

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 13 March 2012
Planning Application Report of the Planning and Development Manager

Application address: Area Housing Office, Parkville Road			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.			
Amended scheme to planning permission reference 11/00204/FUL excluding any student car ownership restriction/eviction clause.			
Application number	12/00033/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	06.04.2012	Ward	Swaythling
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Vassiliou Cllr Osmond Cllr Turner

Applicant: Bouygues Development	Agent: N/A
--	-------------------

Recommendation Summary	Delegate to the Planning and Development Manager to approve subject to the completion of a S.106 Legal Agreement
-------------------------------	---

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been resubmitted with 44 parking spaces and provision to rearrange the parking at Market buildings to provide a further 10 or so spaces. The previous planning permission LPA ref: 11/00204/FUL has significant weight and is a material consideration in this case. Furthermore, the applicant's previous traffic survey explains that there is sufficient capacity on roads nearer to the site than the Ethelbert Avenue Conservation Area to accommodate the anticipated overspill of vehicles belonging to student residents of the development. This conclusion is supported by the Council's Highways Officer as it is accepted that the expected student parking can be accommodated without detriment to local residents. The investigation of further Controlled Parking Zones and the use of a mandatory eviction clause (for students found to have brought a car to the roads within the ward of the application site, enforceable through the Contracts (Rights of Third Parties) Act by local residents) have been investigated and discussed with the developer and it has been demonstrated that neither are an acceptable or viable route for dealing with any overspill issue. There is, therefore, no need to make further provision for additional car parking spaces other than as described above.

The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the

acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the overall viability of the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted following the completion of the section 106 agreement to secure the planning obligations as set out in the report to panel dated the 13th March in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendices attached			
1.	27.09.11 Panel Minutes (11/00204/FUL)	2.	Development Plan Policies
3.	Relevant Planning History		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
 - i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
 - ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
 - iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way/High Road service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
 - v) The funding of Traffic Regulation Orders (TRO) required to enable the development to be implemented;

- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNlink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use. Details to include additional explanatory signage to be erected in Parkville Road at the applicant's expense;
- viii) *Amended Clause:
No student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. A letter to each student of the scheme explaining that students are discouraged from bringing a car to university shall be sent prior to each occupation. A restriction on car parking will be contained within the Contract for accommodation. The car parking restriction policy will be displayed at a prominent location within the scheme. The University will log any complaints from local residents which are believed to be linked to the parking of cars in the locality by students. The University will circulate these complaints to the residents of the scheme and will remind them of their responsibilities towards local residents.*
- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council's Public Art 'Art People Places' Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNlink bus passes to all residents;
- xiii) 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;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan;

- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- xviii) Agreement of construction vehicle routing;
- xix) Developer shall be responsible for the cost of checking of drawings and construction;
- xx) Market Buildings Car Parking Improvement Scheme (MBCPIS) – Prior to implementation to have approved in writing by the Council a scheme of works for the MBCPIS - to include consultation with Market Building's residents and business owners, a minimum of 36 parking spaces, tree protection measures during construction, and enhancements to the area's appearance including the associated Herbert Collin's Memorial Garden. The MBCPIS shall be provided prior to the first occupation of the development in accordance with an agreed S.278 and TRO for any additional parking restrictions; and,
- xxi) Details of additional explanatory signage to be erected in Ethelbert Avenue at the applicant's expense.

In the event that the S.106 Legal Agreement is not completed within 2 months from the date of this Panel meeting delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above.

- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

1.0 Background

- 1.1 The site is within the ownership of the City Council. The Council's Cabinet agreed on 25th October 2010 that the site is, in principle, suitable for disposal.
- 1.2 The Planning and Rights of Way Panel resolved to grant planning permission for the same quantum of development as proposed by this application (LPA ref: 11/00204/FUL), at its meeting on 21st June 2011, subject to the S.106 Legal Agreement including a clause that would ensure that the freeholder would evict any students found to be parking in Swaythling. A financial penalty clause was also agreed in the event that the freeholder failed to deal with any overspill parking by students. This offer was later removed by the applicants.
- 1.3 Planning permission was, however, granted in September 2011 following confirmation by the applicant that they would enter into a S.106 Legal Agreement to secure an approved list of clauses, including the threat of eviction for those residents that persisted in bringing their car to University. A copy of the September Panel meeting Minutes are attached at **Appendix 1**.
- 1.4 Following the grant of planning permission the applicants have since confirmed that they will not accept the following clause (as imposed by the September Panel):
 - viii) A Student Car Ownership Restriction Mechanism as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event

that they are found to have a car. All student contracts to include the agreed wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and may be evicted if found to have done so. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning leading to possible eviction. This will be at the discretion of the University of Southampton and/or any designated operator and/or the landowner upon receipt of valid evidence. Reception area to have an up-to-date telephone number with information about when and where breaches can be reported. Without prejudice to the above paragraph, the mechanism will be agreed between the University/operator and Southampton City Council prior to first occupation of the building;

1.5 The consented scheme cannot, therefore, be implemented.

1.6 In order to pursue the development without the clause it is necessary for a fresh planning application to be submitted and determined. The key changes for consideration between the consented and proposed application are as follows:

- i) The student eviction clause is no longer offered, and would be replaced by a more general discouragement of students bringing a car to the site;
- ii) The submission of a revised Transport Assessment that concludes that there will not be an overspill of cars from the development into the surrounding streets;
- iii) The retention of 2 of the 44 on-site spaces for sole use by the University;
- iv) A reduction in the number of car parking spaces proposed at Market Buildings (opposite the site) from 37 to 36;
- v) The removal of the approved roof level amenity space for residents' use; and,
- vi) The applicants now have sufficient interest in the land to enable them to enter into the S.106 Legal Agreement process - having entered into a conditional contract with the Council to acquire the site.

1.7 **In all other respects this application is identical to that approved in September 2011.**

2.0 The Site and its Context

2.1 This application relates to the redevelopment of the existing Parkville Road car park (66 parking spaces, of which 54 are public), youth centre (308sq.m) and local housing office (243sq.m), which is currently vacant.

2.2 This level site is accessed directly from Parkville Road and is bounded to the east by Thomas Lewis Way and the railway line beyond, and to the west by Stoneham Way/High Road and its junction with Stoneham Lane. Both boundaries are defined by mature planting.

2.3 The character of the area is mixed in terms of land use and architectural styles. The terrace to the south of Parkville Road forms part of the Swaythling Local Centre, which is characterised by two storey development with retail space fronting the road. The red brick Market Buildings on the opposite side of Stoneham Way/High Road are of three storey construction. They also form part of the defined Local Centre. Swaythling Railway Station is located approximately 220 metres from this site, with existing pedestrian linkages.

2.4 The application is located within a defined area of "medium" accessibility, albeit with good access to the Swaythling Railway Station. The application site area measures 0.37 hectares.

3.0 Proposal

- 3.1 Full planning permission is sought for a mixed use development following the redevelopment of the site with a tall building.
- 3.2 It is intended to provide improved health care facilities over two floors of accommodation, which will enable the existing Stoneham Lane Surgery to relocate. The proposed building has also been flexibly designed to accommodate a future expansion of the medical centre into the first floor should this be required. Planning permission would be required for this future change.
- 3.3 The existing community space (formed by the youth centre) will not be re-provided on site. Instead, the Council has agreed to find alternative off-site provision for the youth club users as part of the land deal between the applicant and the Council as landowner. The Council's existing housing office use has also been consolidated off-site.
- 3.4 Small scale retail, including a new/replacement pharmacy, and four additional 'flexible' retail units (use class A1 retail/A3 restaurant/D1 institutional), a plant room and storage, and a site manager's office will occupy the remaining ground floor space.
- 3.5 As with permission 11/00204/FUL the development provides student accommodation for 368 bed spaces (comprising 53 shared 'pods' formed from 348 bedrooms, 4 no.2 bed flats and 12 no.1 bed flats). Given the proposed use no affordable housing is provided.

