

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24 July 2012
Planning Application Report of the Planning and Development Manager

Application address: Land between West Park Road and Commercial Road			
Proposed development: Redevelopment of the site. Erection of three new buildings ranging in height from 9 storeys to 16 storeys to provide student accommodation (197 cluster flats - 1,104 study bedrooms) above ground floor commercial uses (1,152 square metres floorspace) with associated parking and other facilities and vehicular access from West Park Road (Environmental Impact Assessment Development) - Description amended following validation.			
Application number	12/00675/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	21.08.2012 (PPA)	Ward	Bargate
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Geoffrey Osborne Developments (South) Ltd	Agent: Neame Sutton Ltd Attn Amanda Sutton
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. This application proposes a landmark building and offers a mixed-use scheme with significant regeneration benefits. The principles of such proposals are generally long established. However, in terms of planning policy the scheme represents a departure from the current development plan (Local Plan MSA10 and Core Strategy CS7) in that it does not provide a significant quantity of B1 (office) space. That said, the site has been marketed and recent approvals for office space on the land have not attracted a tenant. As a student residential-led scheme is viable, and will deliver a high quality development, it is considered appropriate to release the site for this use and allow development to take place within the city centre on this prominent site. The alternative option is for the site to remain vacant indefinitely, with no certainty that an office use will ever come forward, which will continue to harm the City's vision of a cultural quarter and the setting of some significant local heritage assets. As such, the development is acceptable taking into account the policies and proposals of the Development Plan as set out in this report. Notwithstanding the third-party objections to the proposal outlined in this report, the recommendation has also taken into account the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The Environmental Statement forms the basis of the recommendation to this Panel for planning approval.

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 in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP15, SDP22, HE3, HE5, HE6, CLT1, CLT5, H2, H7, REI8, REI15, MSA1, MSA10 and City of Southampton Core Strategy (January 2010) policies CS3, CS4, CS6, CS7, CS11, CS13, CS14, CS15, CS18, CS19, CS20, CS21, 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.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	City Design Manager's Comments		

Recommendation in Full

1. Delegate to the Planning & Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
 - i. 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;
 - ii. A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping and public realm works (including the provision of the service laybys) 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;
 - iii. 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) (or equivalent) in accordance with Local Plan Policy H13(v);
 - iv. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - v. Agreement of construction vehicle routing;
 - 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 UNilink bus route and Real Time 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. A servicing management plan in respect of the residential and non-residential uses;
- viii. 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;
- ix. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy;
- x. A Site Waste Management Plan;
- xi. Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNilink bus passes to all residents;
- xii. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
- xiii. Connection to the City Centre district heating network subject to appropriate assessment based on "whole-life" costs of such connection;
- xiv. 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;
- xv. Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xvi. 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;
- xvii. Details of additional signage to be erected at the applicant's expense in support of the Mayflower Theatre;
- xviii. The withdrawal of previous applications 04/01412/FUL and 08/00149/FUL on this site;
- xix. A contribution towards Air Quality Monitoring within the Commercial Road Air Quality Management Area (AQMA).

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.

BACKGROUND

The application site is allocated for development in the adopted City of Southampton Local Plan Review (2006) under 'saved' Policy MSA10.

The Council resolved to grant full conditional planning permission for the following development in June 2009, subject to the completion of a S.106 legal agreement:

Redevelopment of the site. Erection of new buildings to provide a mixed use development comprising: residential use (Class C3, 180 flats within a building of up to 15-storeys in height); offices (Class B1A, 13,129 square metres within an 8-storey building); and a hotel (Class C1, 5,386 square metres within a 9-storey building); with associated parking, landscaping and amenity space and other ancillary works. (Environmental Impact Assessment Development) – LPA ref: 08/00149/FUL.

The S.106 has not been completed, although the resolution forms a material consideration in the determination of this planning application. The current proposals represent a departure from the land use identified in Policy MSA10 in that the B1 (office) requirement is no longer proposed. Core Strategy Policy CS7 seeks to retain existing employment allocations and the scheme does not comply with this requirement either.

1. **The site and its context**

- 1.1 The application site is located in the north west of the City Centre on land bounded by Commercial Road to the north, Havelock Road to the east, to the south by West Park Road and to the west by the Mayflower Theatre, which is a Grade II Listed Building.
- 1.2 The site has an area of approximately 0.7 hectares, taking the form of an irregular shaped triangle. It is predominately covered in tarmac hard standing, and was last used as a surface car park. The site slopes downwards from Havelock Road to the southwest by some 7 metres. The site is surrounded by a mix of uses and a variety of scales of development and architectural styles.
- 1.3 Immediately north of the site on Commercial Road is a terrace of two and three storey terraced Victorian properties, with takeaways and restaurants located at ground floor level and some residential uses on upper floors. The site's Commercial Road frontage is located within a designated Air Quality Management Area (AQMA). To the north west of the site is the small Conduit House, a Grade II Listed Building and a Scheduled Ancient Monument, and the Grade II Church of St Peters, which is now occupied as a café/bar.
- 1.4 To the west of the site on Commercial Road are the Mayflower Theatre and Wyndham Court, a 1960s residential block. Both of these are Grade II Listed Buildings. Further west of the site along Commercial Road is one of the City Centre's office concentrations including Frobisher House and Liberty House.
- 1.5 Southeast of the site is the Civic Centre and SeaCity Museum within a Grade II* Listed Building with its prominent Clock Tower. Adjacent to the Civic Centre and opposite the site to the east is Watts Park, which forms part of Southampton's Central Parks and is contained in the statutory Register of Historic Parks and Gardens.

- 1.6 To the south of the site on West Park Road is a multi-storey car park and the BBC building and radio antennae. The recent flattened scheme known as 'Empire View' forms the site's south-western boundary.
- 1.7 The site is well located, situated approximately 500 metres from the West Quay Shopping Centre; approximately 300 metres from the Central Railway Station; and is within easy reach of a number of bus routes connecting to various parts of Southampton. A number of bus stops are situated along Commercial Road and Blechynden Terrace.
- 1.8 Most of the site was cleared of buildings in the 1980s and 1990s. The final demolition took place in 2003.

2. Proposal

- 2.1 Full planning permission is sought for the redevelopment of the site with a mixed-use development comprising a university halls of residence, arranged as 'cluster flats', with commercial uses on the ground floor. Whilst not party to the planning application it is understood that the University of Southampton are the end client for this accommodation.
- 2.2 Given the scale of development proposed, and the sensitive nature of the site's historic context, the application is supported by an Environmental Statement in accordance with the requirements as set out in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.
- 2.3 The Uses
The development comprises 1104 student bed spaces arranged as 197 flats (73 of which will be single occupancy and 14 of which have been designed as fully wheelchair accessible) across three buildings with on-site management. The 'cluster' flats are arranged as en-suite study bedrooms with between 6 and 10 bedrooms arranged with self-contained shared communal space.
- 2.4 In addition some 1152sq.m of ground floorspace fronting Havelock Road and Commercial Road is allocated for flexible commercial uses including A1 (retail), A3 (restaurant), D1 (university/learning) and/or D2 (gymnasium). Three separate units are shown on the submitted plans.
- 2.5 Parking is provided within a semi-basement level, which is accessed from West Park Road. In total 15 spaces are provided including 10 for disabled users and 5 for use by staff and servicing. No parking is provided for students or the commercial space. Instead a minimum of 398 cycle parking spaces are proposed.
- 2.6 A private refuse collector will service the development.
- 2.7 The Buildings
As with the earlier scheme (LPA: 08/00149/FUL) the proposed scheme is a perimeter block development formed by three buildings with a pedestrian route that runs through the development across a centrally located external courtyard.
- 2.8 **Block A** fronts Havelock Road and was previously proposed as an 8 storey (45.28 metre tall AOD) office building. This building retains the previous height but, due to the difference in floor-to-ceiling heights required by office and residential

accommodation, it is now formed by 11 storeys of development. The ground floor is identified for commercial uses.

- 2.9 **Block B** fronts West Park Road and was previously proposed as a 15 storey (52.60 metre tall AOD) residential building comprising 180 flats. This building is approximately 1 metre taller than previously considered and is now formed by 17 storeys of development.
- 2.10 **Block C** fronts Commercial Road and was previously proposed as a 9 storey (39.2 metre tall AOD) hotel building. This building retains the previous height but the accommodation is now formed by 8 storeys of development. The ground floor is identified for commercial uses.
- 2.11 A modern palette of materials is proposed for all three buildings including buff brick, Terca Titanium grey brick, Bauclad board (three tone grey), Argentan terracotta tile with grey UPVC windows. A sample panel board will be available at the Panel meeting.
- 2.12 External Space
No private amenity space is provided for the residents. Instead all flats have access to the internal courtyard that provides some 1,220sq.m of useable outdoor space. A lift and steps provide access to the courtyard level from West Park Road. The site is located directly opposite Watts Park.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the 'saved' policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site is allocated as part of a wider development area within the adopted Local Plan under Policy MSA10 (Mayflower Plaza) for a mixed use development incorporating approximately 200 residential units, offices (B1), leisure (D2) and food and drink (A3), and is located within the defined City Centre boundary. The current proposals represent a departure from this allocation as they do not include a significant element of B1 (office) space. Core Strategy Policy CS7 seeks to retain existing employment allocations and the scheme does not comply with this requirement either.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.4 **SCC Planning Policy** have raised no objections to the application. At the pre-application stage they commented that 'although the proposals are likely to be a departure from the adopted policy there are mitigating circumstances. The site was cleared in the 1990s and has since remained vacant. Despite a long planning

history and a relatively recent resolution to grant permission no development has occurred. Notably the site was not developed during the last economic boom and there is little indication to suggest that an office based scheme would come forward in the near future. In light of this, and in order to see development take place here, we would be willing to see a more flexible approach taken to ensure that something happens with this important site’.

