

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 20 November 2012
Planning Application Report of the Planning and Development Manager

Application address: 100-102 High Road			
Proposed development: Re-development of the site. Four storey building to form student accommodation (9 self-contained studio flats) with ground floor commercial floorspace and associated amenity space, refuse and cycle storage. Outline application seeking approval for Access, Appearance, Layout and Scale with Landscaping reserved. Car free scheme amended following validation.			
Application number	12/01217/OUT	Application type	Outline
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	14.11.2012	Ward	Swaythling
Reason for Panel Referral:	Ward Councillor request and more than 5 letters of objection	Ward Councillors	Cllr Vassiliou Cllr Mintoff Cllr Turner

Applicant: Mr S. Poswall	Agent: Concept Design & Planning
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Recommendation Summary	Delegate to the Planning & Development Manager to approve subject to the completion of a S.106 Legal Agreement
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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. The proposed development has been amended to reduce the quantum and size of the development. The planning permission LPA ref: 12/00033/FUL on the neighbouring 'City Gateway' site is a material consideration in terms of the principle and type of development, the use of a contemporary design solution and a nil car parking scheme to serve the student residents. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the overall viability of the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted following the completion of the section 106 agreement to secure the planning obligations as set out in the report to panel dated the 20th November 2012 in accordance with the following policies:

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

Appendices attached			
1.	Development Plan Policies	2.	Relevant Planning History

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) An occupation restriction to ensure that all residents are in full time higher education in accordance with Local Plan Policy H13(v);
 - ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - iii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport works;
 - iv) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport highway network improvements;
 - v) No student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. A letter to each student of the scheme explaining that students are discouraged from bringing a car with them to university shall be sent prior to each occupation.
 - vi) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5;
 - vii) Submission and implementation within a specified timescale of a Green Travel Plan; and,
 - viii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network is repaired by the developer.

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 (including following ongoing discussion and/or the receipt of an independently verified viability assessment) and to remove, vary or add conditions as necessary.

1.0 Background

- 1.1 This application has been amended following validation. These changes include reducing the height of the building by a storey, reducing the number of student flats from 12 to 9 and the introduction of a ground floor commercial unit to serve the defined local centre. A re-consultation exercise followed receipt of these plans.

2.0 The Site and its Context

- 2.1 This application relates to the redevelopment part of the former Bowers Car Sales site at 100-102 High Road in the defined Swaythling Local Centre. The site has been subdivided and is now in different ownership. It is located at the junction of High Road with Parkville Road adjacent to the Council's former car park upon which development is underway for the part 15 storey 'City Gateway' student residential scheme (LPA: 12/00033/FUL refers).
- 2.2 The rear section of the site is cleared and has planning permission for 13 open market flats (LPA: 07/00312/FUL refers). This permission has recently been implemented and is under construction. The application site is a vacant two storey terraced building with an established retail use on the ground floor and residential above. Following partial demolition of this building the site has become an eyesore.
- 2.3 The character of the area is mixed in terms of land use and architectural styles. The Swaythling Local Centre is characterised by two storey development with retail space fronting the road. The red brick Market Buildings on the opposite side of Stoneham Way/High Road are of three storey construction. They also form part of the defined Local Centre.
- 2.4 The application is located within a defined area of "medium" accessibility, albeit with good access to the Swaythling Railway Station, which is located approximately 240 metres from this site, with existing pedestrian linkages. The application site area measures 0.015 hectares.