The Building

- 3.6 As with permission 11/00204/FUL the proposed building is a perimeter block development formed by two wings of between one (4.2 metres high) and seven (19.8m) storeys that are hinged together by a fifteen-storey (42.8m) landmark tower around an internal courtyard and parking area. The chosen design provides a southerly aspect to this courtyard and takes the same form and footprint as that previously consented. The wings incorporate a series of green roofs and walls as the building steps upwards. The building is modern in design with a facing brick, horizontal timber cladding, and through colour rendered finish. The main tower element and wings are formed by a high pressure laminate Trespa cladding.

External Space(s)

- 3.7 A total of 44 spaces are provided at surface level within the courtyard and off-site along Parkville Road. As with the consented scheme these parking spaces will be for public use with the exception of 8 spaces that will be dedicated to the health centre. A further 5 permits will be made available for the health centre. The application also proposes that 2 further spaces are retained for University use. As with the consented scheme no parking is provided to serve the 368 student bedspaces.
- 3.8 The scheme includes a service layby on Stoneham Way/High Road and there is also scope for a bus stop to be located on this frontage following a re-route to the Unilink bus service. A communal bin store is integral to the proposed building as is a cycle store for students with provision for 1 space per 2 students proposed. Additional spaces are provided for visitors to the scheme. All can be secured and retained with a planning condition.
- 3.9 The proposal seeks to retain all existing trees and landscaping along the site's Thomas Lewis Way frontage, although replacement planting is proposed along the Stoneham Way/High Road frontage. Although these trees are not formally protected by a TPO they are located on Council owned land and are, therefore, afforded protection from inappropriate works. In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B ("worthy of

retention”). The scheme proposes their replacement with 17 stand alone trees and 40 densely planted trees in a large courtyard planter (57 in total). A landscaping condition is attached to this recommendation.

- 3.10 The scheme includes a small semi-private courtyard but now omits some 320sq.m of shared and usable amenity space, previously located on a private roof terrace.

4.0 Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 2**.
- 4.2 The proposed mixed-use development is in principle considered to provide substantial positive regeneration benefits to the Swaythling Local Centre. At ground floor level appropriate retail and community services are provided that will positively extend and enhance the local centre (Local Plan Policy REI6 and Core Strategy Policy CS3 refer). The location of the site provides the opportunity for a tall landmark building that, by its nature, accompanies an intensive form of development.
- 4.3 The existing community uses are protected by adopted Core Strategy Policy CS3.
- 4.4 Policy CS10 is permissive of additional health care facilities in appropriate locations.
- 4.5 Local Plan Policy H13 seeks to ensure that the growth of the city’s Universities is co-ordinated with the provision of student accommodation.
- 4.6 Core Strategy Policy CS16 requires that schemes of 10 or more dwellings provides at least 30% of the units as “family homes” with at least 3 bedrooms and access to private amenity space. An exception is made for “specialist” housing schemes including purpose built student accommodation.
- 4.7 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. In this instance, as the application was submitted before the January 2012 change, the applicants will again seek to achieve a ‘Very Good’ BREEAM standard, and will meet their micro-renewables obligations with an air source heat pump located within the plant room.

Planning Policy Guidance Note PPG13 - Transport (2011)

- 4.8 The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. PPG13 explains that by “influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel”. One element of this approach is the implementation of maximum car parking standards, as set out at Policy SDP5 and Appendix 1 of the adopted City of Southampton Local Plan Review (2006).
- 4.9 PPG13 states that Council’s should “not require developers to provide more (parking) spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls” (Paragraph 50 refers).

5.0 Relevant Planning History

- 5.1 The relevant planning history for this site is set out at **Appendix 3**.

6.0 Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and previous objectors to the scheme, placing a press advertisement (2nd February 2012) and erecting a site notice (19th January 2012).

Third Party Comment

- 6.2 At the time of writing the report **18 representations** have been received from surrounding addresses (excluding multiple responses from the same address) and are strongly opposed to the removal of the parking restriction clause.
- 6.3 The petition from June 2011 has been resubmitted and includes 138 signatories (125 from Ethelbert Avenue) opposed to the development's likely overspill parking into neighbouring streets, including the conservation area.
- 6.4 **City of Southampton Society** – Supportive of the proposals for this site. No objection raised to the current proposals, but have previously requested that a clock is added to the top of the tower.
- 6.5 Relevant planning issues raised and addressed by the comments from the Highways DC Officer and in the Planning Considerations section of this report include:

i) Highways

- The student car ownership restriction was secured after much concern was expressed by local residents. It was then watered down and now has been omitted altogether. This must be an acknowledgement that students will bring their cars and the University are unable to stop them.
- Student overspill parking will take place and reduce the likelihood of existing residents from finding a convenient parking space on a road close to their house.
- The overspill parking will occur in Ethelbert Avenue and will harm the character and appearance of this attractive conservation area. By allowing development to harm the CA the Council is in breach of its duties.
- The offer by the developer to use a Traffic Regulation Order to prevent overspill parking in Ethelbert Avenue should be explored prior to any planning decision.
- The Parkville Road layout has not been fully designed and requires further safety audits. In the event that these audits identify problems with the layout the proposed layout could not be implemented. These audits are required before permission can be granted.
- The retained Parkville Road width (at 4 metres) is insufficient to accommodate a refuse vehicle and will not allow 2 cars to pass. This will result in vehicles waiting to enter Parkville Road. It requires amendments. A 5.5 metre wide carriageway accords with standards.
- The University seek to retain 2 of the 44 spaces for their own use. There is already insufficient parking to allow these spaces to sit idle.

Response

The Council's Highways Officer objects to this also and condition 24 will secure allocations in the event that planning permission is granted. At this stage it is our intention that only 8 spaces should be set aside for staff of the proposed health facility as the remaining spaces will be required to serve the development and the wider local centre.

- No visitor or disabled parking is proposed to serve the students occupants

- Sightlines for vehicles leaving the development into Parkville Road are poor. The result of these inadequacies is that the shared space will not be a safe environment for pedestrians and does not satisfy the recommended standards.
- The Transport Assessment makes no allowance for the existing parking demand, and the closure of the existing car park has already resulted in overspill parking into Parkville Road and to the shop frontages. No restrictions are in place to prevent such parking and this will result in inconvenience to residents and problems with access for the emergency services.
- The scheme has insufficient parking and the Transport Assessment makes no reference to the potential for overspill parking in the surrounding area. Instead, it suggests that no students will park off-site. At all existing University sites there are already comprehensive parking controls outside the halls and parking problems caused by students.
- The previous assumptions regarding overspill and spare capacity within the locality are flawed. There will be more vehicles than predicted looking for fewer actual spaces in neighbouring streets.
- There has been insufficient consideration given as to how the scheme will meet the parking demands at the start and end of term.
- The Market Buildings proposals are supported, although the number of additional spaces to be created is debatable.
- For consistency/transparency other developers of sites not in Council ownership will now expect 'car free' student schemes.

ii) Other

- The development is too tall for the site, is out of keeping with Swaythling and will result in overlooking to residents – Wrong design, scale, place and density.
- The proposed development does not accord with PPG24 which would identify the site as inappropriate for development due to noise exposure

Response

The Council's Environmental Health Officer has suggested conditions and agrees with the applicants that the site is currently NEC C where development can take place.