- 3.5 Furthermore, the consultation draft of the City Centre Action Plan includes a policy on Mayflower Plaza (Policy 32). Recognising the difficulty in bringing this site forward it is proposing to take a more flexible approach. The policy supports a range of uses including residential, office, leisure and hotel. The supporting text of the policy identifies that the residential element could include student accommodation.

4.0 Relevant Planning History

- 4.1 The site’s planning history is summarised at **Appendix 2**.

5.0 Consultation Responses and Notification Representations

- 5.1 In line with Council recommendations for major development the applicants undertook their own public consultation event prior to lodging their formal planning application, which included sending invites of their pre-application event to 259 affected neighbours, a public drop-in session on 9-10th March 2012, an informal presentation to the Planning and Rights of Way Panel (13th March) and a presentation to the Chamber of Commerce on 28th March.

- 5.2 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, placing a press advertisement (10.05.2012) and erecting a site notice (08.05.2012). The press notice advised of the Environmental Statement and that the application represents a departure from the development plan.

- 5.3 At the time of writing the report **12** representations have been received from surrounding residents, including an objection from:

- 5.4
- **The City of Southampton Society** who object to the number of students that will put additional pressures on the neighbouring parks, the height of the building spoiling the view/vista of the Guildhall and Civic Clock tower from East Park and the limited width of the pavement along Havelock Road; and,

- 5.5 *Note: The proposed footpath fronting Havelock Road is between 5.6 and 7 metres wide, which is more than currently provided between the back of highway and the existing hoarding.*

- 5.6
- **The Banister Freemantle and Polygon Community Action Forum** who object to the number of students in this part of the City and are concerned about late night/early morning noise and disturbance and the likely litter that will be left by students using Watts Park. They also comment that the proposal will dominate the skyline and overshadow the Civic Centre.

5.7 These concerns are noted and addressed in the 'Planning Considerations' of this report.

5.8 Third Party Comment

The following planning-related issues are raised and addressed in the 'Planning Considerations' of this report:

- The area is already heavily populated by students – it cannot accommodate any more;
- The building has no private amenity space and the students will use Watts Park as their 'personal playground'. It will no longer be a place for peaceful enjoyment by the public;
- The bulk of the building facing Watts Park is too high and will spoil views of the park, SeaCity museum and Civic Clock tower;
- There will be noise and disturbance to neighbours with anti-social behaviour in the evening as revellers return from Bedford Place and have parties.
- The existing infrastructure (including local policing and roads) already struggles to cope;
- The proposal will not decrease the impact of HMOs in the area as these students would otherwise live closer to Highfield. This building would be better located at the Highfield Campus;
- Additional traffic generation – especially by staff members and parents at the start/end of term;
- Parking will be a major problem with residents bringing cars to site and looking to park in neighbouring streets;
- A poor design which is too tall and looks like an 'eye-sore'. This is an over-intensive use of the site;
- Overlooking of residents in the recently completed and adjacent 'Empire View' development – especially the top floor apartments that have private roof terraces;
- There will be foul water drainage issues as the existing network does not have capacity.

Note: This has been confirmed by Southern Water but can be overcome through further agreement with the water company.

- Loss of property value - residents of 'Empire View' were not informed of this development prior to purchase.

5.9 **Hampshire Chamber of Commerce (HCC)** - Supportive - It must be remembered that this prominent site has been vacant for some ten years whilst being marketed for new office development. Prior to the on-going recession, two approved planning applications for mixed use as office, hotel and retail did not bring forward a developer. We acknowledge that the current application is also for a mixed development and is a revised proposal in that it incorporates the major elements of the approved design. We must also bear in mind that the new National Planning Policy Framework advises that instead of sites being safeguarded for a specific use for years, a flexible approach should be adopted, along with the presumption in favour of sustainable economic development, so as to encourage economic sustainability and growth. In light of the above, HCC supports the strong argument in favour of the new proposal on this city centre site for purpose built student accommodation of good design with commercial retail and leisure uses.

5.10 **Business Solent** - Objection raised - The majority of the members don't have an objection to the scheme in strategic terms, however the proposals are quite a long

way removed from what is set out in the City Centre Master Plan, Action Plan and the Adopted Core Strategy. We don't think it represents the best use of land in the public interest. It's largely a positive thing to have the students in the city centre contributing to the economy and culture of the city rather than out on a campus. We would question whether this is the right site for such use and seek further justification for the departure. It is clear that thought has been given to how the scale and repetitive nature of the structural solution for the proposed use can be mitigated. However, the site is firmly in the Cultural Quarter and the quality of design and finish will be very important if this is not to detract from the Quarter. The sheer number of students to be accommodated creates the potential for anti-social behaviour associated with Student Halls on this site. There is a decent level of public car parking available nearby and parking control in the area to prevent overspill. We are not entirely convinced that the impact that this many students in this location will have is really going to work in transport terms particularly at the beginning and end of terms. It's difficult to say that the proposed scheme will truly create a sense of place or that it has any unique sense of being a Southampton building. Taking into account the reservations expressed above the do not feel able to support the proposals.

5.11 Consultee Comment

SCC Highways – No objection raised to the proposed level of car parking or the site access. Any further comment will be reported verbally at the meeting.

5.12 **SCC Sustainability Team** – Objection raised.

The development will be required to meet BREEAM 'Excellent'. The pre-assessment estimator shows that the development has not been designed to meet this policy requirement. A Very Good BREEAM of 58% is expected. Refusal is therefore recommended on the basis of the current submission.

5.13 *Since the objection was raised the applicants have agreed to meet BREEAM 'Excellent'. A pre-assessment has been requested and a verbal update will be given at the Panel meeting.*

5.14 **SCC City Design Manager** – Amendments sought. This site has remained vacant for many years leaving an eyesore and break in street level activity on a prime city centre site close to the centre of the Cultural Quarter. The proposals are not ideal in terms of providing a wide mix of uses to compliment the offer in the Cultural Quarter (as the previous 2008 scheme proposed), though there is no doubt the increase in number of students this would bring to the area would help sustain a more lively cafe/bar culture and help populate the public spaces such as Guildhall Square and events to be put on here and the proposed new Arts Complex. Given the difficult economic environment we are now experiencing, on balance, the scheme is supported on the proviso that concerns regarding visual appearance of the development are addressed. A full copy of the comments are appended to this report at **Appendix 3** and a verbal update will be given at the Panel meeting following the receipt of amended plans to address the concerns raised.

5.15 **SCC Heritage** - It is noted that there is an existing consent for a mixed-use office hotel and retail development. That consent by definition establishes a certain context for the current proposals in terms of height, mass and scale, and this context informs the comments below. In broad terms the design of the proposed development is welcome as an improvement on the previously consented

scheme. The treatment of the elevation facing the Civic Centre is more sympathetic than before. The manner in which the building steps down from the Havelock Road frontage to the Mayflower Theatre is welcomed, and addresses initial fears that the Theatre would be completely lost against an oppressive new build. The development will demonstrably become a new visual focal point for the area. The bulk of the block fronting Havelock Road will dominate the Civic and West (Watts) Park, but less so than the approved scheme, and this diminution in impact is welcome.

- 5.16 The proposals will result in an additional 1000+ students in the area, and it is likely that they will see the nearby Registered Park as the nearest amenity space. Concerns are raised that uncontrolled access to the park, especially on fine days, will alter its essentially tranquil nature. However, the park is a public park, for the use of the public, which includes students. There are issues in the other city centre parks with people (not just students) bringing portable barbeques and damaging the grass. It is suggested that this is in part mitigated by providing specified barbeque areas (as has been done elsewhere), and/or by seeking a guarantee from the university that they will police the problem and take action as appropriate.
- 5.17 *Note: The applicants propose to make a financial contribution towards improved open space provision through the S.106 and recognise the likelihood that students will use the city's parks.*
- 5.18 **SCC Archaeology** - Having monitored the archaeological evaluation work on the Mayflower Plaza site, the archaeology has not proven to be as significant as first thought. Consequently, all that will really be required during the development is a 'Watching Brief' secured by a planning condition.
- 5.19 **SCC Environmental Health (EHO)** – No objections, but request planning conditions relating to air quality, acoustic reports (plant/machinery and construction work), the control of noise, fumes and odours from extraction equipment, hours of construction, the submission of an environmental management plan, details of piling method and refuse management.
- 5.20 *Note: With the exception of the refuse management plan which will be secured through the S.106 legal agreement the requested planning conditions are attached to this recommendation and have been agreed with the EHO.*
- 5.21 **SCC Ecologist** - There are no significant biodiversity issues associated with the re-development of this site. The ecological survey makes recommendations regarding site clearance. Implementation of these measures should be secured through a planning condition. It is disappointing to note that biodiversity enhancements mentioned in the pre-application information have not been delivered.
- 5.22 **SCC Contaminated Land** - Regulatory Services considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by the Council indicate that the subject site is located on land known to be affected by contamination and there is the potential for these off-site hazards to present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with policies SDP1 and SDP22 of the Local Plan Review (2006) the site should be assessed for land contamination

risks and remediated to ensure the long term safety of the site.

