

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (EAST) - 27 October 2015
 Planning Application Report of the Planning and Development Manager**

Application address: 224 Portswood Road, part of the former Portswood Bus Depot, at the junction of Portswood Road and Belmont Road, SO17 2LB			
Proposed development: Development of the site to provide 260 Purpose Built Student Accommodation flats (443 bed spaces) in three buildings of between 3-storey's and 6-storey's plus lower ground floor level with vehicle access from Belmont Road and associated landscaping.			
Application number	15/01158/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	28.10.2015	Ward	Portswood
Reason for Panel Referral:	Major application with objections	Ward Councillors	Cllr O'Neill Cllr Claisse Cllr Norris

Applicant: Orchard Homes (Portswood) Ltd	Agent: Paris Smith LLP
---	-------------------------------

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
-------------------------------	---

Community Infrastructure Levy Liable	Yes
---	------------

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 including parking pressure, impact on neighbouring amenity, design and character; and the loss of the post office and gym on the site 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 judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). "Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, H1, H2, and H7 of the City of Southampton Local Plan Review – Amended 2015 as supported by the adopted LDF Core Strategy (amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 and the Council's current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached	
1. Habitats Regulation Assessment	2. Development Plan Policies
3. Planning History	4. Site Plan

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the confirmation from Natural England that they remove their holding objection and subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education higher education be permitted to occupy the development and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v).
 - iii. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013). Measures to mitigate 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.
 - iv. 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.
 - vi. 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).
 - vii. 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 (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
 - viii. Submission and implementation of a Travel Plan.
 - ix. Submission and implementation of a Waste Management Plan.
 - x. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.

- xi. Submission and implementation of a Student Intake Management Plan to regulate arrangements at the beginning and end of the academic year.
 - xii. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
3. In the event that the legal agreement is not completed within 2 months of the panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
 4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1 The site and its context

- 1.1 The application site is part of a wider site which previously contained the First Bus depot. The bus depot buildings have since been demolished, the site cleared and part recently developed to provide the Sainsbury's supermarket.
- 1.2 This application relates to the north-east part of the former bus depot site and adjoins Portswood Road to the north, the new vehicular access to Sainsbury's to the west and Belmont Road lies to the east and south of the site boundary. Not included as part of this application, is the final parcel of land relating to former bus depot site which lies to the south of the supermarket, to the corner of Belmont Road and St Denys Road.
- 1.3 The application site itself is subject to a significant change in levels; Portswood Road slopes up from east to west at this point and the land also falls towards Belmont Road. The site is subject to group Tree Preservation Order which comprises a mixed species group to the north-east corner of the site, a group and group outside the south-east corner of the site, along Belmont Road.
- 1.4 The context is varied and comprises the vibrant District Centre, just over 100 metres to the west, together with more traditional residential streets, which includes Belmont Road. The neighbouring Sainsbury's supermarket is a two-storey, flat-roof building, although steps up in height from 12 to 17 metres on the Portswood Road frontage.

2 Proposal

- 2.1 The application seeks full planning permission to develop the site to provide purpose-built student accommodation. Following concerns raised by officers regarding the scale and design of the building, the scheme has been amended since originally submitted. In particular, the height of the Portswood Road frontage has been reduced and the design amended to reduce the perceived massing of the building.
- 2.2 The accommodation is comprised of 3 blocks of accommodation arranged around a central courtyard area. A mix of student accommodation is provided in the form of cluster flats (small groups of study bedrooms arranged around a communal kitchen), 1-bedroom flats and self-contained 2 and 3-bedroom flats.