- The regeneration benefits have been over-stated and the only jobs created will be during the construction phase.
- The introduction of a Co-op will jeopardise existing business in the Local Centre – one of which currently includes a post office
- Existing takeaway businesses would be harmed should another takeaway be allowed.

Response

The application does not include a takeaway, but an A3 (restaurant) use is included as the applicant is looking to find a coffee shop provider to lease this space.

Consultation Responses

- 6.6 **Highways DC** – No objection raised. The erosion of controls on students bringing cars to this university accommodation leaves risk of parking associated with these students over spilling into neighbouring streets. Previous Transport Assessments have concluded that using data from other locations it can be assumed that up to 42 students may bring a car with them to their university accommodation here at the Swaythling Gateway site, based upon 368 students being resident at this location. The current Transport Assessment does not make this conclusion, and the response from the applicants on this issue does not clarify why they have changed their view, that overspill parking will no longer occur. As a result, I have continued to base my comment on 42 students bringing cars to site, and the impact and harm this may cause to the surrounding area.
- 6.7 The developer is including works to the Market Buildings car parking area to maximise use of this space, which tends to suggest that there is a recognition that overspill will occur, albeit the TA does not confirm this.
- 6.8 Residents of Ethelburt Avenue are concerned with student and knock on parking spilling into their road, which is a conservation area. Any parking restrictions would only be as good as the enforcement that they will get, and currently Southampton City Council Parking Patrols are stretched to cover their existing areas of public highway, and Ethelburt Avenue is a private street, which would be subject to different orders, should these be found to be appropriate. Residents closer to the site, such as those in Parkville Road, are clearly more likely to be affected by any student overspill parking. The proposed layout for Parkville Road will make it very obvious through appropriate signage and design that the private section is clearly only available for residents.
- 6.9 Parkville Road has been designed with a width of 4.1m, which allows for 2 cars to pass. This means that if a larger vehicle such as the refuse vehicle, is travelling along Parkville Road, it will be necessary for other vehicles to give way to it. This is considered to be appropriate in an area where traffic speeds are to be kept to a minimum to aid highway safety. At the point of the traffic signals, the road width is greater, allowing easier passing of vehicles to reduce the risk of vehicles turning into Parkville Road tailing back onto High Road due to inability to pass waiting vehicles at a red traffic signal. From the figures given in the previous transport statement, at peak times there is sufficient room for exiting vehicles waiting for a 2 minute red cycle without risk of blocking entry to the site, causing tailbacks onto High Road.
- 6.10 Whilst discussing traffic signal issues, it has been highlighted that sometimes during peak traffic, cars exiting Parkville Road cannot take the outside lane to travel in the direction of Burgess Road. SCC traffic signal engineers will monitor this aspect, and modify the traffic signal sequence should they consider that to be appropriate. It will be necessary for Safety Audits to be conducted on the Parkville Road layout before final agreement to the road layout to ensure that any foreseeable safety issues are addressed. Although the most recent plans show the student refuse store being close to the central courtyard, there is a requirement through the refuse management plan, and planning condition, to have the refuse collection from the lay-by on High Road, and not via the car parking area.
- 6.11 Parking permits will be issued to a total of 13 medical staff only, and only 8 spaces will be dedicated to that use during normal working hours, outside of this time, those spaces will be available for general use. This will be controlled through a car park management plan, to be agreed. 44 car parking spaces have been shown, due to previous evidence of Transport Assessments, and without robust evidence to the contrary, this number shall remain as the required provision.

- 6.12 The overall conclusion is that there will be overspill parking, which will affect neighbouring streets. The parking surveys conducted previously have indicated that there is spare on street parking capacity in roads closer to the site than Ethelbert Avenue. This on street availability is remote from the site, and this in itself will deter some students from bringing a car to University. Coupled with the convenience of the Uni Link bus service and the free pass given to all students within this accommodation, and the lack of parking at the University campus, and safe cycle storage both at this site and the University, students have good free alternative travel options, including walking. The options will therefore affect the decision of some students who may have thought of bringing a car to Southampton, despite the advice from the University not to do this.
- 6.13 Overspill parking is recognised, but its impact is not considered to be sufficient to overturn the recommendation of this planning application.
- 6.14 **SCC Traffic Engineer** – If there was community support for a controlled parking zone around the site, the costs of set up would be in the region of £30-40k.
- 6.15 **SCC Parking & Patrol** – The parking enforcement team has been reduced (from 47 to 32 across the City) in a bid to reduce our overhead costs. Any new schemes will require the recruitment of additional staff and, therefore, the scheme will have to fund these officers on an annual basis.
- 6.16 **SCC City Design** – following detailed discussions at both pre-application and application stage no objection raised. Previously advised that the form, height and massing is acceptable and promises to provide a dramatic gateway building on this key approach to the city. The wings are tall, given the context and local plan policy SDP 9 (5 storeys or greater), and the same applies as above. These wings, particularly on Stoneham Way, complement and relate more closely to the local context providing a human scale at street level. The pedestrian route through to the medical centre includes windows to allow some natural surveillance as well as being well lit. The route should also be clearly legible through to the medical centre entrance. In response to this scheme it is considered that the strip windows to the wings introduce a rhythm of windows and mullions that reflects the proportions of the Market buildings. They will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing.
- 6.17 **SCC Tree Team** - The trees on this site are under Council ownership and are therefore considered to have the same protection as a Tree Preservation Order. They do, therefore constitute a material consideration in the planning process. The objection raised from previous consultations (ref. 08/00081/FUL) is still relevant although constrained by the outstanding permission. There are some 20 trees and hedgerow trees shown to be removed. It was previously recommended that this application is refused due to the loss of important visual amenity trees without suitable mitigation.
- 6.18 **SCC Housing** – No objection raised to nil affordable housing provision providing a restriction on the use of the units for students only is imposed. The provider should also be required to sign up to SASSH - Southampton Accreditation Scheme for Student Housing.
- 6.19 **SCC Landscaping** - No objection raised previously subject to the imposition of appropriate planning conditions. This is an acceptable solution, which is a mature and thoughtful response to both the new development and the existing context.
- 6.20 **SCC Sustainability** – No objection raised previously subject to the imposition of appropriate planning conditions. The BREEAM pre-assessment indicates that at least a 'Very Good' standard will be achieved, however there is a lack of additional information on the residential and retail assessments on how each of the credits is planned to be achieved. The design and access statement says 'A 10% improvement or better over Building Regs Part L2A shall be achieved.' The

applicants should be aware that the multi-residential element should be achieving at least 15% improvement.

