the loss of residential accommodation within the city. The proposed commercial element occupies a relatively small part of the footprint of the residential building and therefore the main use of the residential property would remain unaffected. Provided a condition is secured to ensure that the site is not subdivided and continues to operate in conjunction with the main dwelling it is not considered that the introduction of a small commercial element run by the occupiers of the residential dwelling would be unacceptable.
- 6.2.4 Concerns have been raised by local residents that the provision of commercial activity in residential dwellings would be inappropriate and undermine the vitality of local and district commercial centres. While the Council has policies which support the provision of commercial properties in its district centres, that does not mean that such development in other locations is intrinsically unacceptable. The application must be reviewed on its own merits to determine if it is appropriate in the context of the surrounding area and impacts on nearby properties. These issues will be considered in more detail below.

6.3 Design and effect on character

- 6.3.1 The application site lies within the Oakmount Triangle Conservation Area. The Council has recognised the special character and significance of this area through the Oakmount Triangle Conservation Area Character Appraisal and Management Plan, in addition to the restriction of the permitted development rights of properties in the area to ensure that the area is protected and preserved.
- 6.3.2 The Council's Conservation Officer has reviewed the proposal and, with reference to the comments outlined in section 5.9, does not consider that the proposed alterations would have a harmful impact on the conservation area. The Council's Conservation Officer has raised concerns that excessive signage would detract from the residential appearance of the area and requested a condition to restrict against the placing of advertisements on the site without further advertisement consent being sought. It is considered that some minimal signage could be considered appropriate but would need to be carefully considered in the context of the conservation area so it is considered reasonable to restrict the normal rights under the advertisement regulations.
- 6.3.3 In general, it is not considered that the design or appearance of the existing garage contributes positively to the existing appearance of the property within the street scene of the conservation area. While the application does propose a

number of alterations such as alterations to the roof form and extension to the rear, it is considered that the alterations are relatively minor in scope and would not prove harmful to the appearance of the property in the context of the surrounding conservation area. On this basis the proposed physical alterations would comply with policies SDP1, SDP7, SDP9, HE1 and HE2 of the Local Plan, the guidance contained within the Oakmount Triangle Conservation Area Appraisal, the NPPF, and the requirements of S72 of the LB and CA Act 1990.

6.3.4 The application does propose a potential increase in activity associated with the commercial element of the scheme which is discussed in more detail in section 6.5 below.

6.4 Residential amenity

6.4.1 The application proposes extension and alteration of the existing extension. Taking into account the scale of development and the relationship and layout of the neighbouring property, it is not considered that the proposal would result in substantial additional harm in terms of an overbearing or overshadowing form of development.

6.4.2 The application does propose an increase in commercial activity in immediate proximity to the common boundary. The applicant has provided a statement to outline how they intend to operate the premises, identifying that customers will visit the site by appointment only, operating 9.30AM-5PM Wed-Sat, with 5 clients a day. They have stated that there will be the occupier of the property working from the premises, with potentially 2 part time members of staff (of whom only one will be present on site at any given time). It is considered that appropriate conditions to control the specific nature, intensity and operational hours of the proposed use would be appropriate to ensure that there is not a harmful impact on the amenities of the neighbouring occupier.

6.5 Parking

6.5.1 No formal parking layout has been submitted with the application, with no changes proposed to the existing forecourt parking arrangement. The application site results in the loss of the existing garage and will result in a potential increase in comings and goings to the site, with associated noise and traffic.

6.5.2 There are no on-road parking restrictions in the immediate vicinity of the application site. It is probable that the maximum additional capacity above the existing residential use associated with the site at a particular moment would be 3 (2 client plus additional member of staff). It is considered that at least some of this capacity would be served by on-road availability.