- 2.3 **Block A** fronts Portswood Road and the amendments to the scheme have mostly affected this part of the proposal. In terms of scale, initially the application proposed part 4 and part 6-storey frontage to Portswood Road. This block now steps up from 4-storeys from the corner with Belmont Road, to a 5-storey central section and the 6-storey element is limited to the section of building adjacent to the access to the supermarket. This block has been designed to take advantage of the change in levels on the site, meaning an additional lower level of accommodation is provided to the rear, although only apparent from the central courtyard of the development.
- 2.4 Block A also incorporates the main entrance to the development, located at the corner of the building, adjacent to the vehicular access to Sainsbury's. This entrance leads to the main reception of the development and a stepped access to the internal courtyard. The lower level courtyard can also be accessed by an internal lift. The ground floor of Block A also incorporates common room areas and a gym. The lower level of Block A comprises the main servicing and storage areas for the building, including cycle storage and room for a standalone Combined Heat and Power system.
- 2.5 In terms of form, Block A has a flat-roof appearance and the 4 and 5-storey sections would be finished using a buff facing brick. The 4-storey section would be set-back from the boundary with Portswood Road by between 5 and 17 metres to enable the retention of the protected tree group to the corner. The 5-storey central section is set back from the 6-storey corner section of building by approximately 1 metre. The 6-storey element would be finished in using a contrasting rainscreen cladding.
- 2.6 **Block B** adjoins Block A, connected by an internal corridor and is positioned parallel with the access to Sainsbury's. This block would also be 6-storeys in height and is set off of the boundary with Sainsbury's by over 5 metres and away from the boundary with Belmont Road by approximately 36 metres. Tree planting is proposed between the building and the boundary with Sainsbury's. As with Block A, due the change in levels across the site, Block B also incorporates a lower level of accommodation, apparent from the internal courtyard.
- 2.7 **Block C** is physically detached from Blocks A and B, although the primary entrances to the building are via the internal courtyard. This block is set back by approximately 4 metres from the boundary with Belmont Road to accommodate a new row of tree planting to the Belmont Road frontage. Block C is predominantly 3-storeys in height with pitched roof and gable ends facing Belmont Road. The block steps up to a 4-storey element adjacent to the boundary with the Sainsbury's store, although this angles away from the Belmont Road frontage.
- 2.8 A total of 10 car parking spaces would be provided to the north-east of the site and accessed from Belmont Road. The intention is that access to these parking spaces would be controlled and mainly used to manage the arrival and departure of students at the start and end of the academic year.

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 2**.

- 3.2 The site is not identified for development within the adopted Development Plan. Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 There have been a number of previous applications for the whole bus depot site seeking the redevelopment of the site for a supermarket and residential accommodation. The planning history includes 3 previous planning permissions. The relevant planning history of the site is summarised in **Appendix 3** 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 (07.08.15) and erecting a site notice (07.08.15). At the time of writing the report **33** representations have been received from surrounding residents and interested parties which includes from Ward Councillor Claisse, the Highfield Residents Association, the Portswood Residents’ Gardens Trust and Portswood Central Residents Association. The following is a summary of the points raised:

- 5.2 *Portswood already has an excessive student population which has an impact on existing residents in terms of noise and disturbance as well as the mix and balance of the character of the area. The proposal will exacerbate these impacts significantly. New student accommodation should be dispersed more widely throughout the city and not concentrated within the Portswood and Highfield Areas.*

Response:

Saved policy H13 of the Local Plan Review guides the location of student accommodation to locations that are easily accessible to the educational establishments by foot, cycle or public transport. Since the site is within walking distance of the University of Southampton and accessible to the Uni Link Bus stops, the proposal would fulfil this aim. The development is designed to take access from Portswood Road meaning the future occupants can access the District Centre, with its shops and facilities and public transport links to the city centre, whilst avoiding quieter residential streets as primary access routes.

- 5.3 *Concern with the practicality of drop-off and collection arrangements for new students and that insufficient car parking on site will result in further on-street car parking pressures within the vicinity of the site.*

Response:

The application is supported by a Student Intake Management Plan which sets

out how the arrivals and departures of students will be managed. The implementation of this management plan is proposed to be secured through the section 106 legal agreement (see recommendation 2 xii above). It is also recommended to introduce a residents parking scheme within the vicinity of the site and to prevent occupiers of the development from being issued with on-street car parking permits. These controls together with excellent accessibility of the site is considered to adequately manage the travel demands of the development.