- 5.23 **BAA** – No objection raised subject to the use of planning conditions relating to a bird hazard management plan and an informative regarding cranes
- 5.24 **English Heritage** – The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 5.25 **Hampshire Constabulary** – In general terms the Police have no objections to this scheme subject to the use of planning conditions to control (i) the hours when the gates to the internal courtyard will be locked and (ii) the design of the gates. This location, unlike other halls of residence, is very central to the city centre which adds to the potential problems and whilst it is accepted that the University are experienced in managing these types of buildings, it should be noted that much of the 'security' is overseen by residents themselves.
- 5.26 **Southern Water** – No objection raised subject to the use of the attached planning conditions and informatives. There is an existing foul sewer crossing the site that may need to be diverted without loss to the hydraulic capacity. Following initial investigations there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. The Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested and provided. Planning conditions and informative recommended.
- 5.27 **The Theatres Trust** - Objects to the application as a statutory consultee. While the Trust is not opposed in principle to the plans, and appreciates the redevelopment will ultimately make a positive addition to the streetscape and contribute to the wider regeneration of the area and public realm, it is imperative that the proposals are developed in consultation with the theatre to ensure that the theatre management have an opportunity to discuss any potential concerns. However, the Trust is substantially concerned about the current scale of the development and this will need a revision. We would also like to be assured that the already limited parking will not be exacerbated by a possible influx of student vehicles, and that separate provision within the development will fully meet the needs of its residents. If not, parking will be difficult for theatregoers and production teams. If the Council is minded to approve the following are suggested to ensure that the Theatre is not compromised in any way by the construction of the neighbouring development:
- A condition that requires a Construction Management Plan to be submitted to, and approved by the Council in consultation with the theatre management.
 - There should also be a commitment to ensure that the Mayflower Theatre is not damaged during, or as a result of, the construction.
 - A condition that requires a noise attenuation survey to be undertaken before the commencement of works. The survey will identify areas at the western end of the proposed development where it should be properly insulated for noise transfer
 - Provision within the Section 106 Agreement for additional signage and

lighting.

- 5.28 *Note: Whilst the above concerns can be addressed through the attached planning conditions and S.106 requirements it is not deemed necessary to secure a design amendment given that the scale of development is substantially the same as previously approved. A noise survey accompanies the planning application.*

6.0 Planning Consideration Key Issues

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

- i. The principle of mixed-use development as a Local Plan 'departure';
- ii. The principle of a tall building development in this location;
- iii. The design approach & its impact on the established character;
- iv. The impact on local heritage assets;
- v. The impact on existing and proposed residential amenity;
- vi. The quality of the proposed living environment;
- vii. The level of on-site parking and its impact on highway safety; and,
- viii. The requirement for a S.106 Agreement

6.2 The principle of mixed-use development as a Local Plan 'departure'

The Council has already accepted the principle of a major redevelopment scheme on this site when it resolved to give planning permission to application 08/00149/FUL. Planning permission was, however, never formally granted as the S.106 legal agreement has not been completed.

- 6.2.1 This earlier scheme included an office block with some 13,129 square metres of B1 (office) floorspace, thereby satisfying Local Plan Policy MSA10. The policy allocation requires a mixed-use development incorporating residential (C3), offices (B1), leisure (D2) and food & drink (Class A3). The Plan suggests that the site 'offers one of the few opportunities in the city to accommodate a substantial provision of office accommodation. The development should therefore provide a substantial level of office space. It also offers the opportunity to improve the access to the Mayflower Theatre and provide cafés and restaurants close to the Theatre'.
- 6.2.2 The adjacent Gantry development (LPA: 08/01313/FUL known as 'Empire View') which covers part of the Mayflower allocation has met some of the objectives of Policy MSA10 as it has delivered 115 new residential units and 1700sqm of office floorspace.
- 6.2.3 The current proposals provide a residential use, a potential mix of leisure and food and drink uses and improved pedestrian linkages between West Park Road and Commercial Road in accordance with the policy requirements. However, without the significant B1 (office) provision the application represents a departure from the current development plan. As such, further consideration is required before accepting the principle of a residential-led development.
- 6.2.4 The site has a significant planning history with a resolution to grant permission for an office-led mixed-use scheme given in December 2004 (LPA: 04/01412/FUL refers). The site was allocated for an employment-led scheme in 2006 with a resolution to grant a revised mixed-use given in June 2009 (08/00149/FUL refers). During this time the site has been marketed without success.

- 6.2.5 There comes a point when an alternative use should be explored so as to avoid leaving a significant city centre site vacant indefinitely. The comments from Planning Policy (as set out above) concur.
- 6.2.6 Given the limited interest in the office building over a significant period of time it is considered appropriate to support the proposed departure in principle. Furthermore, and notwithstanding the allocation as set out above, the re-use of this previously developed land with a predominantly residential proposal is consistent with the requirements of 'saved' Local Plan policies H2 as supported by policies CS3, CS5 and CS10 from the Council's adopted LDF Core Strategy (2010) and the emerging policy of the consultation draft City Centre Action Plan.
- 6.2.7 With the exception of the 73 self-contained flats the accommodation is provided in 'cluster flats', where 6-10 students share a communal living space with one another. There are 124 of these flats. The principle of this type of accommodation is supported by 'saved' Local Plan Policy H13 and is well suited for the site and the City Centre in principle. 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. That said, it is accepted that 1104 students on one site is significant and will require robust on-site management to ensure that the concerns raised by neighbours are properly addressed.
- 6.3 The principle of a tall building development in this location
Adopted Local Plan Policy SDP9 defines a tall building as having 5 or more storeys of accommodation. It states that the principle of tall(er) buildings is accepted on major routes into and out of the City, at junctions, "gateway" locations, adjoining the city centre parks and on "major" sites. The application site meets these requirements and has, therefore, been assessed as acceptable, in principle, for a tall building proposal.
- 6.3.1 The current proposals seek permission for three buildings with a single architectural treatment employed across each building. The previous proposals sought three distinct building designs led by their intended use for office, residential and an hotel use. The details of the proposal are assessed below in the context of adopted Local Plan policies SDP6, SDP7, SDP8 and SDP9 and the guidance contained within the joint document prepared by English Heritage and the Commission for Architecture and the Built Environment (CABE), entitled "Tall Buildings" (2007). That said, the current buildings have taken the previously approved heights as a maximum, with the exception of Block B which is about 1 metre taller than previously consented. This change will be negligible. As such, the proposed form, scale and height has already been accepted and is again supported.
- 6.4 Design Approach & Impact on Established Character
The application site's immediate context is defined by a mixture of buildings with differing architectural styles and scale; typically of between 2 and 8 storeys, although taller buildings front Watts Park. As such, despite the acceptance of an earlier scheme, the provision of a cluster of taller buildings requires further justification and consideration before it can be accepted within this defined

context.