6.5.3 While the applicant has not undertaken a parking survey to justify the additional on-road parking capacity on balance it is not considered that the additional comings and goings or uptake of on-road capacity, in the context of the existing parking restrictions and availability and proposed hours of working, would result in such substantial harm as to justify refusing the planning application. The proposed business would operate on a low intensity, appointment only basis with a maximum of 5 clients a day between Wednesday to Saturday. It is not considered that the proposed business would generate a significant increase in parking demand within the area or adversely impact on neighbour amenity in this

regard. Conditions will be imposed to further restrict the operating times, number of clients and number of staff in line with the details provided by the applicant.

7. Summary

The physical alterations are considered to be broadly neutral in the context of the impact on the surrounding conservation area and maintain the overall quality and appearance of the property subject to suitable conditions. The commercial element of the scheme is considered to be relatively minor in scale and capable of integrating into the surrounding residential environment without harmfully impacting the character of the area or amenities of neighbouring properties subject to suitable conditions to limit the intensity and control the nature of the commercial use.

8. Conclusion

It is recommended that planning permission be granted subject to conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Case Officer Initials for 11/02/20 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

Prior to first installation, the detailed design, constructional details and materials for the proposed windows and doors shall be submitted and approved in writing with the Local Planning Authority. The development shall be implemented in accordance with these details and maintained as such thereafter. Except as otherwise agreed the materials and finishes to be used in the external elements of the development hereby approved shall match in all respected the type, size, colour, texture, form, composition, manufacture and finish of those on the existing buildings.

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. Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (as a mixed residential and hairdressing use) and not for any other purpose, including any other use within Use Class A1. The development shall operate in accordance with the details outlined in Appendix 1 of the submitted Heritage Statement, as further outlined below:

- The property shall not be subdivided without the further grant of specific consent, with the commercial element being operated in conjunction with the residential use of the premises.
- The commercial element of the use will be restricted to the former garage and extended part of the building hereby approved.
- At no time shall the commercial element be operated by any sole individual who is not a resident of the main dwelling.
- Should the commercial use of the premises cease, the use of the premises will revert to form part of a single residential unit.
- No more than 5 clients shall visit the premises on any given day by prior appointment only.
- No more than 2 members of staff shall be present on site at any given time.

- The commercial use hereby approved shall not operate outside of the following hours:
Wednesday-Saturday: 9.30AM-5PM (09:30-17:00)
Sunday-Tuesday: No customers

Reason: In the interest of proper planning and to control and limit the intensity of the proposed commercial use in the interests of residential amenity and the character of the surrounding area.

04. Advertisements restriction

Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) or any Order revoking, amending, or re-enacting that Order, no advertisements shall be displayed on the premises relating to the commercial use hereby approved without the prior written consent of the Local Planning Authority.

Reason: To afford the Local Planning Authority the ability to control commercial advertisements in the context of the sensitive conservation area.

05. Approved Plans

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP11	Accessibility & Movement
SDP16	Noise
SDP24	Advertisements
H6	Housing Retention
H7	The Residential Environment
HE1	New Development in Conservation Areas
HE2	Demolition in Conservation Areas