5.4 *The amount of accommodation proposed is excessive.*

Response:

Core Strategy Policy CS5 supports high density development in the most accessible locations of the City, which includes District Centre locations. Furthermore, saved Local Plan Policy SDP9 supports the location of taller buildings in and adjacent to District Centres. As noted above, the site has excellent sustainable transport links to the University, City Centre as well as direct access to the facilities within the District Centre. The development of the site to provide a significant amount of student accommodation is, therefore, considered to be appropriate.

5.5 *The scale would be imposing and overbearing when viewed from nearby residential properties and result in over-shadowing/loss of light to them. The design appears utilitarian.*

Response:

As set out in section 2 above, the scheme has been amended since originally submitted to address concerns relating to the scale and design of the proposal. The largest scale buildings on site are proposed to be located on the Portswood Road frontage and adjacent to the existing Sainsbury's store. Where buildings would have a closer relationship to existing domestic residential properties, the scale is reduced to closely follow the parameters of the outline planning permission. The application is accompanied by a shadow analysis and this demonstrates that the proposal would not generate harmful over-shadowing to neighbouring residents.

5.6 *The need for family housing and affordable housing is acute and developing the site for student accommodation misses an opportunity to address other housing need.*

Response:

The application site is not allocated for general purpose residential accommodation in the adopted Development Plan and the Council has identified a supply of sites to meet its housing need, which does not include the application site. The application needs to be assessed in terms of whether the principle of the proposed use is acceptable and not whether an alternative use may be preferable.

- 5.7 *As the development would be privately run, there is no guarantee that the development would be used for students.*
Response:
As set out in recommendation 2 ii above, a clause would be added to the section 106 legal agreement to restrict the occupancy of the development to students.
- 5.8 *Concern with the lack on on-site management.*
Response:
The application submission sets out that there would be on-site management of the accommodation which will sign up to the Southampton Accreditation Scheme for Student Housing (SASH). This is proposed to be secured through the section 106 legal agreement.
- 5.9 *Loss of trees and the proposed tree planting will take a long time to mature.*
Response:
The application is designed to enable the retention of the significant protected tree group to the corner of the Portswood Road and Belmont Road and proposes replacement tree planting along Belmont Road, enhanced tree planting along the boundary with Sainsbury's, new tree planting along the frontage of the development with Portswood Road together with tree planting within the internal courtyard of the development. The impact on the landscape setting of the site is, therefore, considered to be acceptable.
- 5.10 *Concern that the site is being considered in isolation to the other residential parcel on the wider Portswood Bus depot site.*
Response:
Sainsbury's supermarket does physically separate the application site from the last section of the former Portswood Bus Depot site and the application proposal can, therefore, be considered on its own merits without prejudicing the future delivery of the remainder of the site.
- 5.11 *The proposal would not preserve or enhance the special character of the Portswood Residents Garden Conservation Area.*
Response:
The proposed development would not be visible from the Conservation Area and is not part of the direct setting of the Conservation Area. As such, the Council's Historic Environment Group Leader has raised no objection to the proposal.
- 5.12 *Concern with the impact of the proposal on local drainage.*
Response:
Southern Water have not objected to the application and conditions are recommended to secure adequate drainage for the development.
- 5.13 *The use of buff bricks is out-of-character with the area.*
Response
Existing buildings within the context of the site are finished in a variety of material treatments which also includes buff/yellow bricks (including nos. 160-162, 180-188, 297, 317, 327 Portswood Road as well as the flats directly opposite the site). The materials suggested indicate that a high-quality finish to the building would be achieved and as such, are considered to be appropriate.