- 6.21 **SCC Ecology** – No objection subject to the imposition of appropriate planning conditions. It is pleasing to see the introduction of a bio-diverse green roof, although it only accounts for a small proportion of the available roof space. This roof will provide some mitigation for the loss of foraging provided by the tree belt. The proposed development is unlikely to have a significant adverse impact on local biodiversity. Implementation of the enhancement measures listed in the Ecological Appraisal January 2011 should be secured through a planning condition. An informative should be placed on any permission advising of the legal duty to avoid disturbance to nesting birds.
- 6.22 **SCC Environmental Health (Pollution & Safety)** - No objection subject to the imposition of appropriate planning conditions relating to noise attenuation, hours of construction, piling method, demolition method and the management of operational deliveries. The proposal recognises that this site is in a noisy area, on the cusp of category C/D of PPG24. A high specification window with acoustically treated ventilation is proposed and should be sufficient to ensure the internal noise climate is suitable. It should be noted that mechanical ventilation may be required for the lower levels of the site to overcome any potential concerns for air quality issues from the traffic.
- 6.23 **SCC Environmental Health (Air Quality)** – No objection raised previously subject to the imposition of appropriate planning conditions. The Air Quality Report is acceptable.
- 6.24 **SCC Environmental Health (Contamination)** - No objection raised subject to the imposition of appropriate planning conditions. Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach.
- 6.25 **SCC Archaeology** – No objection subject to the imposition of appropriate planning conditions. A desk-based assessment and programme of field evaluation was undertaken back in February 2009. Although prehistoric material (including Bronze Age pottery and burnt flint) was discovered on the site, the archaeological potential for the site can best be dealt with by carrying out a Watching Brief on the groundwork associated with the development.
- 6.26 **SCC Skills, Economy & Housing Renewal** – Request that an employment and skills plan is included within the S.106.
- 6.27 **BAA** - No objection subject to the imposition of appropriate planning conditions relating to bird hazard management, removal of permitted development rights for telecoms, lighting and cranes.
- 6.28 **Natural England** – No objection. The site is within 500m of the habitats that form part of the River Itchen Site of Special Scientific Interest (SSSI), which also forms part of the River Itchen Special Area of Conservation (SAC). It is the opinion of NE that this project, either alone or in combination, would be unlikely to have a significant effect.
- 6.29 **Southern Water** - No objection subject to the imposition of appropriate planning conditions. A public sewer crosses the site and will need to be diverted as part of the proposals.
- 6.30 **Hampshire Constabulary** – No objection raised previously following confirmation that the proposed lighting will be either column or building mounted to avoid

Secured By Design issues. Previously advised that the Design & Access Statement addresses the context of the site in compliance with PPS1.

- 6.31 **The Environment Agency** – No objection in principle, but requested that planning conditions are imposed to ensure that the development complies with the applicant's Flood Risk Assessment.

7.0 Planning Consideration Key Issues

- 7.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of mixed-use & the replacement of community facilities;
 - ii. The principle of a tall building development in this location;
 - iii. The design approach & its impact on the established character;
 - iv. The level of on-site parking and servicing, and its impact on highway safety; and,
 - v. The impact on existing and proposed residential amenity;
 - vi. Impact on Local Trees;
 - vii. The requirement for a S.106 Agreement and the provision of affordable housing.

Principle of Redevelopment

- 7.2 The re-use of this previously developed land with a mixed-use proposal is consistent with the requirements of 'saved' Local Plan policies H2 and H13 as supported by policies CS3, CS5 and CS10 from the Council's adopted LDF Core Strategy (2010) and the national guidance identified above.
- 7.3 The Council's favourable determination of the previous applications (08/00081/FUL, 08/01489/FUL and, most recently, 11/00204/FUL) is also a material consideration that should be afforded significant weight in the determination of this application, especially as the latter scheme could still be implemented.

i) Community Uses

- 7.4 Policy CS3 seeks to prevent the loss of existing community uses unless the use can be relocated to a site providing equivalent community benefit or there is no community need for the building.
- 7.5 Rather than replace the community uses on site, the Council's Children's and Services Team have confirmed that they will maintain youth support provision in the Swathing area via an advertised programme of activities (taking place once a week) utilising existing venues such as Cantell School, Swaythling Neighbourhood Centre, Woodmill and the new MUGA on Daisy Dip (when it is completed).
- 7.6 The existing youth centre operates in tandem with the Inner City Boxing Club, which is a voluntary organisation. The boxing club have an informal arrangement with the Council to operate from the site on a temporary basis whilst redevelopment plans are fixed. As such, whilst the value of their work cannot be overstated, in planning terms they should be afforded only limited weight when assessed against Policy CS3 as they took the space in the knowledge of the Council's planned redevelopment proposals. That said, the applicants are working with the Boxing Club and report (with this application) that they have acquired a new venue, which will be made available to the Club prior to the commencement of the 'City Gateway' development.
- 7.7 The application accords with the aims of Policy CS3.

(ii) Retail (Use Class A1/A3)

- 7.8 As with the extant permission the application seeks a commercial ground floor use. The application proposes 3 retail units (use class A1) to include a pharmacy, a flexible retail unit (use class A1/A3 food and drink) and a Unit for D1 uses (Non-Residential). A combined floor area of 918sq.m is proposed. Policy CS3 states that “new development must be at a scale appropriate to the size and role of the centre” and identifies Swaythling as being served by a ‘Local Centre’ that meets ‘day to day’ needs for the immediate neighbourhood. The Policy is permissive of new development to protect the vitality and viability of these existing centres. The application site is located outside of the existing defined centre, but is an obvious link between the designation along High Road and the Market buildings.
- 7.9 The applicant’s updated ‘Retail Report’ (2011) explains the retail impact of the proposal and concludes that the existing centre is still struggling (since their assessment of earlier, similar, proposals). Vacancy rate has increased from 5% in 2007 to 14% in 2011. The proposed uses will regenerate the area as part of the mixed-use proposals and should compliment the existing centre. The application is considered to have addressed the requirements of Policy CS3 and the additional retail floorspace proposed is again deemed to be acceptable. The application has, nevertheless, been advertised as a departure from the development plan as it proposes more than 750sq.m of retail floorspace outside of a recognised centre.
- 7.10 In accordance with previous discussions the applicants propose the following hours for trading:
- 6:30am to 10:30pm Monday to Saturday
 - 7am to 10pm on Sundays and Public Holidays
 - The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week
- 7.11 Site deliveries will be restricted to between 6am and 7pm (7 days a week including Sundays and public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only. Any deliveries by articulated vehicles shall take place no earlier than 7am (Monday to Friday) and 8am on weekends and public holidays.
- 7.12 These suggested hours are considered to be acceptable.

iii) Medical Centre (Use Class D1)

- 7.13 The application proposes 756sq.m for a medical centre serving the catchment of the existing Stoneham Lane Surgery. Policy CS10 is permissive, in principle, of applications for primary care facilities in existing accessible centres and where there is a need as part of an expansion of an existing facility. This part of the application accords with these aims and is supported by officers.

(iv) Residential (Use Class C3)

- 7.14 The principle of additional housing on this previously developed site is supported and will assist in providing a genuine “mixed and balanced community” as required by PPS3 (2010), Core Strategy Policy CS16 and Part 6 of the approved Residential Design Guide (2006). A high-density residential scheme will facilitate the provision of improved community and health facilities and has already been accepted.
- 7.15 With the exception of the 16 self-contained flats the accommodation is provided in pods or “cluster flats”, where 5 or 6 students share a communal living space with one another. There are 53 of these flats. The principle of this type of accommodation is supported by saved Policy H13 and is well suited for the site and

the Swaythling Local centre. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply.

Principle of a Tall Building

- 7.16 The application site is defined by mature planting and a low density context of between two and three storeys. The provision of a 15 storey building requires further justification and consideration before it can be accepted within this defined context. Adopted Local Plan Policy SDP9 defines a tall building as having 5 or more storeys of accommodation and states that the principle of tall(er) buildings is accepted on major routes into and out of the City, at junctions and at "gateway" locations. The application site meets these requirements and has already been assessed as acceptable, in principle, for a tall building proposal. The form of the current tower is identical to that previously considered to be acceptable. A tall building scheme on this site is acceptable. This conclusion is shared by the Council's City Design Manager and the Council's "Gateways and Approaches Initiative" document (2006), which remains an un-adopted strategic document at this time.