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

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

Relevant Planning History

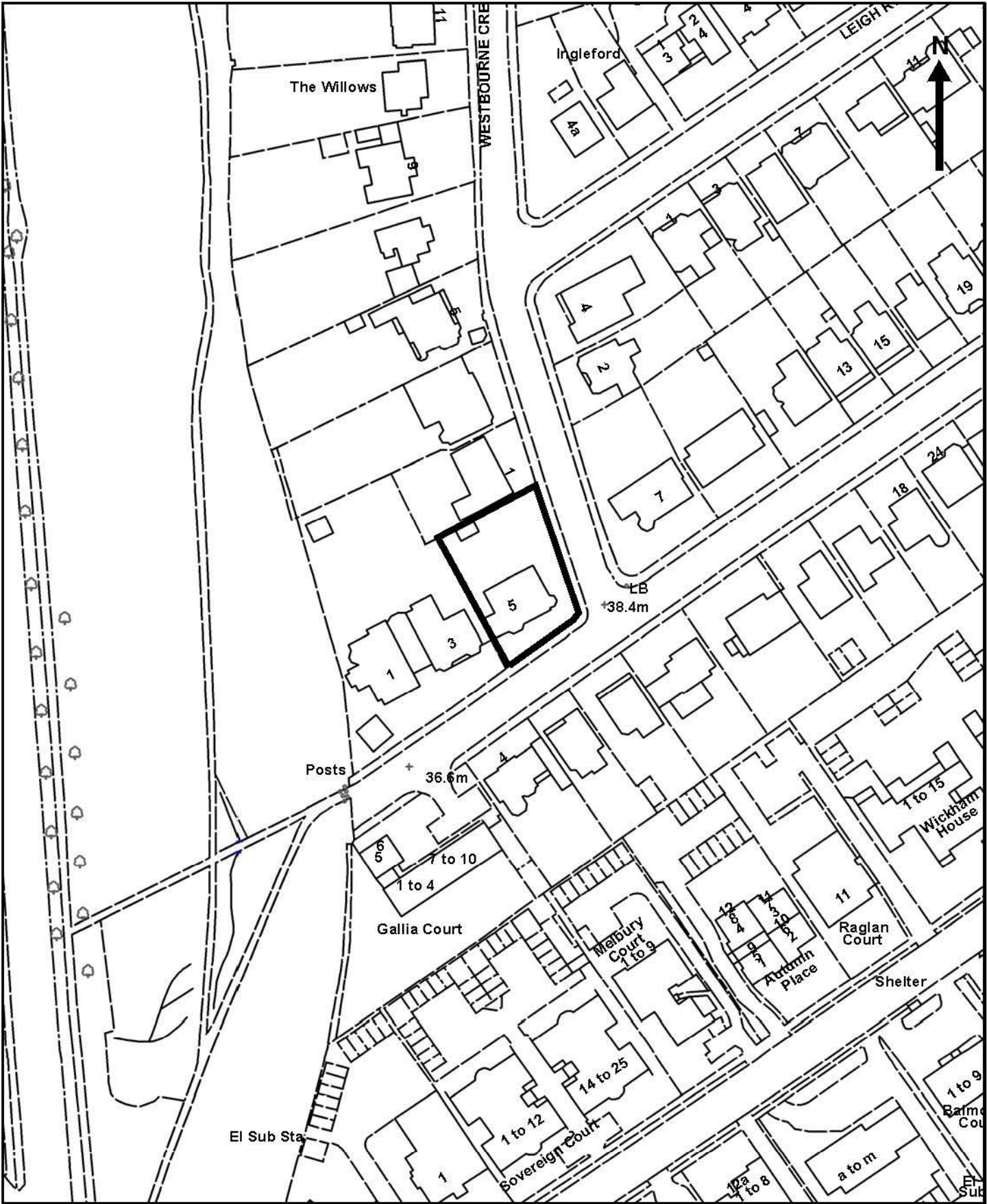
14/01458/FUL, Replacement of flat roof with pitched roof to existing garage and replacement of rear garden shed.
Conditionally Approved, 31.10.2014

1631/M1, Change of use from hotel to three private dwellings
Conditionally Approved, 07.06.1983

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Agenda Item 10
19/01823/FUL

Appendix 1



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DECISION-MAKER:	PLANNING & RIGHTS OF WAY PANEL		
SUBJECT:	Review Of Information For The Validation Of Planning Applications		
DATE OF DECISION:	11 FEBRUARY 2020		
REPORT OF:	HEAD OF PLANNING AND ECONOMIC DEVELOPMENT		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Stephen Harrison	Tel: 023 8083 4330
	E-mail:	Stephen.harrison@southampton.gov.uk	
Director	Name:	Mike Harris	Tel: 023 8083 2882
	E-mail:	Mike.Harris@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

Every planning application that is submitted to the Council has to include a set level of detail before it can be made valid. The detail required varies depending upon the application complexity.