Consultation Responses

- 5.14 **SCC Highways** – No objection subject to securing a refuse management plan and student intake management plan. The section 106 legal agreement will also require improvements to pedestrian and cycle routes to the university, bus stops and the District Centre. There will also need to be a funded consultation with local residents on the implementation of a parking permit scheme, and subject to the outcome of the consultation, the implementation of that scheme.
- 5.15 **SCC Heritage and Conservation** - No objection or conditions suggested.
- 5.16 **SCC Sustainability Team** – No objection subject to conditions to secure energy and water efficiency measures.
- 5.17 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions to minimise disruption to residents during the construction process.
- 5.18 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.
- 5.19 **SCC Ecology** – No objection.
- 5.20 **SCC Trees** – The existing trees on site are protected by a Tree Preservation Order. It is accepted that some trees are of poor quality, but collectively their landscape value is significant. The degree of tree removal and replacement is not clear at this time. Any replacement trees must be given sufficient room to achieve their full potential and this does not appear to be possible within the current layout. *This is discussed in more detail below.*
- 5.21 **SCC City Design** – Initially raised concern with the lack of articulation to the Portswood Road frontage. A step change of the building would assist with this and assimilating the scale of the building into the Portswood Road street scene. Requested verified views of the development from Belmont Road. The scheme has been amended to address these points.
- 5.22 **Southern Water** – No objection. Suggest a condition be imposed to secure the necessary sewerage infrastructure to service the development and to secure details of surface water disposal.
- 5.23 **Natural England** – Holding Objection. Concerned that the impact of the development on the New Forest National Park has not been adequately assessed.
- 5.24 **Environment Agency** – No objection or conditions suggested.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- (i) The principle of this development;
 - (ii) The suitability of the design;
 - (iii) The impact on the living conditions of nearby residents;
 - (iv) Impact on trees;

- (v) Highways and parking and;
- (vi) The direct local impacts, including on protected habitats.

6.2 (i) Principle of Development

- 6.2.1 CS16 of the Core Strategy confirms that ‘in response to concern about the concentration of student accommodation within parts of the city, the Council will work in partnership with universities and developers to assist in the provision of suitable, affordable accommodation for students to relieve the pressure on housing markets’. This policy confirms the Council’s dual approach of delivering purpose built student accommodation whilst simultaneously managing the conversion of existing family housing to HMOs to relieve the pressure on local markets. Since the application proposes purpose-built accommodation for students, it would be consistent with this approach. In addition to this, ‘saved’ Local Plan Policy H13 supports the delivery of student accommodation in locations accessible to the Universities and where there is an identified need. The location of the site, at the edge of the District Centre, with excellent public transport links to the city centre and, approximately 900 metres walking distance to the University of Southampton is appropriate for a significant level of student accommodation.
- 6.2.2 The application is accompanied by a detailed Student Need Assessment. This sets out that currently there are some 31,000 students in the city and 12,000 existing student bed spaces. This number includes sites with planning permission for student accommodation and sites where student accommodation is under construction. The residual students either live in their own/parental home or rely on private sector landlord markets in HMOs. The proposal would meet a demonstrable need for further student accommodation and would bring a long-term vacant site back into active use, as such, the principle of development is, therefore, acceptable.

6.3 (ii) Suitability of the Design

- 6.3.1 It is acknowledged that the context of the site typically comprises buildings of between 2 and 4 storeys, however, the Council’s policy framework recognises that taller buildings can be appropriate in certain specified locations. In particular, ‘saved’ Local Plan Policy SDP9 confirms that tall buildings (those which are 5 or more storeys) are generally permitted on major sites and in and adjacent to the district centres. The principle of a taller building in this location is, therefore, supported by the adopted Development Plan. The taller sections of the building are limited to the Portswood Road frontage of the site. The development steps up from 4-storeys at the corner with Belmont Road, to the tallest section adjacent to Sainsbury’s. The 6-storey element now provides a ‘book-end’ to the access to Sainsbury’s, reflecting the tallest point of the Sainsbury’s store, directly opposite the site.
- 6.3.2 The amendments to the design, which include a reduction in the scale of the building to achieve a clear graduation in height towards Sainsbury’s together with clear breaks in the massing of Block A, result in the frontage appearing as three distinct elements. This is a considerable improvement to the massing and design of Block A as originally proposed and better reflects the more varied character of the area. It is considered that the proposal would successfully finish off this section of the Portswood Road frontage of the former bus depot site and will also assist in integrating the existing supermarket better into the surrounding context.

Furthermore, the development will effectively screen the long, blank eastern elevation of the Sainsbury's Store, with high-quality built form. The development has been designed to provide active ground floor uses to Portswood Road, including the main entrance, reception of the development and a gym. Overall, the submitted information indicates that a high-quality design appearance would be achieved in terms of the choice of materials and architectural detailing.