Design and Impact on Character

- 7.17 The proposed design approach should be assessed against the development plan unless other material considerations dictate otherwise.
- 7.18 In particular, PPS3 (2010) states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted" (paragraph 13 refers).
- 7.19 Local Plan Policy SDP7 states that "development which would cause material harm to the character and/or appearance of an area will not be permitted". The supporting text explains that "context is about understanding the uses, visual characteristics and the patterns of local life of an area" (paragraph 2.49 refers). The Council's Residential Design Guide SPD explains that one of its key objectives is to positively enhance local character. In line with national urban design guidance the RDG recognises that the scale, massing and appearance of a dwelling or a group of dwellings should create a balanced composition in relation to each other and be in harmony with existing nearby development (paragraph 3.9.5 refers).
- 7.20 In terms of immediate context, it is clear that only a building of domestic scale would truly respect the existing Swaythling Local Centre. However, it does not follow that development of a greater scale and massing will automatically be viewed as alien or harmful to a given context. The site's redevelopment potential has already been accepted and it sits on land bounded by significant highway distributors (in terms of volume and width). The site has an urban feel and appearance and its gateway location is recognised in the Council's "Gateways and Approaches Initiative" document (2006). Marking a gateway with a landmark building is an established design technique. The Council has accepted a modern tall building proposal on this site already, and circumstances have not changed. The current proposal is formed using the same building footprint and envelope and the height and width are identical. The scheme is still compliant with Policy SDP19 in terms of airport safety and BAA have again raised no objection to the application's height or form.

- 7.21 The Council's City Design Manager has commented that the taller strip windows to the wings provide a rhythm of windows and mullions that reflects the proportions of the Market buildings and will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing. No objection to the proposed scale, design or massing is made.
- 7.22 The proposed quantum of residential development enables the provision of a good "community" offer as part of a wider regeneration scheme. It is, therefore, considered that the proposed footprint and quantum of development (in terms of its built form) is acceptable, and would not result in any substantial harm to the visual amenities of the locality. The current application enables the applicant to make better use of this previously developed land and assists the Council in addressing its housing requirements.
- 7.23 The application is considered to have addressed the requirements of local and national design guidance identified above and supported by Local Plan policies SDP6, SDP7, SDP8 and SDP9 as supported by Core Strategy Policy CS13 and CABE's guidance relating to "Tall Buildings".
- 7.24 Finally, the impact of the development on the nearby Ethelbert Avenue Conservation Area has also been considered, as required by Local Plan Policy HE1. The impact of the physical form on the setting of this conservation area is considered to be negligible given the separation distances involved and the existing development between the two. The Council's Heritage Team Leader has previously raised concerns, however, to the impact that any overspill parking may have on the character of the conservation area itself, especially as Ethelbert Avenue is currently an un-adopted unmade road with no parking restrictions (unlike others in the vicinity of the site) and its adoption or use for parking to serve the development would affect its character. On balance, it is not considered that the nearby conservation area will be affected by parking overspill from these proposals for the reasons set out in the next section of this report. Improved signage is, however, to be secured through the S.106 process.

Highways and Parking – Key Issue for Consideration

- 7.25 Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes and Swaythling Train Station. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.
- 7.26 The combined level of car parking (with the formalised use of Parkville Road also) to serve the proposed non-residential uses is 44 spaces. Those off-site spaces located on Parkville Road will be secured with the S.106 legal agreement prior to the first occupation of the development. The proposed level of parking to serve the non residential uses has not changed since the previous scheme and is again, therefore, deemed to be policy compliant.
- 7.27 A 'car free' scheme with nil parking is again proposed for the residential use. The applicants have submitted a revised Transport Assessment that concludes that no students will bring a car to the site and/or park in neighbouring streets. This is contrary to their previous position and is not accepted by officers.
- 7.28 It was previously the case that, despite objectors' claims that between 77 and 130 vehicles will overspill from the development, the applicants expected a worse case overspill of 42 cars owned by students from the development. This figure was arrived at following an evaluation of similar schemes and assumed no student car ownership eviction clause was in place. The assessment was subsequently supported by a legal opinion that concluded that with the threat of eviction only 'a

handful' of cars would be displaced into neighbouring streets. The applicant's survey work concluded that, accounting for the possible controlled parking that is proposed by the Council for the Flowers Estate, the highway network around the application site (including Stoneham Lane, Willis Road and Phillimore Road, which are located on streets closer to the development and, by definition, more convenient to the development than Ethelbert Avenue) on any given evening would, typically, have capacity for some 59 additional vehicles to accommodate any overspill. Members will recall that this spare capacity was to be supported by improvements to, and a more efficient layout of, the Market Building's frontage parking with the delivery of some 10 additional spaces (ie. up to 37). A consultation would follow the grant of permission with affected residents and business owners to ensure a satisfactory outcome is achieved.

- 7.29 In summary, therefore, in the Council's favourable determination of application 11/00204/FUL both officers and the Panel were content that there is spare capacity (ie. 59 public 'on-street' spaces excluding the additional 37 or so controlled spaces at Market Buildings) to deal with the likely worse case parking overspill from the development of some 42 vehicles. The eviction clause gave greater comfort that no harm would arise but, it could be argued, is unnecessary given the numbers involved. As such, officers are able to recommend that the removal of the eviction clause – as now proposed by the applicants - will result in a likely increase in off-site student parking but at a level (ie. some 42 vehicles) that can be accommodated safely and without harm, subject to the other controls and provisions that will be secured through the S.106 Legal Agreement.
- 7.30 Officers have explored the option of a review of car parking following the occupation of the development with the creation of additional Controlled Parking Zones (CPZs) on affected streets (including Ethelbert Avenue as offered by the developer) if required. Whilst a review could be undertaken, the enforcement of any further CPZs would require an ongoing cost to the development for enforcement of vehicles parking without a permit. This requirement is financially prohibitive and cannot be borne by the developer or the Council. As such, it is not a viable option and is unnecessary in any event given the above assessment.
- 7.31 Finally, with regard to Market Buildings, and the proposals to amend the existing parking arrangements, the applicant has met with some of the affected business owners and residents. It is clear that the needs of each individual business is different, but that some form of parking restriction is needed to prevent all day parking by students whilst allowing customers of the existing businesses to use the spaces for as long as necessary. As the S.106 clause (set out above) explains a full consultation will be undertaken prior to any changes to the Market Buildings existing parking taking place. Only following this exercise will a workable solution involving, for instance, some form of time restriction on parking between the hours of 8am and 6pm being implemented.