In 2013 Central Government sought to simplify the validation of planning applications in order to make the process less onerous on both the Local Planning Authority and the applicant. The Council's validation lists are split into national and local requirements. The Council revised its local validation requirements in April 2015 and our current lists can be viewed on our website or [here](#).

The revised National Planning Policy Framework (2019) suggests that validation requirements should be kept under constant review with a minimum period of 2 years recommended (paragraph 44 refers). The NPPF also explains that only information that is '*relevant, necessary and material to the application in question*' should be sought.

Officers have recently undertaken`. This report seeks the approval of the Panel to revise these requirements and follows consultation with internal consultees and an email drop to local planning agents and applicants.

RECOMMENDATIONS:

- (i) Approve the proposed changes to the local validation requirements as detailed at **Appendix 1** and paragraph 18 of this report, and delegate authority to the Head of Planning & Economic Development to update our systems and the Planning Portal accordingly; and
- (ii) Delegate authority to the Head of Planning & Economic Development to review and approve changes the local validation requirements in the future, in line with NPPF recommendations, following regulation changes and the necessary public consultation.

REASONS FOR REPORT RECOMMENDATIONS

1. To comply with the requirement of Central Government to revise the validation criteria for planning applications in accordance with the Development Management Procedure Order (2015) (as amended) and the NPPF (2019).

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. To continue using the existing validation checklists. This option is not recommended as it would not be in accordance with Government recommendations, and would leave the Local Planning Authority (LPA) vulnerable to appeals made in respect of validation disputes. The proposed changes increase the level of detail that can be sought at the outset thereby improving the ability for all stakeholders to engage effectively in the planning application process.

DETAIL (Including consultation carried out)

3. The Town and Country Planning (Development Management Procedure) Order (2015) sets out the steps local authorities must take when they receive, consider and determine planning applications and includes statutory information requirements for the validation of planning applications known as 'Mandatory National Information Requirements'.
4. The Procedure Order is supported by the National Planning Policy Framework (NPPF 2019), which sets out policy requirements for information that should be submitted with certain types of application. The Town and Country Planning (General Permitted Development) Order (as amended) (2015), also sets out provisions that should be met by an applicant when undertaking permitted development; particularly in relation to applications for prior notification.
5. Southampton City Council also currently has a list of additional requirements that it considers necessary for the validation of planning applications, known as 'Local Information Requirements', which is informed by national and local planning policy. The National and Local Requirements together comprise a 'Validation Checklist'. A validation checklist is used to validate a planning application on its receipt. Different checklists exist for different types of development. The validation criteria that appears on a checklist varies between the type of application submitted; generally a major planning application will have to meet more validation criteria than a householder application in order for it to be validated.
6. At present the LPA can consider that the validation requirements have not been met and seek further information. It can decline to validate an application until this information has been submitted. Whilst the National Requirements must be met in order for an application to be validated it is down to the discretion of the LPA to decide what it requests to be submitted from the Local Requirements (Local List).
7. The Local List was last reviewed in 2015, and since that time additional information is needed at the validation stage, particularly in respect of affordable housing, air quality and nitrates. This report follows consultation on the matters that require an update, and recommends that the Local List is updated to reflect the additional requirements set out at **Appendix 1**.