3.0 Proposal

- 3.1 Outline planning permission, albeit with only Landscaping reserved for future consideration, is sought for a mixed use development following the redevelopment of the site with a four storey building. The application has been amended as follows:

	12/01217/OUT Submitted	12/01217/OUT Amended
Building Height	Part 3/Part 5 storeys	4 storeys
Residential Units	12 flats	9 flats
Commercial Floorspace	N/A	38sq.m (A1-A5 or D2 use)
Car Parking	Nil	Nil
Cycle Parking	8 spaces	6 spaces

- 3.2 Small scale 'flexible' retail (use classes A1-A5) or D2 uses will occupy the ground floorspace below the residential studio flats. These flats have been identified for occupation by students and will all have access to a private balcony with a westerly outlook overlooking High Road. Given the proposed occupancy by students no affordable housing is provided.
- 3.3 The proposed building has a 4 storey (12.2 metres tall) modern design aesthetic constructed from facing brick with grey fenestration. No parking is proposed and, following the sale of the rear part of the site, there is no space available to accommodate parking to serve the applicant's current site. The application proposes zero parking and whilst described as 'car free' it is possible that occupants will choose to bring a car to University. They will have the same

difficulties that those residents at City Gateway will have in parking their car due to the parking restrictions in place in the locality.

- 3.4 The neighbouring 'City Gateway' development also provides student accommodation for 368 bed spaces (comprising 53 shared 'pods' formed from 348 bedrooms, 4 no.2 bed flats and 12 no.1 bed flats). A public car park located within the courtyard and along Parkville Road serves this development.

4.0 Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 The proposed mixed-use development is in principle considered to provide substantial positive regeneration benefits to the Swaythling Local Centre. At ground floor level appropriate retail is provided that will positively extend and enhance the local centre (Local Plan Policy RE16 and Core Strategy Policy CS3 refer).
- 4.3 Local Plan Policy H13 seeks to ensure that the growth of the City's universities is co-ordinated with the provision of student accommodation.
- 4.4 New development is expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13. In this instance the application will be conditioned to ensure it meets Code for Sustainable Homes Level 4.
- 4.5 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.

5.0 Relevant Planning History

- 5.1 The relevant planning history for this site and its neighbours is set out at **Appendix 2**.

6.0 Consultation Responses and Notification Representations

6.1 Third Party Comment

Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners, placing a press advertisement (23.08.12 and 30.08.12) and erecting a site notice (27.08.12). Following the receipt of amended plans a re-consultation exercise has been undertaken with comments invited by 7th November. A verbal update of any further comments will be provided at the meeting.

- 6.2 At the time of writing the report **15 representations** (2 following the receipt and notification of amended plans) have been received from surrounding addresses including an objection from ward councillors Turner, Mintoff and Vassiliou.

6.3 Relevant planning issues raised and addressed by the comments from the Highways DC Officer and in the Planning Considerations section of this report include:

6.4 Additional flats in this location with no parking will result in cars over-spilling into nearby streets, including Parkville Road (as they currently do following the closure of the public car park). This will prevent access for the existing Parkville Road residents and the emergency services and cause highway safety concerns.

Response

There is no external space associated with this application site outside of the building footprint for car parking. As such, any redevelopment proposals will have nil parking. The wider assessment undertaken by the Council's Highway's Officer, the fact that not every student will bring a vehicle to university given the difficulties and cost involved in doing so, and the presence of maximum car parking standards that accept car-free residential schemes in principle suggest that any overspill can be catered for upon the existing highway network. Furthermore, the Council recently accepted that the 368 study bedrooms forming the neighbouring 'City Gateway' scheme could be delivered with nil parking to serve the student residents. The same conclusion has been reached in relation to these additional 9 study bedrooms

6.5 If approved students should be prevented from bringing a car

Response

This was the Council's initial approach for the 'City Gateway' project but has since been found to be an unlawful approach as any vehicle with a valid tax disk is entitled to park on the public highway.

6.6 The development will, with the 'City Gateway' development turn Swaythling into a student ghetto.

Response

The delivery of 9 additional study bedrooms will provide further choice for students, whilst potentially freeing up a couple of existing shared houses for families thereby assisting in securing a mixed community.

6.7 The proposed design is out of character and alien to the beautifully crafted Victorian buildings along the existing High Street.

Response

Comment noted and discussed below in the context of the comments of the City Design Manager and the Architect's Panel.