Impact on Existing Residential Amenity

- 7.32 It is accepted that the introduction of a 15 storey building will have an impact on the existing amenities enjoyed by residential neighbours. An assessment of the significance of any harm caused by this proposal in terms of proximity to neighbours, overlooking and overshadowing was previously undertaken and accepted. A similar assessment has been submitted and the same conclusion reached with regard to the tower.
- 7.33 The increase in the height of the wings will have little bearing on existing neighbours given the separation distances involved. The additional height is stepped away from the nearest neighbour in Parkville Road and the nearest part of this two/three storey wing is 11.7 metres away. The first floor of this part of the

- proposed building is again dedicated to medical use and has omitted any windows fronting 1 Parkville Road. Instead, a green wall is proposed to this part of the site.
- 7.34 The proposed roof terraces have been sensitively designed to limit any overlooking of nearby neighbours. Concerns had been raised by other residents in Parkville Road that the tower element will afford significant overlooking of their property. Although there are no established guidelines for suitable privacy distances for a building of the height proposed it should be noted that the tower is itself located some 49 metres from the boundary of 1 Parkville Road. There will be no significant overlooking afforded towards this property and its neighbours from the student accommodation located in the lower sections of this scheme as the building's eastern wing will obscure any views. At the higher storeys the outlook from these pods will relate more to the wider context and the skyline than the nearest neighbours. In any event the minimum separation distance of 49m is considered to reduce any harmful overlooking afforded.
- 7.35 Finally, the application has again been supported with shadow diagram information to demonstrate that the majority of any shadow cast will fall across the public highway (particularly in the early and late afternoon, when private amenity space is more likely to be used by residents).
- 7.36 Given the building's proposed siting it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or a significant loss of privacy. As such the application is again considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

Living Environment

- 7.37 The site is located at a major highway junction and close to the railway line and is still located within Noise Exposure Category C (as defined by PPG24). The potential for noise nuisance to prospective residents is, therefore, significant. PPG24 states that, in such locations, planning permission should not normally be granted without planning conditions that can secure a commensurate level of protection against noise.
- 7.38 The applicants have submitted an Air Quality Assessment and Acoustic Assessment that suggest mitigation measures that can make this scheme acceptable for this location. These reports have been forwarded to Environmental Health for consideration and no objection has been raised. The provision of fixed shut glazing and mechanical ventilation is considered to be an appropriate solution in these circumstances. In addition, it is noted that 10 of the proposed bedrooms (less than 3% of the total) have compromised outlooks, particularly those in the tower that look out towards the wings. On a scheme of this nature this type of accommodation is mitigated by access to other (internal and external) communal spaces that provide for a satisfactory living environment. As such, the layout of the building is again judged acceptable. All room sizes are acceptable and noise transfer between units can be mitigated at the Building Regulations stage. The applicant's previous "Micro-climate Study" confirmed that the building has been designed to sensitively mitigate any changes in microclimate and the wind environment, especially around the base of the building. Pedestrian comfort is deemed to be acceptable. The building has safe and convenient access to integral bin and cycle storage. Lift access is provided to serve all floors.
- 7.39 In accordance with the Council's current external space standards a 69 flat scheme should be supported by some 1,380sq.m of amenity space that is "fit for its intended purpose". This level of provision cannot be achieved on a scheme of this nature and would make any such scheme undevelopable. A degree of flexibility is

therefore recommended (as was the case with the previous scheme). In this instance, the amenity space provision will no longer be met by the previously proposed roof terrace. Whilst some external space is provided in the semi-private ground floor courtyard the scheme does not comply with the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4. That said, these units are not for private market accommodation and will serve a student need. As such, an exception to these requirements can be afforded, especially as the University of Southampton is the likely tenant and their students often have good access to social and sporting groups (and the University's formal sports pitches). An off-site financial contribution towards local open space is also proposed.

Impact on Local Trees

- 7.40 Adopted Local Plan policies SDP6(vii), SDP7(i), SDP12 (as supported by section 4.7 of the Council's approved Residential Design Guide and Core Strategy Policy CS13) seek to ensure that major planning applications are supported by tree survey work and details of tree protection.
- 7.41 In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B ("worthy of retention"). The scheme proposes their replacement. The majority of the trees earmarked for removal are located along the Stoneham Way elevation. The proposed building seeks to activate the ground floor to this street frontage with the introduction of additional retail space and pedestrian entrances. The building is also serviced from a proposed lay-by taken from Stoneham Way. In order to provide a building that successfully relates to the street, whilst ensuring that the development's servicing requirements are not met from Parkville Road, it is deemed necessary to remove the existing trees along this frontage. The internal courtyard will be landscaped and tree pits will be utilised to accommodate further planting within the heart of the development. The loss of these trees is again considered to be acceptable.

Section 106 Legal Agreement

- 7.42 In the event that the recommendation is accepted the applicants have agreed to enter into a S.106 Legal Agreement with the Council in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts.
- 7.43 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).
- 7.44 The previous application was supported by an up-to-date viability appraisal of the proposal that concluded that a full S.106 contribution makes the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery and the wider regeneration benefits. The applicant's appraisal has been independently tested and it is recommended that the Council should again agree to relax its normal requirements (as was the case with the previous application 11/00204/FUL) whilst index linking the agreed sums back to the date that they were first agreed (as is standard practice to ensure the agreed sums can deliver the package of mitigation measures).

Summary

- 7.45 As the current application is, in physical terms, the same as previously consented the key issue for consideration is whether or not the removal of a student eviction clause (as previously found to be necessary and as set out above) from the S.106 Legal Agreement will result in additional overspill car parking to the detriment of either highway safety, the visual amenities of the nearby conservation area or the convenience of existing residents living and parking nearby the site.
- 7.46 In summary, it is considered that overspill parking from the development will occur, but that this may be reduced by the offer of a free UNlink bus pass to occupants, access to on-site cycle parking, and the inconvenience of having to park a car away from the development and out of sight. It is considered that any overspill parking that does occur can be accommodated within the existing public highway network without resulting in highway safety issues or a significant visual impact on the Ethelbert Avenue Conservation Area. The significant regeneration benefits and provision of specialist form of housing proposed should be afforded due weight in the Council's final decision as there are no highway safety concerns. As such, the application is acceptable and is recommended for approval subject to the terms as set out in this report.

8.0 CONCLUSION

- 8.1 The application is recommended for conditional approval following the completion of a S.106 legal agreement to secure the package of measures listed above.

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

1a, b, c, d, 2b, c, d, 4b, f, 6a, c, d, h, 7a, b, f, g, i, n, p, t, u, v, w, 9a, 10a & b

SH2 for 13/03/12 PROW Panel

SUGGESTED PLANNING CONDITIONS to include:

01.APPROVAL CONDITION - Implementation Commencement

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

REASON:

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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 External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. These details should include a commitment to using an anti-graffiti finish (where feasible) to the ground floor level. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

04.APPROVAL CONDITION - Building Heights

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority. No building works or ancillary structures including television aerials, satellite antennas and telecommunication equipment shall exceed a maximum building height of 54.33 metres AOD. Obstacle lights shall be placed on the top of the building. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at www.caa.co.uk/srg/aerodrome). The obstacle light(s) must be sited so as not to infringe the Obstacle Limitation Surface at 54.330m AOD.

REASON:

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is demonstrated and to prevent any undue conflict with the flight paths of Southampton Airport – BAA's response dated 17th January 2012 refers.

05.APPROVAL CONDITION - Security Measures

No development shall commence (excluding the demolition and site preparation phase) until a Security Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the:

- i. CCTV coverage & concierge arrangements with 24 hour on-site management;
- ii. semi-private ground floor courtyard access and management arrangements;
- iii. surface car park area including all means of enclosure and lighting;
- iv. door types of the storage areas;
- v. outer communal doorsets and the pod access doorsets;
- vi. ground floor windows; and
- vii. audio/visual control through the communal access doors.

Development shall be completed and retained in accordance with the agreed details.

REASON:

In the interests of crime prevention and residential safety

06.APPROVAL CONDITION - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the non residential uses hereby approved on the ground floor shall retain an 'active window display' along the length of the shop frontages hereby approved (without the installation of window vinyls or roller shutters) in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of each unit to which the information relates.

REASON:

In the interests of retaining a lively and attractive streetscene.