8. In short these relate to:
- a) Sustainable Drainage – with the Government making details a validation requirement for all Major development;
 - b) Affordable Housing – where any viability submissions will be expected at the validation stage and not following validation and public consultation;
 - c) Pre-app Fees – particularly for schemes using a Planning Performance Agreements to ensure payment is made with the application;
 - d) Heritage Statements – already a validation requirement but further details, particularly in relation to archaeology, are explained;
 - e) Air Quality Reports – details required for schemes outside of Management Areas which can also be affected;
 - f) Contaminated Land – already a validation requirement but, seeks to clarify what is required and when; and
 - g) Sustainability Checklist – already a validation requirement but adds a requirement for some applicants to provide a nutrient calculation.
9. Consultation took place prior to Christmas with emails sent to some 450 recent users of the Planning Service. It has now been at least 8 weeks – the statutory minimum – since consultation was undertaken. Only 2 replies were received.
10. The respondents made the following points:
- **SUSTAINABLE DRAINAGE STRATEGY**
Our view is this is a double up of building regulations and not are required for planning.
 - **AFFORDABLE HOUSING**
This has been the case since the adoption of the local plan and the transparency is welcome. The transparency must apply to council and privately owned sites. It would be advantageous if past studies are then uploaded to the web for both council and privately owned sites.
 - **PPA AGREEMENTS**
The council has an experienced team of officers and although we as agents sometimes disagree. We respect their views. We have worked with the more senior officers for many years and so they can offer value and help and so we see no issue with this.
 - **HERITAGE STATEMENTS**
We ask the council to tread carefully with this matter as generally these buildings are left by owners as more expensive to refurbish than their worth.
 - **AIR QUALITY**
We do not think a site outside the AQMA should require this.
 - **CONTAMINATED LAND**
This is a double up of building regulations and many appeals have allowed the council to understand this. The requirement is costly and will deter land owners from running planning as noted above. We urge the council to accept environmental searches as this will only deter delivery if not.

- **NITROGEN**

We ask the council to run a forum on this matter as nitrogen is mostly from agriculture and not housing. This is again a cost to deter delivery.

11. In response to this points the proposed changes are largely enforced upon the Council by changes to national planning legislation and guidance. Officers are grateful for the feedback and recognise the additional cost that could arise, but also operates an open book appraisal for all schemes that cannot deliver a fully policy compliant scheme. The proposed changes are not considered to be too onerous in this context, and will improve the quality of planning applications, whilst providing stakeholders with more upfront information which will better inform their responses.

12. The second respondent suggested that the wording regarding the need for off-site parking surveys, set out in our current local requirements, should better reflect the wording of the adopted Parking SPD. This latter request is supported and the following change is also, therefore, recommended:

13. Transport Statements and Transport Stress Survey

Best practice for developments of 1 – 49 units. The statement should set out the transport issues relating to a proposed development site, and details of the development proposal and how this will impact on these existing transport issues. It is also best practice for all new development, where maximum parking standards are not met, to indicate parking stress within that area in accordance with the methodology of the Lambeth Model parking survey under the following criteria:

- 1) *Carry out a survey between 22.00 and 06.00.*
- 2) *Conduct 2 surveys on 'normal days', outside of school holiday times and avoiding bank holidays etc. Ideally one week day and one week end day*
- 3) *The survey area should be within 200m radius of the site.*
- 4) *The survey should record how many parking spaces are available at the time of the survey.*
- 5) *Photographic evidence should support the information being provided.*
- 6) *A 1:1000 plan of the survey area should be provided clearly showing the locations of the available parking spaces. The plan will need to clearly identify areas of available parking, whilst parked areas, dropped kerbs and parking restrictions also need to be clearly marked to provide a clear picture of how much kerbside parking space was available at the time of the survey.*
- 7) *The parking spaces must be a minimum of 6m long to be counted between vehicles, although 5m is adequate when there is free access one end.*
- 8) *The plan should be accompanied with a written summary of the findings of the survey listed by street, stating the number of parking spaces available for use on the street, and the number of unoccupied or vacant spaces, and then expressing this ratio as a percentage of available space. The survey should be presented clearly identifying the date, time, and day of the week, with the plan and any photographs.*

RESOURCE IMPLICATIONS

Capital/Revenue

14. The changes can be met through existing budgets

Property/Other

15 None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

16. The following legislation and policy framework is relevant to ensuring an up to date validation process:

- Planning and Compulsory Purchase Act (2004)
- DCLG: Guidance on Information Requirements and Validation (2010)
- Streamlining the Planning Application Process - Government Response (2013)
- The Town & Country Planning (DM Procedure) Order (2015 as amended)
- The Town & Country Planning (General PD) Order (2015 as amended)
- National Planning Policy Framework (2019)
- National Planning Policy Guidance (NPPG)