- 6.4.1 Local Plan 'saved' Policy MSA1 (City Centre Design) is permissive of development within the city centre where the design enhances the character and appearance of the city centre, whilst creating landmark architecture. The City Centre Urban Design Strategy (2001) includes the application site within the "Northern" Character Area, which includes Commercial Road, the Central Station and the surrounding mixed residential, office and commercial area. The site is identified within the Strategy as an opportunity development site. The objectives set out for the area include the following:
- Key vistas towards the waterfront should be protected;
 - Introduce new landmarks to mark the gateways;
 - Enhance the cultural identity of the area;
 - Relate new buildings to public spaces; and
 - Facilitate and improve east/west pedestrian connection.
- 6.4.2 The adjacent "Central Parks" Character Area accepts that taller buildings of between 10 and 15 storeys should be encouraged along key boundaries with the parks to maximise views for residents and to increase the sense of enclosure within the parks. Active frontages are also promoted for buildings facing the parks.
- 6.4.3 Within this defined policy background the applicant's Environmental Statement gives a clear rationale for the overall scale and form of the development and its subsequent micro-climate. The proposed building is shown in the context of the surrounding buildings and from key viewpoints, in particular from the Civic Centre, including the Guildhall. The visual impact on the Clock Tower is clearly shown. The analysis is comprehensive and selected montages will be presented at the Panel meeting.
- 6.4.4 The development takes proper account of urban design objectives of the Council. It uses the key principles identified in the City Centre Development Design Guide (2004). The overall mass has been taken from the context of the previous scheme with a total of 17 storeys on West Park Road, 11 storeys facing the park on Havelock Road and 8 storeys on Commercial Road. As such, the development responds well to the alignment of Commercial Road and West Park Road and makes sensible use of the change in levels across the site. Furthermore, these building heights have already been accepted by the City Council.
- 6.4.5 The mass of the development has been broken up to create a central courtyard with permeability across the site. This central plaza will retain public access throughout the day (as required by Policy MSA10) and locked at night in the interests of public safety (as required by Hampshire Constabulary). When compared with the first office-led scheme (LPA: 04/01412/FUL) this change in approach represents an improvement to the proposal with further articulation to the wider skyline; as demonstrated by the applicant's photomontage work in terms of long and short distance views.
- 6.4.6 The use of three buildings is again supported although a singular architectural style and repetitive cladding system will emphasise the significant mass of the proposals when compared to the previous scheme. This in itself is not necessarily harmful, although the City Design Manager has sought amendments to mitigate against the skyline impact. The requested roof setbacks cannot be

accommodated without a reduction in the level of accommodation and a knock-on effect on the scheme's viability. The requested changes to the fenestration and cladding arrangement have been undertaken and amended plans have been submitted.

- 6.4.7 Block A will read as part of the wider 'cultural quarter' and define the park's western boundary. Care has been taken to simplify the elevation of Block A whilst maintaining its modern palette of materials.
- 6.4.8 The existing quality of the street scene in West Park Road is mixed. It is dominated by the vacant site itself, the bland appearance of the multi-storey car park and the rear or side views of the Mayflower Theatre. The 'Empire View' scheme has established a city-scale to this street, which will be continued by Block B as it attempts to re-build the streetscape on the northern side of the street. In short, the break up of the elevation, the degree of stepping and the lighter nature of the top floors help to reduce the bulk and scale of Block B, although clearly this 17 storey building will be visible from short, mid and longer distances.
- 6.4.9 Block C takes its design cues from the adjacent Mayflower Theatre. The success of the relationship between the two buildings is explained below in the consideration of the scheme's impact on local heritage, but the three-tone cladding is omitted for this part of the scheme and the fenestration is calmed as the building approaches the listed Theatre. This provides a successful transition between the Theatre and its new neighbour.
- 6.4.10 The extent to which the development results in active street frontages varies along the length of the ground floor elevations. Each building's principal entrance is found within the internal courtyard, although there is activity along each of its respective street frontages. Havelock Road, facing the parks, would be the main entrance point to ground floor commercial uses.
- 6.4.11 The West Park Road elevation is perhaps the weakest element in this respect, with car park ventilation and servicing. This is an essential requirement of the scheme and is the most appropriate location for the semi-basement car park entrance and the servicing requirements of the development. The introduction of active frontages serving Block C along Commercial Road and the provision of a public plaza, compensate this. This design approach also enables the parking to be taken into the semi-basement level to the benefit of the scheme overall.
- 6.4.12 In summary, the proposed buildings employ a modern design solution for this prominent city centre site that responds to their context with the use of a singular architectural language whilst respecting the significant heritage setting. The proposed materials would create a good quality development, suitable for its location close to the parks and nearby listed buildings. For the reasons given above, and by the Council's City Design Manager in the full response appended, the application is considered to have addressed the requirements of local and national design guidance, namely policies SDP6, SDP7, SDP8 and SDP9 as supported by CABI's guidance on tall buildings.

6.5 Impact on Local Heritage Assets

The proposed development should be assessed, in part, against the previous scheme and local planning policy requirements. Local Plan 'saved' policies HE3 and HE5, as supported by Core Strategy Policy CS14 seek to ensure that

development proposals take into account and respect the setting to neighbouring listed buildings and local parks of historic importance. As detailed above, the immediate context to the application site is defined by a good mix of listed buildings, and the site itself is directly related to the Watts Park on the opposite side of Havelock Road.

- 6.5.1 Block C is set back by an additional 3.6 metres from the highway so as to defer to the Mayflower Theatre's current building line thereby maintaining a gap, and then steps up in height towards the parks. Block C's elevation to Commercial Road is well proportioned. It is a large building, considerable larger than the neighbouring Mayflower Theatre. However, the relationship with the listed building, and with the nearby former St Peters Church and Conduit House in Commercial Road, have been satisfactorily addressed. Block C works as a transition between the contemporary design employed for Block A and the more traditional aesthetic of the Theatre. Block C is stepped so as to respect both of its neighbours. The form and scale of Block C is also appropriate to the general character of Commercial Road with its predominantly larger building blocks. The smaller terrace of buildings at the eastern end of Commercial Road, facing the site, is not typical of other buildings in this context. This elevation is sub-divided into rectangular components, which by their proportions and use of materials echo the character of the theatre. Furthermore, the frontage of Commercial Road alongside the theatre would be re-instated, limiting views of the unattractive east facing flank walls of the theatre and introducing greater activity alongside. By re-building the street scene, the development enhances the settings of this listed building.
- 6.5.2 The impacts on Conduit House and former St Peters Church are less significant because of their separation from the site. The former church is approximately 60 metres away and Conduit House is screened by other buildings. Wyndham Court is similarly separated by other buildings, including the recently completed 'Empire View' and is some distance from the site.
- 6.5.3 Block A will frame Watts Park with contemporary architecture of significant scale. A high quality palette of materials will ensure that the building is consistent with local and national policy requirements that seek to preserve or enhance the setting of this park. The Council's Heritage Team are supportive of the proposals.
- 6.5.4 On balance the development would make a significant contribution to the city centre, to the "Northern" character area and to the setting of the Central Parks. When assessed against the earlier scheme it is considered that this application also satisfies the policies of the Development Plan (namely HE3 and HE5) and would meet the objectives and principles of the City Centre Urban Design Strategy (2001) and City Centre Development Design Guide (2004), as set out above.
- 6.6 The Impact on Existing and Proposed Residential Amenity
The introduction of a cluster of tall buildings to the south of existing residential property will impact on existing residential amenity. An assessment is required, however, to the significance of this impact.
- 6.6.1 There is currently little daylight or shadow impact from this cleared site. The nearest residential neighbours are located immediately to the north of the site on the opposite side of Commercial Road, and at 'Empire View' to the west. The properties beyond in the Polygon will be affected to a lesser extent.

- 6.6.2 It is accepted that the introduction of a cluster of taller buildings will have an impact on the existing amenities enjoyed by residential neighbours at 1-23 Commercial Road. At least six of these have residential uses either above and/or at their rear. Clearly any assessment needs to be considered in light of the previous scheme, which also proposed the same level of built form to the south of these neighbours and was found to be acceptable in this city centre context.
- 6.6.3 Assessments of skylight, microclimate and overshadowing have been carried out using guidance set out in Building Research Establishment's (BRE) document "Site Layout Planning for Daylight and Sunlight: A Good Practice Guide" (1991). Councillors will note that this guidance was not intended to deal with high-density urban situations, however, it does provide a useful benchmark from which to assess the extent of compliance with this (widely adopted) standard and from there make a reasoned judgement on the scheme.
- 6.6.4 The applicant's 'Daylight, Sunlight and Overshadowing' study utilises the previous work from 2008 to conclude that:
- 6.6.5 • In terms of daylight the scheme will comply with the BRE guidelines in relation to the neighbouring properties along Commercial Road;
- 6.6.6 • In terms of sunlight all windows serving existing residential properties in Commercial Road will comply with the BRE annual sunlight guide levels;
- 6.6.7 • In terms of overshadowing it was previously reported that large parts of the rear gardens of properties in Commercial Road are already heavily shadowed by the existing buildings. Despite the location of the development to the south of 1-23 Commercial Road, the applicant's detailed shadow analysis demonstrates that the habitable rooms to these properties will not be subject to continual shadow as might be expected given the proposed relationship between buildings. Instead, the submission concludes that the proposed development will adhere fully to the BRE guidelines in relation to permanent overshadowing on 21st March. The introduction of the pedestrian route, and subsequent gap between Blocks A and C, assists the scheme's direct impacts;
- 6.6.8 • No area of Watts Park would be in permanent shadow as a result of the development. There would be some shadowing over a small part of the park during the afternoon.
- 6.6.9 Clearly, there is an impact when compared to the existing situation and it is accepted that taller buildings to the south of 1-23 Commercial Road are likely to reduce daylight and increase overshadowing. However, this impact is not considered to be harmful given the existing character and city centre location of Commercial Road and Havelock Road. The affected residences have been consulted and no objections have, to date, been received. On balance, the impact of the current application with the additional break between buildings is again considered to be accepted. Given the appropriateness of tall buildings on the application site, as identified in the various levels of planning policy and the site's allocation, and the limited impact in terms of the number of properties affected it would not be justified to refuse permission based on the daylight, sunlight and shadow impact of the development. This conclusion was also reached in relation to application 04/01412/FUL, which proposed a marginally taller building, and the

most recent scheme from 2008.