07.APPROVAL CONDITION – Communal Space Access

The first floor lounge area shown on the approved plans, and pedestrian access to it, shall be made available for all residents prior to the first occupation of the student pods and flats hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure the provision of adequate communal space in association with the approved flats.

08.APPROVAL CONDITION - Servicing

Notwithstanding the details submitted with the application prior to the occupation of each of the non-residential units hereby approved full details of how service vehicle deliveries – including the collection of refuse - to the site will be managed shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details unless otherwise agreed in writing by the local planning authority and the approved details conformed to thereafter.

REASON:

In the interests of the safety and convenience of all highway users.

09.APPROVAL CONDITION - Hours of Use – Non Residential Uses

The non residential uses hereby approved shall not operate outside of the hours hereby set out:

- 6:30am and 10:30pm (Monday to Saturday) and 7am and 10pm Sundays, Bank and/or Public Holidays as supported by a Security Management Plan (As required by the condition above)
- The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week including Sundays, Bank and/or Public Holidays.

REASON:

In the interests of existing and proposed residential amenity

10.APPROVAL CONDITION - Hours of Delivery – Non Residential Uses

No deliveries shall be taken at or despatched from the site outside the hours hereby set out:

- 6am and 7pm (7 days a week including Sundays and recognised public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only.
- Any deliveries by articulated vehicles shall be in accordance with the above hours with such deliveries to take place no earlier than 7am (Monday to Friday) and 8am on weekends and recognised public holidays as supported by a Deliveries Management

Plan that shall have been agreed in writing with the Local Planning Authority prior to the occupation of the commercial unit to which it relates.

REASON:

In the interests of existing and proposed residential amenity

11. APPROVAL CONDITION – Noise Attenuation

The approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant's Noise Assessment dated 28th January 2011 (as amended below). Any mechanical acoustic ventilation for noise issues from Thomas Lewis Way shall be ventilated from the roof. Notwithstanding these approved details, unless otherwise agreed in writing by the Local Planning Authority, windows and ventilation systems shall be provided to achieve the sound reduction levels of:

37dB(A) for living rooms overlooking Stoneham Way
42dB(A) for bedrooms overlooking Stoneham Way

37dB(A) for living rooms overlooking Thomas Lewis Way
43dB(A) for bedrooms overlooking Thomas Lewis Way

REASON:

To protect occupants of the student accommodation from traffic and railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

12. APPROVAL CONDITION - Disabled Access

Lifts shall be provided in accordance with the approved plans and shall be made available for use prior to the first occupation of the student accommodation hereby approved. The approved lifts shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the approved use continues.

REASON:

In the interests of the amenities of future occupants and visitors and in accordance with the Council's policies and practice in respect of access for disabled persons.

13. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.

Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

- 8am to 9am and 4:30pm to 5:30pm Mondays to Fridays

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the City's peak hour traffic.

14. APPROVAL CONDITION - Demolition and Construction Method Statement

The demolition phase shall be carried out in accordance with the 'Demolition Works Method Statement' that was submitted and approved under LPA ref: 11/01788/DIS.

Before any building works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS 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; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved CMS 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.

15. APPROVAL CONDITION - Demolition - Removal of Debris

The existing building and/or structure shall be demolished (in accordance with the plans hereby approved) and all resultant materials removed from the site and disposed of at an appropriate authorised tip within 2 months of the commencement of the demolition works relating to that structure and before the redevelopment hereby approved is commenced unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To secure a satisfactory and comprehensive form of development and to safeguard the visual amenity of the locality.

16. APPROVAL CONDITION - Piling Method

A method statement shall be submitted to and approved in writing by the Local Planning Authority before the development commences (excluding the demolition and site preparation phase) to demonstrate how any pile driving operation will take place as part of the development. Any pile driving operations as approved shall be carried out in accordance with that approved method statement. To limit vibration, a continuous flight auger method is the preferred method.

REASON:

To ensure that appropriate measures are incorporated into the construction activities to mitigate any noise problems generated by pile driving operations.

17.APPROVAL CONDITION - Landscaping

Notwithstanding the information submitted with the application no development shall take place (excluding the demolition and site preparation phase) until full details of both hard and soft landscaping, green roofs and walls, landscape buffers, all car parking and the ground floor courtyard area have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i. a detailed response to the Council's landscape design comments dated 19th April 2010;
- ii. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins etc);
- iii. external lighting (to include type and luminance);
- iv. 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;
- v. a specification for the approved green/brown/biodiverse wall(s) and roof(s) forming the Thomas Lewis Way wing;
- vi. the provision of a 2 for 1 replacement of those trees to be lost (where practicable). The replacement trees shall be of a heavy standard size (12 - 14cm girth) as a minimum and will be planted within the site or at a place agreed in writing with the Local Planning Authority;
- vi. details of any proposed boundary treatment, including the "art fencing" to the south of the approved semi-public communal courtyard at ground floor level and the retained strip along the building's Thomas Lewis Way frontage; and
- vii. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works shall be carried out in accordance with the details approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its 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.

18.APPROVAL CONDITION – Arboricultural Method Statement

The development shall be carried out in accordance with the 'Arboricultural Method Statement' as supported by the applicant's email dated 16th December 2011, that was submitted and approved under LPA ref: 11/01788/DIS.

REASON:

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

19.APPROVAL CONDITION - Sustainable Drainage System

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

REASON:

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20 and in accordance with the applicant's FRA dated February 2011.

20.APPROVAL CONDITION - Sewers

The development shall be carried out in accordance with the sewer diversion information (namely, the Reuby & Stagg S.185 plan ref: 9851-350 P1 and 9851-351 P1) that was submitted and approved under LPA ref: 11/01788/DIS.

REASON:

As further capacity is required to accommodate the proposed intensification of development.

21.APPROVAL CONDITION - Flood Risk

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the development shall be implemented in accordance with the Flood Risk Assessment (FRA) and Drainage Strategy (Odyssey February 2011) prior to the first occupation of the development.

REASON:

To ensure that a site can be developed safely the FRA is proposing mitigation measures that ensure increased surface water flow does not create flooding to people / property nearby.

22.APPROVAL CONDITION – Sustainable measures

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

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).

23.APPROVAL CONDITION - Energy (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, or other means of improving energy efficiency that will achieve a reduction in CO2 emissions of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be

conducted. Plans for the incorporation of renewable energy technologies or other means of improving energy efficiency to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations 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 reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

24.APPROVAL CONDITION - Parking Provision

The 32 on-site car parking spaces (and 12 on Parkville Road to be provided under a separate mechanism) shown on the approved amended drawings listed below shall be provided and made ready for use prior to the first occupation of the development unless an alternative phased provision is agreed in writing with the Local Planning Authority. Notwithstanding the Odyssey Car Parking Management Plan (CPMP) the parking spaces shall be retained thereafter in accordance with a revised CPMP that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development. Details shall include, for example, parking allocations between uses (including staff/permit allocations), means of security, pricing (if appropriate), enforcement and hours of use (where appropriate).

REASON:

In the interests of ensuring adequate provision is made for car parking on the site and the safety and convenience of all highway users and to ensure the distribution of spaces between units in order to meet the Council's adopted parking requirements.

25.APPROVAL CONDITION - Refuse & Recycling Bin Storage – In accordance

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. All storage shall be located and retained inside the building and presented to the Stoneham Way/High Road layby only on the day of collection. The facilities shall include accommodation for the separation of waste to enable recycling by residents. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

In the interests of the visual appearance of the building and the area in general.