Other Legal Implications:

17. None

RISK MANAGEMENT IMPLICATIONS

18. None

POLICY FRAMEWORK IMPLICATIONS

19. None

KEY DECISION?	No	
WARDS/COMMUNITIES AFFECTED:	Citywide	
SUPPORTING DOCUMENTATION		
Appendices		
1.	Extract from Consultation – Additional Local Requirements	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Im		No
Assessment (DPIA) to be carried out.		
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.	None	

**APPENDIX ONE
CONSULTATION LETTER SENT TO 456 AGENTS AND APPLICANTS
PROVIDES DETAIL & JUSTIFICATION FOR VALIDATION CHANGES**

Dear Sir/Madam

Consultation – Validation Requirements & Pre-application Charging

I write to you regarding the above matters as you are on our system as having submitted a pre-application enquiry and/or a formal planning application to the City Council’s Planning Department within the last 12 months. As such, we wanted to advise you of a couple of proposed changes to the Planning Service that may affect you in the future. Your comments are welcomed on the following changes, which are still open to change and have yet to be finalised:

Planning Application ‘Local’ Validation Requirements

Our current validation lists for planning applications are available on the Council’s website, and explain what is needed before a planning application can be validated. Since the lists were last reviewed it has become evident that we need to make additional changes as explained and set out below, and update the web links as follows:

- **Sustainable Drainage**

The Water Act (2014), as supported by ministerial statements, introduced the requirement for all new major developments (ie. 10 or more dwellings/1,000sq.m of commercial floor space) to provide details of sustainable drainage alongside the planning application. The Council’s Planning Department has been seeking this information at the validation stage since 2015. It is proposed, however, to introduce this national requirement as a formal validation requirement in Southampton. The following changes are proposed:

<p>Flood risk assessment & Sustainable Drainage Strategy</p>	<p>Planning applications for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zone 2 and 3 will require a Flood Risk Assessment - See link http://www.environment-agency.gov.uk/research/planning/93498.aspx. See also the Strategic Flood Risk Assessment http://www.southampton.gov.uk/environmental-issues/flooding/development-flood-risk/level2-flood-risk-assessment.aspx</p> <p>A Sustainable Drainage Strategy is required for all MAJOR Development (10 or more dwellings/1,000sq.m of commercial floor space) and shall evidence your approach to surface water management.</p>
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- **Affordable Housing**

Southampton has an acute housing need, and its planning policies seek to secure a contribution towards affordable housing from all new major residential development. The viability of a scheme is a material consideration, and where development cannot support the required affordable housing contribution its viability can, currently, be independently tested ahead of an officer recommendation. In order to ensure the smooth processing of planning applications that trigger affordable housing it is proposed to introduce a validation requirement that affected schemes provide either an ‘Affordable Housing Statement’; detailing how the policy requirements are to be fully met, or an open book viability appraisal that will then be independently tested at the applicant’s expense. The details of any viability appraisal will be made publically available on Public Access alongside the other planning application details. The following changes are proposed:

Affordable Housing Statement & Viability Assessments	<p>For schemes that include a net increase of 10 or more residential units and provide policy compliant levels of ‘onsite’ affordable housing the specific details of the affordable offer shall be set out in an Affordable Housing Statement.</p> <p>For all applications that include a net increase of 10 or more residential units where the proposal does not meet policy requirements or developer contributions, and this is being justified on viability grounds, a detailed Viability Assessment is required to be submitted with the planning application alongside the fee for an independent review. Please note that the Viability Assessment will be made publicly available in the same manner as the other documents that form part of the planning application submission, and the expectation is that the applicant will pay any costs needed to have the Assessment independently verified for the Council.</p>
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- **Planning Performance Agreements**