- 6.6.10 In terms of privacy the properties fronting Commercial Road have a separation distance of 20-21 metres with Block C, and 18 metres with Block A. Given the double-storey height of the commercial uses located in Block A there is no direct inter-looking at first floor level and above this height any overlooking across the street is significantly oblique. Since the earlier 2008 scheme was approved the neighbouring gantry site has been developed with 115 flats known as 'Empire View'. Third-party objections have been received to the proposals from some of these new residents. Part of the objection relates to a loss of privacy from windows facing 'Empire View' in Block B and, in particular, there is a concern that the roof terraces serving the top floor flats (of which there are 2 located centrally) will be overlooked.
- 6.6.11 Having assessed the relationship between the rear wing of Block B with 'Empire View' it is considered that the angles of sight involved, and the separation distances in excess of 40 metres with the affected roof terraces, assist in mitigating this impact. Furthermore, the previous residential scheme from 2008 also proposed windows facing the gantry site. On balance, whilst there will be an impact this is not sufficient so as to warrant a planning refusal. That said, the objection has been raised with the applicant and a revised elevation has been submitted so as to further reduce the potential for overlooking.
- 6.6.12 Finally, another third party objection to the proposals relate to the noise and disturbance that may occur from students returning to the site late at night. This is a material planning consideration. It is, however, considered that this type of accommodation is appropriate for this city centre location. Any noise and disturbance issues can be addressed through other legislation and do not warrant a planning refusal in this instance. Whilst Hampshire Constabulary have not objected to the level of accommodation proposed it is considered necessary to ensure that there is always a manager present on site to deal with any problems that arise on a day to day basis. This can be secured with a planning condition.
- 6.6.13 Given the city centre location 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), which seek to protect existing residential amenity.
- 6.7 The site is located at a highway junction, close to the railway line, on the edge of a designated Air Quality Management Area (AQMA). There is, therefore, the potential for noise nuisance to prospective residents. The Council's Environmental Health Officer has raised no objection to the redevelopment of this site for residential uses subject to the attached planning conditions in relation to noise mitigation. The applicants submitted "Air Quality Assessment" suggests mitigation measures that can make this scheme acceptable for this location. As the proposal will effectively be sealed, with acoustic louvers, the impact from noise and air quality will be negligible.
- 6.7.1 The layout of the three blocks is judged acceptable. All room sizes are acceptable and noise transfer between units can be mitigated at the Building Regulations stage. The rooms are stacked on a floor by floor basis. Following a request by Hampshire Fire & Rescue at the pre-application stage the building will be fitted

with an internal sprinkler system.

- 6.7.2 A minimum separation distance across the central courtyard between the rear of Blocks B and C of 19 metres has been secured, which is considered to be an acceptable relationship. The buildings have safe and convenient access to integral bin and cycle storage, which can be secured with a planning condition. Lift access is provided to serve all floors. As such, these city centre cluster flats are considered to meet the Council's requirements.
- 6.7.3 In accordance with the Council's current external space standards a 197 flat scheme should be supported by some 3940sq.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. In this instance the amenity space provision will be provided by the central courtyard, with no external access to the roofspace provided for health and safety reasons. Whilst some external space is therefore provided, and the scheme is well located for the city's parks, 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 instead. 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 proposed.
- 6.8 The level of on-site parking and its impact on highway safety
Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes and the Central 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.
- 6.8.1 A 'car free' scheme with only limited disabled and staff parking is proposed for the development. Students will be discouraged from bringing a car to the city and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the proposed S.106 legal agreement, the proposal is considered to be acceptable given this city centre location.
- 6.8.2 The West Park Road vehicular access is acceptable provided that appropriate visibility splays are in place. This needs to take into account the bend at the bottom of West Park Road and Blechynden Terrace.
- 6.8.3 In terms of encouraging alternative modes of transport the scheme will be supported by nearly 400 cycle spaces (with scope for additional space) and the applicants are keen to improve the bus connectivity between the site and the Highfield Campus. With this in mind, as part of the proposed Travel Plan and S.106 requirements, it is proposed to increase the frequency of the existing Unilink U2 route (to one every 15 minutes) with a new route proposed served by a real time bus stop adjacent to the application site. All residents will be given a Unilink bus pass as part of their tenancy agreement. Both proposals are welcomed and will lessen the burden on the existing public transport capacity at peak times.

- 6.8.4 In terms of highway related issues during the beginning and end of term the S.106 legal agreement makes provision for a management plan to be secured and reviewed to ensure that any traffic problems are mitigated. With this in mind it is likely that the proposed semi-basement car park and public car park on the opposite side of West Park Road will be used by parents under the supervision of the University.
- 6.8.5 The Council's Highways DC Officer has confirmed that, given the city centre location and the site's high accessibility derived therefrom, they have no objection to the application in terms of its parking or its impact on the highway network.
- 6.9 The requirement for a S.106 Agreement
The application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPG. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application.
- 6.9.1 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).

7.0 Summary

- 7.1 This application proposes a landmark building and offers a mixed-use scheme with significant regeneration benefits. The principles of such proposals are long established. In terms of planning policy the scheme represents a departure from the current development plan in that it does not provide a significant quantity of B1 (office) space. That said, the site has been marketed and recent approvals for office space on the land have not attracted a tenant. As a student residential-led scheme is viable, and will deliver a high quality development, it is considered appropriate to release the site for this use and allow development to take place within the city centre on this prominent site. The alternative option is for the site to remain vacant indefinitely, with no certainty that an office use will ever come forward, which will continue to harm the City's vision of a cultural quarter and the setting of some significant local heritage assets. 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.
- 7.2 As such, the development is acceptable taking into account the policies and proposals of the Development Plan as set out in this report. The recommendation has also taken into account the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact

Assessment) (England and Wales) Regulations 2011.

8.0 Conclusion

The proposed development will result in a dramatic change to the City Centre both in terms of important views across the City and its skyline. It respects the setting of the Civic Centre and the Clock Tower and enhances the setting of the parks and listed buildings in Commercial Road and is consistent, therefore, with the City Centre Urban Design Strategy (2001) in terms of its dynamic design, response to the public realm and modern materials. The use of the site as a significant level of student accommodation has been assessed against the loss of the site's ability to provide further B1 (office) space. The application is recommended for delegated approval to the Planning and Development Manager, subject to the completion of a Section 106 legal agreement as detailed above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d, 2b-d, 3a, 4b, c, d, e, f, r, uu & vv, 6a, c, d, h, l, 7a, 8a, 9a-b

SH2 for 24/07/2012 PROW Panel

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 including any below ground works required) 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 the construction on-site of a sample panel of the relevant materials for approval, and 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 that enhances the setting of the local heritage assets to which it will relate.

04. APPROVAL CONDITION - Window Reveal Detail

Unless otherwise agreed in writing with the Local Planning Authority the windows to Block C shall be fitted in accordance with plan ref 2250-ASD-320000-A that shows a reveal of at least 150mm.

REASON:

In the interests of securing a high quality design with shadow to break up the massing on this prominent site.

05. APPROVAL CONDITION - Building Heights & Roof Plant

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. Notwithstanding the information submitted with the amended plans details of all roof plant and the measures to be taken to soundproof all plant and machinery hereby approved shall be submitted to and approved by the Local Planning Authority prior to either its installation or the occupation of each of the buildings to which the plant relates. The development shall be implemented in accordance with the agreed details. The machinery and plant shall not be used until the approved soundproofing measures have been implemented in accordance with the agreed details.

REASON:

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity.

06. APPROVAL CONDITION - Security Measures

Prior to either the first occupation of the development or the installation of the details listed below (whichever is sooner) a Security Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- i. CCTV coverage & concierge arrangements with 24 hour on-site management;
- ii. semi-private ground floor courtyard access and management arrangements to include hours of access by the public;
- iii. door types of the storage areas;
- iv. outer communal doorsets and the cluster flat access doorsets;
- v. the design of the security gates into the central courtyard in consultation with Hampshire Constabulary;
- vi. ground floor windows; and
- vii. audio/visual control through the communal access doors.

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

REASON:

In the interests of crime prevention and residential safety

07. APPROVAL CONDITION – Non Residential Floorspace

The "dual A1 (retail) and/or A3 (restaurant) and/or D2 (gymnasium) use" hereby applied for and permitted for Block A shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice.

The "dual A1 (retail) and/or A3 (restaurant) and/or D1 (university/learning space) use" hereby applied for and permitted for Block C shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice.

The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority. These units shall not be amalgamated without first obtaining planning permission to do so and shall not exceed 1,152 square metres of total floorspace

REASON:

To provide flexibility to the commercial offer whilst retaining an active ground floor to the development.