26.APPROVAL CONDITION - Litter Bins

Provision shall be made on-site for the installation and subsequent emptying of litter bins and such provision shall be approved in writing by the Local Planning Authority before the first occupation of the development hereby permitted. The agreed scheme shall be retained and managed during the lifetime of the development.

REASON:

To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

27. APPROVAL CONDITION - Cycle Storage

Notwithstanding the information already submitted no development shall be occupied until details of the secure, covered cycle storage for all uses included within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be made available prior to the occupation of the development in accordance with the approved details. The cycle storage shall be retained whilst the building is occupied for the approved use.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car.

28. APPROVAL CONDITION - Contamination – Desk Top Study

The development shall be carried out in accordance with the contaminated land information namely, the Contaminated Land and Geotechnical Desk Study Report No. 14061/ge/r01 (March 2007), the Environcheck Report (20-feb-2007) and the Contaminated Land Ground Investigation Assessment (January 2008) that was submitted and approved under LPA ref: 11/01788/DIS.

Documented evidence of the above procedures shall be submitted to the Local Planning Authority for their written approval at each stage. Any remediation scheme required and approved shall be fully implemented and adhered to. Any amendments to the remediation scheme relevant to the risk associated with the contamination shall be submitted to the Local Planning Authority for prior approval in writing. On completion of the remediation works and, prior to occupation of the properties on the development, the developer and/or his approved agent shall submit written confirmation that works have been completed in full and in accordance with the approved scheme.

The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and an investigation and management scheme implemented prior to occupation in accordance with details to be agreed.

REASON:

To identify unacceptable risks to human health and the environment and ensure investigation, assessment and remediation of the site is to an appropriate standard in accordance with the guidance given in Model Procedures for the Management of Land Contamination - Contaminated Land Report 11 - Environment Agency - 2001.

29. APPROVAL CONDITION - Contamination - Export of Soil

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 shall be submitted to the Local Planning Authority for approval prior to the first occupation of the development hereby approved.

REASON:

To ensure that no ground contamination risks to human health and the environment are introduced onto the application site.

30. APPROVAL CONDITION - Ecology

The ecology enhancements, as set out within the applicant's Ecological Assessment (dated February 2011), and updated by the emails from Dan Simpson from Aspect Ecology dated 9th and 17th February, shall be implemented in full prior to the first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of biodiversity and the wider ecology of the area.

31. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP) - BAA

Development shall not commence (excluding the demolition and site preparation phase) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds and include details for preventing birds from perching in the window reveals. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport – BAA comments dated 8th March 2011 refer.

32. APPROVAL CONDITION – Archaeological investigation

The submitted Wessex Archaeology Written Scheme of Investigation for the required Archaeological Watching Brief (October 2011) that was submitted and approved under LPA ref: 11/01788/DIS is acceptable to the Local Planning Authority. The development shall be completed in accordance with its findings and the archive deposited and accepted by Southampton Museums Service.

REASON:

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

33. APPROVAL CONDITION – Archaeological work programme

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

REASON:

To ensure that the archaeological investigation is completed.

Note(s) To Applicant

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the

commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant - Southern Water – Water Supply - Informative

A formal application for connection to the public water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Oversailing Public Highway

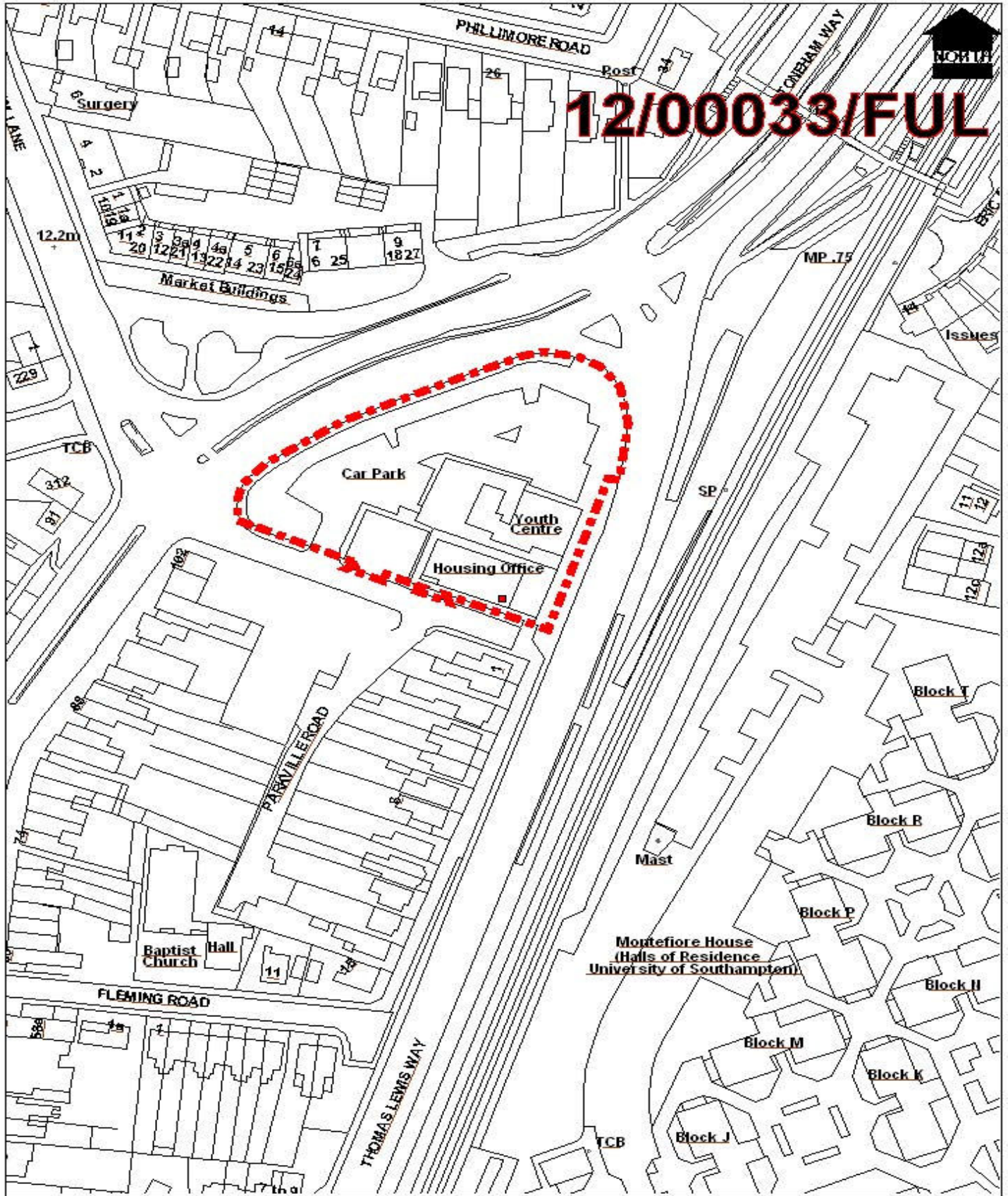
The applicant is reminded to contact the Highways Authority in the event that a license is required to oversail the public highway

Note to Applicant - Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.caa.co.uk/srg/aerodrome). The contact for crane issues at Southampton Airport is Iain Mc Dermott-Paine, Airside Compliance Manager telephone 02380 627173.

Note to Applicant – Nesting Birds

The applicant is reminded of their legal duty not to disturb any birds found nesting on site.



Scale : 1:1250

Date :28 February 2012

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