- 6.3.3 The remainder of the development closely follows the scale parameters set by the previous outline planning permissions on this site. The development is built around a central landscape courtyard, which provides a sense of space between the blocks, ensuring that the level of development does not appear over-intensive. A perimeter block style layout is achieved, which ensures the development addresses the streets that wrap the site boundaries. Whilst the Belmont Road frontage is a continuous block of development, the design successfully breaks the massing with front gables that reflect the narrower plot widths typical within the area. Furthermore, the built form to Belmont Road would provide enclosure to the street that would limit views to the taller sections of development at the front of the site.
- 6.3.4 The application proposes a high quality residential environment for occupants of the development. Outlook from habitable room windows would be generally good and residents would have access to an internal landscaped courtyard of over 1000 sq.m in area. The development also provides for internal facilities for residents including common rooms and an on-site gym.

6.4 (iii) Impact on Living Conditions

- 6.4.1 In terms of the type of accommodation proposed, it is likely that there could be some degree of noise and disturbance given the relatively high-density student occupation of the development. However, Portswood Road is a relatively busy road and the development is designed to take access from Portswood Road rather than the quieter Belmont Road to the rear of the site. In particular, it should be noted that the entrances to Block C are all within the north-western elevation of the building rather than from Belmont Road. As set out above, the application confirms that the development will include management presence on site, available 24 hours a day, 7 days a week for students or local residents to contact, which should limit any adverse impact on local amenity.
- 6.4.2 In terms of the physical impact of the proposed building, as noted above, the scale of the development is reduced where a closer relationship to residential neighbours would occur, to closely follow the parameters set by the outline planning permission. The taller buildings on site are set away from properties on Belmont Road by between approximately 43 and 55 metres and with intervening lower-scale buildings limiting views of the taller aspect of the development. This would ensure that the taller buildings would not have an over-bearing impact when viewed from the more domestic scale neighbouring buildings or result in any harmful overlooking.
- 6.4.3 In terms of sunlight impact, shadow diagrams have been submitted with the application and demonstrate that some overshadowing would occur to the residential properties opposite the site on Portswood Road in the morning and, in the late afternoon, there would be some additional overshadowing to properties at the northern end of Belmont Road. However, for the majority of the day, nearby residential properties would be unaffected by over-shadowing and as such, there

would not be harmful impact on residential amenity.

6.5 (iv) Impact on Trees

- 6.5.1 As set out above, the Council's Tree Officer has raised concerns that it is not clear from the submission whether there is sufficient space within the development to provide the necessary replacement tree planting. The impact of the previously approved development on trees is a material consideration, particularly since the layout benefits from a resolution to grant planning permission.
- 6.5.2 The proposed layout of the development is not dissimilar to the approved layout with regards to the impact on protected trees. Both the current proposal and the approved layout, leave a similarly sized undeveloped zone at the north-east corner of the site to enable the retention of the existing protected group. Both the previously approved scheme and the current application would result in the same degree of tree loss along the Belmont Road frontage. It is acknowledged that the current layout is constrained in terms of the level of replacement planting that can be achieved along the Belmont Road frontage, but this is not considered to be a worse situation when compared with the previously approved layout. Furthermore, in discussions with the tree officer, it is considered that an alternative species to that proposed would be more appropriate and can be secured by planning condition. In addition to this, the current application includes a significantly larger internal courtyard which could accommodate additional tree planting when compared with the approved layout. As such, it is considered that, subject to securing the necessary tree protection measures for the retained trees, and securing the necessary replacement trees, the proposal is considered to be acceptable in this respect.

6.6 (v) Highways and Parking

- 6.6.1 Saved policy SDP5 of the Local Plan confirms that the provision of car parking is a key determinant in the mode of travel. The adopted Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The car parking on site would essentially serve the moving in and out of students, meaning effectively, the application would be a car-free scheme. As set out above, the section 106 agreement will secure additional on-street car parking controls, subject to community consultation, and car parking permits would not be generally available to residents of this development. The accessible nature of the site coupled with the limited car parking will meet the aim for sustainable patterns of development, as required by the Council's adopted policies. Furthermore, the controls on local parking, secured by the section 106 agreement will prevent significant over-spill parking on surrounding streets that would be harmful to residential amenity.
- 6.6.2 The vehicular access to the site would be from Belmont Road, so not to affect the flow of traffic on Portswood Road. The Highways Team are satisfied with the location and design of this access is acceptable.