6.8 This represents a dense overdevelopment of this small plot

Response

Whilst the proposed density is high (especially given the relatively small footprint of the site) the form of development is considered to respond well to this corner site and the neighbouring tower scheme ('City Gateway').

- 6.9 There is no need for additional student accommodation. It is likely that they will become sub-standard private flats (when student tenants cannot be found) and car ownership will then be higher.

Response

This assumption is not supported with the necessary evidence. Furthermore, an application would be required to lift any student occupancy restriction imposed (as recommended) and on this basis the Local Planning Authority retains control over the type of subsequent occupancy that the building may support in the future.

- 6.10 With 2 developments already under construction Parkville Road cannot accommodate a third and, if approved, the construction phase should be delayed until after the 'City Gateway' project. The noise, dirt, dust, mud and mess will be intolerable.

Response

The impacts of the construction phase are controlled (and subsequently monitored) by the Local Planning Authority and the attached planning conditions. Whilst an overlap in the construction phases of all 3 schemes may be possible (and the combined impacts noted) the delivery of this project would be delayed due to the need for further reserved matters approvals and the clearance of the pre-commencement planning conditions. That said, it would be unreasonable for the Council to withhold permission until the City Gateway development has completed.

- 6.11 The lack of retail re-provision will harm the local centre.

Response

An amended scheme has been submitted which replaces 2 ground floor studio flats with some 40sq.m of flexible commercial space in accordance with LPR saved Policy REI6.

- 6.12 Impact on residential amenity – including loss of light, overlooking and overshadowing.

Response

Comment noted and discussed below.

- 6.13 This will set a precedent for other property along High Road to be converted.

Response

Any subsequent planning application will be determined on its own planning merits, whilst acknowledging that these proposals (and the 'City Gateway' approval) will form a material consideration. This in itself is insufficient to warrant a planning refusal as no harm has been quantified.

- 6.14 Little thought has been given to the student drop-off/collection days and how this parking will be managed.

Response

This can be resolved through the S.106 legal agreement. The applicants have suggested that they will have access to a single parking space serving the neighbouring 07/00312/FUL development which could be used to manage arrivals/departures.

- 6.15 The development will result in late night disturbance along High Road and Parkville Road.

Response

There is no evidence to suggest that this will be the case and any nuisance caused by residents can be controlled through other regulatory powers.

- 6.16 Consultation Responses

Highways DC – No objection raised following the receipt of amended plans. The visitor cycle parking lacks natural surveillance and the refuse store cannot open outwards across the public highway (as shown). Planning conditions are proposed to resolve these issues.

- 6.17 *Note: In consideration of the ‘City Gateway’ planning application (LPA: 12/00033/FUL refers) the Highways Officer noted that the erosion of controls on students bringing cars to this university accommodation leaves a risk of parking associated with these students over spilling into neighbouring streets. Previous Transport Assessments have concluded that using data from other locations it can be assumed that up to 42 students may bring a car with them to the Swaythling Gateway site, based upon 368 students being resident at this location. The developer is including works to the Market Buildings car parking area to maximise use of this space. The overall conclusion is that there will be overspill parking, which will affect neighbouring streets. The parking surveys conducted previously have, however, indicated that there is spare on street parking capacity. This on street availability is remote from the site, and this in itself will deter some students from bringing a car to University. Coupled with the convenience of the Uni-Link bus service and the free pass given to all students within this accommodation, and the lack of parking at the University campus, and safe cycle storage both at this site and the University, students have good free alternative travel options, including walking. The options will therefore affect the decision of some students who may have thought of bringing a car to Southampton, despite the advice from the University not to do this.*