08. APPROVAL CONDITION - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the "dual A1 (retail) and/or A3 (restaurant) and/or D2 (gymnasium)" hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyls or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

REASON:

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

09. APPROVAL CONDITION - Hours of Use & Delivery - Non Residential

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

- 6:30am and 12pm midnight (Monday to Saturday) and
- 7am and 11pm Sundays, Bank and/or Public Holidays

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

- 6am and 11pm (7 days a week including Sundays and recognised public holidays)

REASON:

In the interests of existing and proposed residential amenity

10. APPROVAL CONDITION – External Ventilation & Extraction Details

Details of suitable ventilation, extraction and filtration equipment for the non-residential uses, if required, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include a written scheme for the control of noise, fumes and odours from extractor fans and other equipment. The equipment shall be installed and maintained in accordance with the agreed information and made ready for use prior to the first use of the unit to which the details relate.

REASON:

To ensure that adequate provision is made for the ventilation of the commercial use which does not impinge on the residential amenity of neighbouring residents or the external design of the building hereby approved and to accord with the Environmental Statement.

11. APPROVAL CONDITION – Noise Attenuation & Air Quality Mitigation

The approved development shall be implemented and completed only in accordance with the recommendations set out in the applicants Noise Assessment dated 19th April 2012, unless otherwise agreed in writing by the Local Planning Authority. As recommended by the submitted Air Quality Assessment (Accon UK) and Noise Impact Assessment (Alan Saunders Associates) those rooms requiring mechanical ventilation shall be identified within 6 months from the commencement of development with suitable mitigation for the affected rooms to be agreed in writing by the Local Planning Authority prior to the first occupation of those rooms. The development shall be implemented in accordance with the agreed details.

REASON:

As the submitted information requires further details to ensure that a quality living environment is delivered.

12. APPROVAL CONDITION - Noise & Vibration (external noise sources)

The development shall be completed in accordance with the recommendations and tables 6.3 and 6.4 from the Noise Impact Assessment (Alan Saunders Associates – 19th April 2012) unless otherwise agreed in writing by the Local Planning Authority. No additional external plant or air conditioning units, other than that shown on the approved drawings shall be added to the buildings without first obtaining planning permission.

REASON:

To protect the occupiers of the development from excessive external noise and to ensure that the requirements of the Theatre's Trust are met.

13. APPROVAL CONDITION - Disabled Access

Lifts (internally to the different blocks and externally to serve the internal courtyard from West Park Road) 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.

14. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

Notwithstanding the details provided in the Environmental Statement 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.

Notwithstanding the above restrictions the date/time of delivery to site and erection of the three tower cranes required to construct the development outside of these permitted hours

shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery.

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.

15. APPROVAL CONDITION – Strategy of Highway Works

Before the development commences the developer shall submit a strategy of highway works to the local planning authority for its agreement in writing in consultation with the highways network management team. This strategy shall include phasing, hoarding, diversion/closing of routes and a timeframe within which these works shall occur and a timetable of regular update meetings to ensure contact is maintained to keep both parties up to date with progress. Once agreed, the works shall proceed within those timescales, unless a variation is agreed in correspondence by all parties.

REASON:

To ensure that there is minimum inconvenience to highway users and that the works do not impact upon other local highway work.

16. APPROVAL CONDITION - Construction Method Statement

Notwithstanding the details in the Environmental Statement (Appendix 4) before any building works or site preparation works are commenced details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Mayflower Theatre 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 monitored; (h) measures to prevent and monitor impacts from vibration and odour; (i) measures to protect the Grade II listed Mayflower Theatre from damage during the construction phase; and, (j) 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.

Note: The Theatre's Trust has requested that the Mayflower Theatre is properly consulted prior to the construction phase to ensure that performances are not affected by the build programme.

17. APPROVAL CONDITION - Piling Method

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by

the Local Planning Authority. 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 and no percussion or impact driven piling activities should take place for pre-works, foundations, or as any part of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

18. APPROVAL CONDITION - Landscaping

Notwithstanding the information submitted with the application no development shall take place (excluding the demolition and site preparation phase including any below ground works required) until full details of both hard and soft landscaping, green roofs and walls (where applicable), landscape buffers, all car parking and the internal 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 26th June 2012;
- 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. details of any tree pits with drainage;
- v. details of any proposed boundary treatment, including the gates to the semi-public communal courtyard at ground floor level and the site's western boundary adjoining the Grade II listed Mayflower Theatre; 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.

19. APPROVAL CONDITION - Ecological Mitigation Statement

Prior to development commencing (excluding the demolition and site preparation phase) the developer shall submit a programme of habitat and species mitigation and enhancement measures which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with an agreed programme and retained thereafter.

REASON:

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

20. APPROVAL CONDITION - Green roof feasibility study

A detailed feasibility study for a green/brown roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development (excluding the demolition and site preparation phase) hereby granted consent. If the study demonstrates the site has the capacity for the green/brown roof a specification shall be agreed in writing with the Local Planning Authority. The green/brown roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

REASON:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

21. 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.

22. APPROVAL CONDITION – Foul & Surface Water Drainage

No development (excluding the demolition and site preparation phase) shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved measures shall be in place before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure satisfactory drainage provision for the area.

23. APPROVAL CONDITION – Sustainable measures

Written documentary evidence demonstrating that the development has achieved at minimum a rating of 'Excellent' against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing within 6 months from 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).

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

Notwithstanding the submitted details 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 within 6 months from 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).

25. APPROVAL CONDITION – Sightlines & Car Parking

The development hereby approved shall not be first occupied until car parking, access and servicing facilities related to the development shown on the approved drawings and sight lines have been provided to the vehicular access points in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, a minimum of 10 of the car parking spaces hereby approved shall be provided and retained for registered disabled users in accordance with the approved plans and the parking facilities shall be retained solely for the use of these disabled drivers, for use as part of the student intake management strategy and staff and servicing requirements of the buildings and for no other purpose including for general use by resident students. No structure or erection exceeding 0.6m in height shall be placed within the sight lines.

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 in order to meet the Council's adopted maximum parking requirements.

26. APPROVAL CONDITION - Existing Accesses

Any existing access to the site not required to serve this development shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access hereby approved.

REASON

In the interests of highway safety.

27. APPROVAL CONDITION - Refuse & Recycling Bin Storage

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 relevant 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.

28. 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.

29. 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 (and their visitors) 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.

30. APPROVAL CONDITION- Land Contamination investigation and remediation

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

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

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

Any changes to these agreed elements require the express consent of the local planning authority.

REASON:

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

31. APPROVAL CONDITION - Reuse of uncontaminated soils

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

32. 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.

33. APPROVAL CONDITION- Unsuspected Contamination

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

REASON:

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

34. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP)

Development shall not commence (excluding the demolition and site preparation phase including any below ground works required) 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 9th May 2012 refer.

For information:

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

35. APPROVAL CONDITION – Archaeological work programme

No development shall take place within the application site until the applicant has secured the implementation and maintenance of an on-site watching brief by a

suitably qualified and experienced archaeologist during all construction work in accordance with a written detail which has been submitted to and approved by the local planning authority.

REASON:

The Local Planning Authority wishes to ensure that adequate arrangements are made to allow an archaeological watching brief to take place during all new foundations, below ground works and excavation phases of the development. The purpose of the watching brief is to ensure that any agreed design measures to preserve the archaeological remains in situ are correctly implemented on site and to allow investigation and recording of any archaeological evidence that might be revealed in areas not covered by preservation measures.

36. APPROVAL CONDITION – Telecommunications PD Restriction

Notwithstanding the provisions of Schedule 2 Part 25 the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no external telecommunication equipment shall be erected or carried out to any building hereby permitted without the prior written approval of the Local Planning Authority.

REASON:

In the interests of visual amenity.

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.

POLICY CONTEXTCore Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – Adopted Version (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form & Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP22	Contaminated Land
HE3	Listed Buildings
HE5	Parks & Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space
H2	Previously Developed Land
H7	The Residential Environment
REI8	Shopfronts
REI15	Office Development Areas
MSA1	City Centre Design
MSA10	Mayflower Plaza
IMP1	Provision of Infrastructure

Supplementary Planning Guidance

Car Parking SPD (Adopted September 2011)
 City Centre Urban Design Strategy (2000)
 City Centre Development Design Guide (2004)
 North South Spine Strategy (2004)

City Centre Streetscape Manual (2005)
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Skyline Strategy (officer guidance) (2006)
CABE/EH Tall Buildings Guidance (2007)
City Centre Characterisation Appraisal (2009)
City Centre Action Plan (2012) - Preferred Approach policies 14, 15 and 32
Draft City Centre Master Plan (2012)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)