6.7 (vi) Protected Habitats Impact and other Direct Local Impacts

- 6.7.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura

2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application will comply with the requirements of the SDMP (when the legal agreement is completed) and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

- 6.7.2 As set out in paragraph 5.23 above, Natural England have lodged a holding objection on the basis that the impact of the development on the New Forest National Park has not been adequately assessed. The New Forest National Park is also a Special Protection Area, Special Area of Conservation, Ramsar site and contains Sites of Special Scientific Interest. Accordingly, the Council have undertaken an Appropriate Assessment as required by the Habitats Regulations. This Assessment is included as **Appendix 1** to this report and concludes that the development is unlikely to have a significant effect on the designated habitats. As recommended, subject to Natural England agreeing to the Council's approach set out in **Appendix 1**, the development is, therefore, considered to be acceptable in this respect.
- 6.7.3 The application also 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 Developer Contributions Supplementary Planning Document. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application.
- 6.7.4 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. The S.106 legal agreement would include a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).

7 Summary

- 7.1 The proposed development would bring a long-term vacant, previously developed site back into active use. Given the accessibility of the site to the University of Southampton and Southampton Solent University, the provision of further purpose built student accommodation in this location is consistent with the Council's adopted policies and would meet an identified accommodation need. The applicant has worked with officers of the Council to reduce the scale and massing of the development and to provide an enhanced design approach to Portswood Road. The proposal is considered to have addressed concerns initially raised and

is, therefore, supportable.

8 Conclusion

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

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) 3. (a) 4. (g) 6. (a) (c) (f) (i) 7. (a) 9. (a) (b)

JT for 27/10/2015 PROW Panel

PLANNING CONDITIONS

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not 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.APPROVAL CONDITION - 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.

03.APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

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.

04. APPROVAL CONDITION – Refuse and Cycle Storage [Pre-Occupation Condition]

The cycle and refuse storage shall be provided in accordance with the plans hereby approved, before the dwellings, to which the facilities relate, are occupied. The storage shall thereafter be retained and made available for that purpose.

Reason:

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

05. APPROVAL CONDITION - Landscaping, lighting & 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 in writing by the Local Planning Authority, which includes:

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

06. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

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

Reason:

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

07. APPROVAL CONDITION - 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:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- 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

08. APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

09. APPROVAL CONDITION - 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.

10. APPROVAL CONDITION - Construction Method Statement (Pre-Commencement Condition)

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary

buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of neighbours and the wider environment

11 .APPROVAL CONDITION - 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 09:00 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.

12. APPROVAL CONDITION- 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. Any changes to the agreed remediation actions will require the express written consent of 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.

13. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

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

14. APPROVAL CONDITION - Ecological Mitigation Statement [Performance Condition]

The Ecological Mitigation Measures shall be implemented fully in accordance with the submitted Ecology Report and thereafter retained as approved.

Reason:

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

15. APPROVAL CONDITION - Sustainable Drainage Systems [Pre-Commencement Condition]

Prior to the commencement of development a specification for the proposed sustainable drainage system (including green roofs) shall be submitted to the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

16. APPROVAL CONDITION - Sustainability statement implementation [Pre-Occupation Condition]

Prior to the first occupation of the development hereby granted consent, written documentary evidence proving that the development has implemented the approved sustainability measures as contained in the report Energy Statement ' issue 02 July 2015 C6028 shall be submitted to the Local Planning Authority for its approval. Technologies that meet the agreed specifications must be retained thereafter.

Reason:

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

17. APPROVAL CONDITION - BREEAM Standards [Pre-Commencement Condition]

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

Reason:

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

18. APPROVAL CONDITION - 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).

19. APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence, apart from demolition of the existing buildings, until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

20. APPROVAL CONDITION – Active Ground Floor Frontage

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the ground floor frontage to Portswood Road hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyls or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development.

21. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

22. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

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 piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.