- 6.18 **SCC City Design** – The site occupies a prominent position at the foot of Stoneham Lane and so a robust design solution is important, providing an end stop to the view but also leading the eye both westwards towards the two-storey urban linear development of Stoneham Way and eastwards to the increasing height of proposed new student tower and its adjoining development. This two storey urban development has a strong character; these have relatively deep plots and have potential in the longer term for some redevelopment at a greater height than existing. The two storey semi-detached houses to the north of Swaythling Way, opposite the site, have a raised ground level. This and the relative width of Stoneham Way would make it acceptable to have a taller development on the site. Detailed comments:

- 6.19 The reduction in the height of the development’s south wing does seem an unnecessary compromise in relation to the existing development to its west, and compromises the impact this scheme would have on the approach from Stoneham Lane. The scheme would make a more appropriate response with a consistent skyline across the whole development at either 4 or 5 storeys;

Response

The applicants have amended the scheme and now propose a full 4 storey development

- 6.20 The northeast facing flank wall to the development is also very prominent in approaches from Stoneham Lane and from the north along Stoneham Way, where its east facing elevation presents itself square on to this approach. The house on the junction at 312 Honeysuckle Road has its front door on this northeast facing elevation and although partially hidden behind a hedge the upper floor windows are clearly evident facing outwards in this direction. The proposed scheme needs to do more to strengthen its elevation in this direction. This might be achieved by projecting a bay window feature from first floor to the upper most floor with full height windows facing northwest and southeast and with the brick balcony feature running round the corner in line with the projecting wall of the bay feature. This would add interest and depth to this elevation without compromising the overlooking with the proposed student development as well as improving light into the studio rooms;

Response

The applicants have amended the scheme by adding a commercial unit to the ground floor with glazing used to turn the corner. Balconies have been recessed and fenestration changes assist in achieving the required change.

- 6.21 The balcony looks to be about 850 mm deep which is barely wide enough for a chair, to be a useable amenity space you should be able to sit comfortably on it – it would benefit from being wider;

Response

The applicants have increased the size of the balconies where possible.

- 6.22 **SCC Architect's Panel** – These studios offer a relatively poor living environment, particularly on the ground floor, and changes are needed to improve the design. The main residential entrance should be separated from the one serving the refuse store and would benefit from a canopy, the building should respond better to this corner location and a 4 storey development would lessen the impact of the blank gable (southern elevation) when viewed from south of the local centre.
- 6.23 *Note: All suggested changes have been made including the removal of accommodation from the ground floor. In response to the quality of the accommodation proposed the units all have a westerly aspect (thereby receiving afternoon sun) and a balcony. The Council does not have minimum floorspace standards for student accommodation but the proposed studios range in size from 19-26sq.m, which are consistent with the size of other similar accommodation being consented across the City.*
- 6.24 **SCC Housing** – confirm that as this application is for student accommodation there will be no affordable housing requirement. A restriction should be used, via the S106 agreement, to restrict the occupation of the units to students only on all initial and subsequent lettings.
- 6.25 **SCC Sustainability** – No objections subject to the use of planning conditions to secure a Code Level 4 development (as per the pre-estimator)

- 6.26 **SCC Ecology** – No objection. The application site has minimal biodiversity value whilst the surrounding area has high levels of artificial illumination and negligible amounts of vegetation. As such, the proposed development would have minimal impact on local biodiversity.
- 6.27 **SCC Environmental Health (Pollution & Safety)** - No objection subject to the imposition of appropriate planning conditions relating to noise attenuation and hours of construction.
- 6.28 **SCC Environmental Health (Contamination)** - No objection raised subject to the imposition of appropriate planning conditions. This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC indicate that the subject site was a former garage and, therefore, there are associated potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 120 & 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.
- 6.29 **SCC Archaeology** – The site is in an area of high archaeological potential. The main Roman road between the Romano-British settlement at Bitterne Manor and Winchester runs directly to the east of the site. The site is also on the projected line of the mediaeval road of *Burger's Strete* (modern Burgess Road) which was the only made road outside the mediaeval town and is also believed to follow a previous route of a Roman road. However, looking back at the historic maps it is apparent that this particular site has previously been developed on at least two separate occasions, which is likely to have removed any in-situ archaeology. Consequently, should planning consent be granted, I would not recommend that any archaeological conditions are attached.
- 6.30 **SCC Skills, Economy & Housing Renewal** – There is no requirement for an employment and skills plan.
- 6.31 **BAA** - No safeguarding objections to the proposed development subject to planning informatives being added regarding landscaping and cranes
- 6.32 **Southern Water** - No objection subject to the imposition of appropriate planning conditions.
- 6.33 **The Environment Agency** – No objection.