Relevant Planning History

- 08/00149/FUL Redevelopment of the site. Erection of new buildings to provide a mixed use development comprising: residential use (Class C3, 180 flats within a building of up to 15-storeys in height); offices (Class B1A, 13,129 square metres within an 8-storey building); and a hotel (Class C1, 5,386 square metres within a 9-storey building); with associated parking, landscaping and amenity space and other ancillary works. (Environmental Impact Assessment Development)
- Resolved to Conditionally Approve subject to the completion of a S.106 legal agreement in June 2009. No planning permission issued to date.
- 07/01572/SCO Request for a scoping opinion under Regulation 10(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 prior to a formal planning application for the redevelopment of the site with a mixed use development comprising B1 (office), residential and a hotel.
Confirmed this is a development requiring EIA November 2007
- 04/01412/FUL Construction of an 8 to 15 storey building comprising 196 flats (70 x 1 bedroom, 109 x 2 bedroom and 17 x 3 bedroom units), 10468 sq.m offices (Use Class B1), two restaurants (Use Class A3) and associated car parking.
- Resolved to Conditionally Approve subject to the completion of a S.106 legal agreement in December 2004. No planning permission issued to date.
- 04/00644/TEMP Temporary Surface Car Park
Refused May 2005
- 03/00642/FUL Construction of 8 to 16 storey block comprising 196 flats (73 x 1 bed, 108 x 2 bed & 15 x 3 bed), 10,500sq.m offices (Use Class B1), 2 no. restaurants (Use Class A3) and associated parking
Refused February 2004 – Subsequent appeal withdrawn
- 03/00630/TEMP Temporary Surface Car Park
Refused October 2003
- 99/10095/TEMP Temporary Surface Car Park
Refused January 2000
- 950586/26534/E Outline application for a mixed use development comprising office (18,580sq.m), arts centre (2,700sq.m) and restaurant (1,400sq.m) with associated works.
Conditionally Approved August 2005 and renewed September 1998

940446/26534/E Outline application for office and restaurant uses with associated car parking following demolition.
Conditionally Approved July 1995

Mayflower Theatre, Commercial Road and land fronting Blechynden Terrace and West Park Road

08/01313/FUL Erection of a part eight-storey and part ten-storey building, to the south of Mayflower Theatre, to provide 115 flats (7 x one-bedroom, 108 x two-bedroom), a four-storey building to provide offices (1,701 square metres floorspace), a lorry docking area and scene dock extension to the Mayflower Theatre with associated landscaping, access, parking and refuse storage.
Conditionally Approved 30.03.2009

SCC City Design Manager's Response

Proposal

Redevelopment of the site. Erection of three new buildings ranging in height from 9 storeys to 16 storeys to provide student accommodation (196 cluster flats - 1,117 study bedrooms) above ground floor commercial uses (1,152 square metres floorspace) with associated parking and other facilities and vehicular access from West Park Road (Environmental Impact Assessment Development)

Relevant policies/guidance:

Local Plan Review 2006 SDP 1, 6, 7, 8 and 9, MSA 1 and 10, Core Strategy 2010 CS 1, CS 13, City Centre Urban Design Strategy 2000, City Centre Development Design Guide 2004, North South Spine Strategy 2004, City Centre Streetscape Manual 2005, City Centre Characterisation Appraisal 2009, CABE/EH Tall Buildings Guidance 2007, Skyline Strategy (officer guidance) 2006, City Centre Action Plan 2012 Preferred Approach policies 14, 15 and 32 and Draft City Centre Master Plan 2012.

Summary

This site has remained vacant for many years leaving an eyesore and break in street level activity on a prime city centre site close to the centre of the Cultural Quarter. The proposals are not ideal in terms of providing a wide mix of uses to compliment the offer in the Cultural Quarter (as the previous 2008 scheme proposed), though there is no doubt the increase in number of students this would bring to the area would help sustain a more lively cafe/bar culture and help populate the public spaces such as Guildhall Square and events to be put on here and the proposed new Arts Complex. Given the difficult economic environment we are now experiencing, on balance I support the scheme on the proviso that my concerns identified below regarding visual appearance of the development are addressed.

Previous applications

04/01412/FUL Resubmission of application for 8 to 15 storey building comprising 196 flats (70x 1 bed, 109x 2 bed & 17x 3 bed), 10,468sqm of office, two restaurants and associated access and car parking. Resolution to Grant subject to S106 Legal Agreement, December 2004. 08/00149/FUL Erection of new buildings to provide a mixed use development comprising: residential use (Class C3, 180 flats within a building of up to 15 storeys), offices (Class B1a, 13,129sqm within an 8 storey building), and a hotel (Class C1, 5,386sqm within a 9 storey building); with associated parking (115 spaces), landscaping and amenity space and other ancillary works. Resolution to Grant subject to S106 Legal Agreement June 2009. The former application on 2004 influenced the scale, form and massing of the latter application in 2009. Equally this has also influenced the current proposal though the uses are substantially different.

Scale

The proposal divides the development into three blocks as did the previous 2008 scheme, Block A separated from Block B and C by a gated access route. This separation helps to reduce the mass of the whole development by allowing different responses to the context for each of the blocks. The precedence for height was set in the 2008 scheme but is slightly lower:

- Block A - facing Havelock Road – 12 storeys including commercial – approximately 45m AOD (2008 scheme – c. 48m)

- Block B – facing West Park Road – 17 storeys including parking and cycle storage - approximately 52m AOD (2008 scheme – c. 55m)
- Block C – facing Commercial Road – 9 storeys including learning space - approximately 39m AOD (2008 scheme – c. 41m)

However the main difference between this proposal and the previous is that the current application is predominantly of one use, which makes use of a standardised floor plan for each student room, therefore making it far more of a challenge to design three distinctively different buildings whilst keeping a true ‘form follows function’ architectural response. The architects were advised that given the context of buildings fronting Havelock Road; Civic Centre Magistrates Block, the SeaCity Museum, the BBC and the Mayflower Theatre on Commercial Road, the buildings should express ‘Civic’ qualities and be designed in a manner sensitive to this context.

The division of the site into three buildings follows the previous 2008 application in creating a much needed permeability of this site, with access to a central courtyard, which otherwise would stretch from Havelock Road to Wyndham Court without any form of pedestrian permeability except for a route through the Mayflower Theatre site. **However it is unfortunate that this route is to be gated and therefore closed off to the public in the evening when it would be most likely used by theatre goers.**

Appearance

The proposal is very large in scale, form and mass - the single use exacerbates this and has set a significant challenge to address in order to create an attractive development that sits comfortably in the context. The mix of uses of the previous 2008 scheme gave the architects much more potential to create a variety of buildings, that reflected their various uses and had more flexibility to develop an architectural response, that despite being of a similar height to this application, allowed a sympathetic response to the context.

The architectural approach to wrap all buildings in one homogeneous cladding system accentuates the scale of the development. In discussions with the architects, it has been suggested that the extent of cladding should be reduced on the frontages to Block B and C. The response to Block C on Commercial Road works very well, where the cladding has been stopped short where the frontage sets back, also allows a more traditional masonry clad elevation with similar proportions and with a regular window pattern that defers to the 1920's Neo-Grecian Portland stone clad symmetrical elevation of the grade II listed Mayflower Theatre. **Less successful is the approach taken on West Park Road where the unbroken height and large expanse of cladding to Block B lacks finesse and does not reflect the more sensitive approach taken on Commercial Road, nor the approach taken on the adjoining site, at the newly completed Empire Heights, where the scale and height of the development has been reasonably successfully handled by accentuating its verticality through use of different materials and a regular fenestration pattern.**

In the 2008 application the upper levels of the residential block benefitted from ‘penthouse’ style apartments with fully glazed facades and over sailing flat roofs, that celebrated their location and prominent skyline position. **The current application when viewing the development from the south along Castle Way, south of the Station, from Blechynden Terrace and also where it peeps into view above the Civic Centre skyline when viewed from Guildhall Square (by Above Bar) projects a very bland skyline view of the south, west and east sides of Blocks A and B as shown in the Visual Impact Assessment views SV5, SV6, SV7 and SV10, that does not respect the**

context set by the horizontal form of the grade II listed Wyndham Court's deck access and strip casement glazing, nor the regular fenestration pattern and 'penthouse' style top floor of Empire Heights.

The photomontage views (SV1, SV8 and SV9) from West Park/Polygon and from the west end of Commercial Road (SV2 and SV3) demonstrate the scheme sits well with the existing development on the south side of Commercial Road in terms of height and mass, however the development defines a stark contrast in the significant change in scale when viewing the relatively low lying 3 storey BBC development along side. **Ideally the upper floors of this elevation facing Havelock Road should be set back (as in the 2008 scheme) to give a more elegant skyline profile, however this would mean a less efficient floor plan at these levels.** In the summer the trees will mask much of the development but this will be much more evident in the winter months, however the trees are large in themselves and give an appropriate scale to the development. The view SV4 shows that the scheme will make a significant positive contribution, providing a sense of enclosure to the relatively poor environment on West Park Road, recently improved by Empire Heights. **This would be further improved if street trees could be introduced to soften the environment and provide a 'green' link with the park.**

The approach to fenestration within the cladding wrap works well, adding interest with a seemingly irregular arrangement of windows to the student rooms and the use of multi storey projecting feature windows that add scale and 'civic' qualities to all blocks on the primary elevations and demarcate and provide 'natural surveillance' over the routes into the courtyard. The increased height to the ground storey gives an appropriate scale to emphasize and express the different uses contained at this level in Block A and C. The use of a masonry plinth introduces a more human scale of detailing appropriate at street level.