The City Council offers a pre-planning application service. For significant major development our preference is to encourage applicants to enter into a Planning Performance Agreement (PPA), where a bespoke programme for delivering the pre-application service is designed, and the bulk of the fee is payable at the point that the formal planning application is lodged. The Council’s Planning Department intend to make the payment of the full pre-application fee a validation requirement for the avoidance of any doubt. The following changes are proposed:

Pre-application fees	For those applications that have followed a pre-application ‘Planning Performance Agreement’ – normally for significant major schemes - the pre-application planning fee residual shall have been paid prior to the validation of the subsequent planning application.
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- **Heritage Statements**

Our current requirements for a Heritage Statement do not explain what to do when development may affect possible archaeology. Additional clarification is considered useful with a link to further information. The following changes are proposed:

Heritage Statement	<p>Required if the development involves work to a heritage asset.</p> <p>A heritage asset is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Heritage assets include designated heritage assets e.g. Listed Buildings and Conservation Areas, and other assets identified by the Local Planning Authority e.g. Locally Listed Buildings. Heritage assets also include assets with archaeological interest.</p> <p>The Statement should include the following:</p> <ol style="list-style-type: none"> 1) A description of the heritage asset and its setting. 2) An assessment of the significance. 3) An explanation of the design concept for the proposed development. 4) Description of the impact of the proposed development. Photos should also accompany the statement. <p>In the following cases, planning applications involving ground disturbance shall be submitted with a Heritage Statement that includes an appropriate archaeological desk-based assessment and, where necessary, a field evaluation:</p> <ul style="list-style-type: none"> • development affecting any site identified as being of archaeological interest (during the pre-application) where ground disturbance is proposed, particularly in Local Areas of Archaeological Potential 1 to 15 • Major development sites over 0.25 hectares in the rest of the city • Significant infrastructure works • Works to scheduled monuments (which will also require Scheduled Monument Consent). <p>https://www.southampton.gov.uk/planning/heritage/archaeology-planning.aspx</p>
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- **Air Quality**

It has been well publicised recently that the air quality in Southampton needs to be improved: <https://www.southampton.gov.uk/environmental-issues/pollution/air-quality/>. New development within the City, therefore, needs to make a contribution to such improvements but currently only planning applications for major developments within designated Air Quality Management

Areas need to provide further details at the application validation stage. The following changes are proposed.

Air Quality Assessment	<p>All Major Development (10 or more dwellings/1,000sq.m of commercial floorspace)</p> <p>All development, excluding householder development, inside or adjacent to any designated Air Quality Management Area (AQMA)</p> <p>All development, excluding householder development, inside or within 200m of any statutorily designated nature conservation sites</p> <p>All development involving an energy facility or industrial processes where there are direct emissions into the air</p> <p>http://www.southampton.gov.uk/environmental-issues/pollution/air-quality/air-quality-planning.aspx</p>
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- **Contaminated Land**

The current requirements for the submission of contaminated land assessments do not explain that residential development is a vulnerable use. Whilst planning conditions will still be applicable it is considered appropriate that all Major planning applications include a Land Contamination Assessment at the validation stage. The following changes are proposed:

Land Contamination Assessment	<p>Required where:</p> <ul style="list-style-type: none"> • All Major Development (10 or more dwellings/1,000sq.m of commercial floorspace) • Contamination is known or suspected to exist at the site and the application proposes a vulnerable use such as residential • Development is within 250 metres of a currently licensed or historic landfill site. <p>For further guidance please see link: https://www.southampton.gov.uk/environmental-issues/pollution/contaminated-land/development-potentially-contaminated-land.aspx. A Main Investigation as described in BS 10175:11 is required when recommended by the Preliminary Investigation due to the potential for land contamination to affect the proposed development.</p> <p>Environmental searches will not be accepted as a Land Contamination Assessment.</p>
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- **Sustainability Checklist & Nitrogen Budget Calculations**