7.0 Planning Consideration Key Issues

- 7.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of mixed-use development;
 - ii. The design approach & its impact on the established character;
 - iii. Highways and parking;
 - iv. The impact on existing residential amenity;
 - v. Proposed living accommodation; and,

vi. The requirement for a S.106 Agreement and the provision of affordable housing.

7.2 Principle of Mixed-Use Redevelopment

- 7.2.1 As with the 'City Gateway' proposals the principle of this type of accommodation is supported by saved Policy H13 (Student Accommodation) and is well suited for the site and the Swaythling Local Centre. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply.
- 7.2.2 Policy CS3 states that new development must be at a scale appropriate to the size and role of the centre, and identifies Swaythling as being served by a 'Local Centre' that meets 'day to day' needs for the immediate neighbourhood. The Policy is permissive of new development to protect the vitality and viability of these existing centres. Following the receipt of amended plans that show a commercial unit on the ground floor (rather than 2 additional studio flats) the scheme is consistent with the requirements of Policy CS3 and saved LPR Policy REI6 which adds that in order to maintain and, where possible, enhance their role of serving the daily needs of the local population, development proposals will be permitted in Local Centres if the use falls within classes A1, A2, A3, A4 or A5, or provides appropriate leisure, social or community uses, or the use is for residential purposes (but not at ground floor level). The supporting text to this policy adds that *'these centres require investment'*. The amended scheme is wholly compliant with this policy framework and a planning condition (consistent with that attached to the City Gateway commercial floorspace) is recommended to control the hours of opening for the ground floor unit.
- 7.2.3 The re-use of this previously developed land with a mixed-use (residential-led) proposal is consistent with the requirements of 'saved' Local Plan policies H2 and H13 as supported by policies CS3, CS5 and CS10 from the Council's adopted LDF Core Strategy (2010) and the national guidance identified above.

7.3 Design Approach & Impact on Character

- 7.3.1 The proposed design approach should be assessed against the development plan unless other material considerations dictate otherwise.
- 7.3.2 In particular, the NPPF states that *'good design is a key aspect of sustainable development, is indivisible from good planning, should contribute positively to making places better for people'* (paragraph 56 refers). It adds that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'* (paragraph 64 refers).
- 7.3.3 At the local level Local Plan Policy SDP7 states that *'development which would cause material harm to the character and/or appearance of an area will not be permitted'*. The supporting text explains that *'context is about understanding the uses, visual characteristics and the patterns of local life of an area'* (paragraph 2.49 refers). The Council's Residential Design Guide SPD explains that one of its key objectives is to positively enhance local character. In line with national urban

design guidance the RDG recognises that the scale, massing and appearance of a dwelling or a group of dwellings should create a '*balanced composition*' in relation to each other and be in harmony with existing nearby development (paragraph 3.9.5 refers).