The location of a small supermarket or other retail use on the main frontage to Block A is in a very sensitive position relative to the parks and the SeaCity Museum, and will also require access for servicing. Other uses to Block C proposed include cafe, retail/sandwich bar and learning space may also be sensitive. **It will be vitally important to condition the detailed design of the elevations/fenestration to prevent them being despoiled by poor quality signing/lighting, inappropriate 'front of house' activities and shopfront 'vinyls', and so as to retain an open and active frontage with clear visibility into these uses.**

Within the courtyard each block assumes its own identity emphasised by use of different coloured render panelling framing the fenestration and a coloured fascia detail to block entrances, **though this approach has not been carried through to the entrance to Block C. The fenestration to the courtyard is framed over several storeys in a rather arbitrary pattern that unnecessarily over emphasises the vertical and therefore the height of the development. A calmer and more rational approach to the elevation design would create a more relaxing backdrop to the amenity space in the courtyard.**

Public Art

The proposal to use public art to enrich the design of the gated access points to the courtyard and for 'freestanding' public art in the courtyard is welcomed, as is the proposal to set this as a competition of the University's own art students. **However the 'free standing' art should have some function rather than being 'pedestal art', such as seating or way finding signing and be visible from the adjoining street pavements at the entry points into the courtyard.**

Materials and colours

Being a collection of tall buildings in the centre of the city the quality and detailing of materials needs to be of the highest quality. All materials and details of the main facades and key feature windows should be approved. The proposed use of the 3 tone board cladding is acceptable, however as previously mentioned it has been used too extensively. The proposed grey tone colour also could be very oppressive and does not reflect the strong character of light warm yellow/grey colours of Portland stone, and the stones of Conduit House and former Church of St Peter, nor the character of new buildings recently completed in the Cultural Quarter, such as SeaCity and One Guildhall Square. A lighter and warmer colour of cladding more reflective of Portland stone should be used.

The proposal to highlight some of the projecting bay windows with a colour is welcomed as these lift the more neutral backdrop colour scheme and add interest and a bit of fun. Bold colours should be used that compliment the colours used generally in the Cultural Quarter; the blue/greens and copper greens in particular.

The use of the dark grey engineering brick for the base or plinth detailing is thought to be appropriate **however the rustic style buff made by brickwork (as shown used at the housing scheme Accordia, Cambridge - made by Engels Helden - 'Mystique') is not thought to be appropriate as it is too 'domestic' in appearance and does not reflect the urban or local context. A buff yellow brick that is similar in colour/texture but with 'crisper' smoother texture to the London stock brick prevalent in older buildings in the city (particularly around the Avenue) is thought to be more appropriate.**

The use of white render to the courtyard elevations may create too much glare on sunny days and it is suggested that off white or slightly darker colours are considered. **Render used should be Sto or similar through colour synthetic renders should be used that resist algae growth, repel water and are suitable for use in maritime environments.**

Lighting and Signing

Where possible lighting should be wall mounted or integrated into built surfaces such as walls adjacent to steps. A signing strategy should be developed, coordinated and designed to fit in with the style, materials and colour of the buildings.

Daylight, Sunlight and Overshadowing

As indicated in the report, daylight and sunlight levels to residential properties on the north side of Commercial Road opposite the site are affected, though these are still within BRE accepted levels. The development will overshadow the gardens to these properties. The development itself will create permanent shading of the south side of the courtyard however over 70% of the space will have some sunlight at some point of the year. The Empire Heights development was given planning permission with the knowledge that the 2008 application may be built out. The study at the time indicated that some bedrooms in this scheme would not meet the BRE standard for daylight, however given the urban context it was recognised that flexibility in applying these standards was necessary. **The current proposals place Block B much closer to this development and therefore the daylight levels are further reduced to the bedrooms closest to the proposed development.** Equally those student rooms in the Block B of the proposed development close to Empire Heights, and those north facing in this block, particularly those lower down the building, will not get much daylight or any sunlight. Given that the use is for student

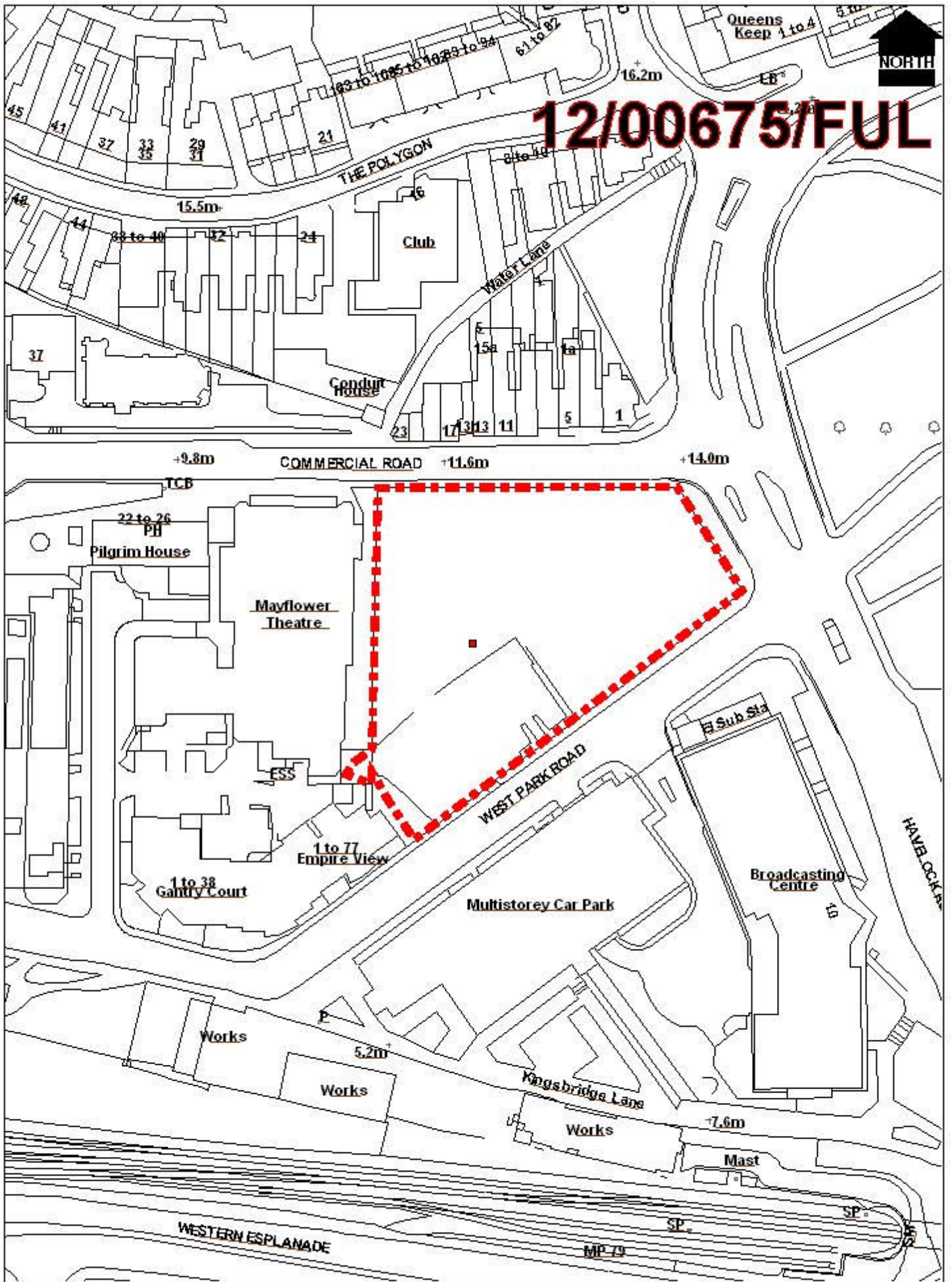
accommodation this is far more acceptable than for permanent residential use. The use of white or light colour render to facades facing the courtyard and Empire Heights will improve light levels through reflected light.

Wind

A consultants report indicates that the proposed scheme does not differ significantly from the previous 2008 application. This previous report indicated that the development of the site was acceptable for general uses, improving the comfort factor for standing and sitting activities and location of some entrance doorways (away from the courtyard entrance on the south side). **The design of landscaping and any sitting areas in the courtyard should take account of potential down drafts and funnelling of the wind through access points from the street. Canopies to entrance ways may improve safety and comfort in the courtyard areas.**

Landscaping

1. I would expect detailed landscape plans to be submitted with the application for a development of this size.
2. A couple of the shrub beds would appear to be over large and might benefit from areas of lawn within them.
3. On the tree selection I think the Fastigate Hornbeams will cast too dense a shade for this site, especially as they spread out with age. We really need trees which cast a light shade, given how much shade there will be from the buildings. Alternatively the designer could select trees that stay fastigate throughout their life.
4. The trees should be semi mature size for a site of this scale.
5. It's over the top to have two species of Hawthorne in such a small scheme.
6. It's not clear why the trees are located straddling the edge of a shrub bed.



12/00675/FUL

Scale : 1:1250

Date : 12 July 2012

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