Natural England have recently advised that there is a likely significant effect on the internationally designated sites (Special Protection Areas, Special Areas of Conservation, potential Special Protection Areas) in the Solent due to the

increase in wastewater from the new development. In order to understand the impacts Natural England advises that a nitrogen budget is calculated for new development and the simplest way for the Council to seek this information is to amend its current 'Sustainability Checklist' so that applicants can complete a Nitrogen Budget Calculation in addition to providing the existing questions relating to energy, water usage and wider credentials with regard to sustainable development.

<p>Sustainability Statement Checklist & Nitrogen Budget Calculation</p>	<p>The Sustainability Checklist should be completed for all applications, new build or conversion of:</p> <ul style="list-style-type: none"> • 1 or more residential units and/or overnight accommodation (such as hotels) • All non-residential applications of 500 sq m or more floorarea <p>to show how the developer has considered and complied with the requirements of LDF Policy CS20 – Tackling and Adapting to Climate Change of the Core Strategy (2015)</p> <p>https://www.southampton.gov.uk/planning/planning-permission/sustainability-checklist.aspx</p> <p>The revised checklist includes the requirement for the applicant to calculate the scheme's likely nitrogen budget. Where the Council's checklist is not used a planning application will not be validated without this calculation.</p>
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- **Biodiversity Net Gain**

Finally, with the Environment Bill 2019 progressing to Committee stage, ahead of becoming law, it is likely that the above checklist will be amended further in due course to also ensure that applicants set out how they will achieve the mandatory 10% biodiversity net gain across their scheme. More information can be found here: <https://www.gov.uk/government/news/government-introduces-ground-breaking-environment-bill>

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DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL			
SUBJECT:	QUARTERLY DEVELOPMENT MANAGEMENT FIGURES			
DATE OF DECISION:	11 FEBRUARY 2020			
REPORT OF:	SERVICE MANAGER - DEVELOPMENT			
<u>CONTACT DETAILS</u>				
AUTHOR:	Name:	Stephen Harrison	Tel:	023 8083 4330
	E-mail:	stephen.harrison@southampton.gov.uk		
Service Lead	Name:	Paul Barton	Tel:	023 8083 2044
	E-mail:	paul.barton@southampton.gov.uk		

STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

The Council's Overview and Scrutiny Committee requested that key planning metrics are provided to the Planning Panel on a regular basis. The following information is therefore provided to the Panel in response to this request.

RECOMMENDATIONS:

- (i) That the Panel considers and notes the Development Management key metrics as set out in the paper and provides feedback (if necessary).

REASONS FOR REPORT RECOMMENDATIONS

- To ensure that the Panel has a greater understanding of the performance of Development Management. The nationally set target for performance is as follows:
 - 60% of Majors determined within 13/16 weeks
 - 70% of Non-Majors determined within 8 weeks

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- None.

DETAIL (Including consultation carried out)

- The following table sets out the performance against the key planning metrics.

MINORS AND OTHERS	Oct-19	Nov-19	Dec-19	QTR 3
Total Minors/Others Decisions	97	75	56	228
TOTAL RESULT	93.81%	93.33%	94.64%	93.86%
Out of time	6	5	3	14
MAJORS				
Total Majors Decisions	4	1	7	12
TOTAL RESULT	100%	100%	100%	100%
Out of time	0	0	0	0

RESOURCE IMPLICATIONS

Capital/Revenue

4. None.

Property/Other

5. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

6. Not applicable.

Other Legal Implications:

7. Not applicable.

RISK MANAGEMENT IMPLICATIONS

8. Not applicable.

POLICY FRAMEWORK IMPLICATIONS

9. Not applicable.

KEY DECISION?	No	
WARDS/COMMUNITIES AFFECTED:	All	
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	None	
Documents In Members' Rooms		
1.	None.	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.	None	