- 7.3.4 In terms of immediate context, it is clear that only a building of two-storey scale would truly respect the existing Swaythling Local Centre's defined character. However, it does not follow that development of a greater scale and massing will automatically be viewed as alien or harmful to a given context. In particular, the Local Centre is in a transition period with the commencement of works on the 'City Gateway' project. In time this will result in a part 5/part 6 storey wing framing a 15 storey tower on the island site adjacent to this application site. This is material to the Council's consideration in this case. Furthermore, Market Buildings is 3 storeys and will be read in the same context as this development. The application site itself sits at the junction of Parkville Road with High Road and closes the vista from Stoneham Lane. As such, some additional height is entirely appropriate in principle. Following the receipt of an amended plan the proposed 4 storey development is considered to respect the overall context and this conclusion is shared by the City Design Manager and the Architect's Panel.
- 7.3.5 The current application enables the applicant to make better use of this previously developed land and assists the Council in addressing its housing requirements. The application is, therefore, considered to have addressed the requirements of local and national design guidance identified above and supported by Local Plan policies SDP6, SDP7, SDP8 and SDP9 as supported by Core Strategy Policy CS13.

7.4 Highways and Parking

- 7.4.1 Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes and Swaythling Train Station. It is also the issue that every objector to the planning application has raised.
- 7.4.2 The Local Plan, as supported by the Parking Standards SPD (2011) aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. It supports a maximum parking requirement of 1 parking space per studio flat (in areas of medium accessibility) but accepts that schemes offering nil parking are also acceptable in principle.
- 7.4.3 As with the residential element of the 'City Gateway' scheme a 'car free' scheme with nil parking is proposed for this student residential use. This is acceptable in principle given the Council's current adopted maximum parking standards, the decision to approve the neighbouring 'City Gateway' scheme on Council land, and the fact that the site physically has no space for associated parking. This means that any proposed use will have zero parking and would attract the same opposition for doing so. It also means that a planning refusal will, potentially, result in the site remaining as undeveloped and continuing to harm the vitality and appearance of the local centre. A pragmatic approach is, therefore, required providing that, in taking it, the resultant development does not harm the character of the area, existing residential amenity, or highway safety.
- 7.4.4 It was previously the case that, when the Council determined the 'City Gateway' scheme the applicants expected a worse case overspill of 42 cars owned by students from the development. This figure was arrived at following an evaluation

of similar schemes and assumed no student car ownership eviction clause was in place. The applicant's survey work concluded that the highway network around the application site (including Stoneham Lane, Willis Road and Phillimore Road) on any given evening would, typically, have capacity for some 59 additional vehicles to accommodate any overspill. Members will recall that this spare capacity was to be supported by improvements to, and a more efficient layout of, the Market Building's frontage parking with the delivery of some 10 additional spaces (ie. up to 37 to this frontage).

7.4.5 In summary, therefore, in the Council's favourable determination of application 12/00033/FUL both officers and the Panel were content that there is spare capacity (ie. 59 public 'on-street' spaces excluding the 37 or so controlled spaces at Market Buildings) to deal with the likely worse case parking overspill from the 'City Gateway' development of some 42 vehicles. The same conclusion follows in respect of this development.

7.4.6 The commercial unit will be served by the wider public car parking associated with the 'City Gateway' scheme which comprises a minimum of 36 public spaces within the dedicated car parking courtyard and along Parkville Road.

7.5 Impact on Existing Residential Amenity

7.5.1 Given the building's proposed siting, westerly outlook and use of high level windows it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of loss of privacy. Any shadow caused by the additional height will fall across Parkville Road and the parking serving the neighbouring developments. As such the application is again considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

7.6 Living Environment

7.6.1 The site is located at a major highway junction and close to the railway line. As with the 'City Gateway' proposals the potential for noise nuisance to prospective residents is, therefore, significant. As with the neighbouring scheme a high specification acoustic glazing system can be secured with a planning condition to mitigate against this impact. Furthermore, the westerly aspect of the flats will mean that noise transfer from Thomas Lewis Way and the railway have, to a large extent, been designed out as a constraint to development.

7.6.2 In accordance with the Council's current external space standards a 9 flat scheme should be supported by some 180sq.m of amenity space that is "fit for its intended purpose" (RDG paragraphs 2.3.14 and section 4.4 refer). This standard is not applicable *per se* to student housing and cannot be achieved on a scheme of this nature (and is more than the red-line footprint of the application site). Its use would make any such scheme undevelopable. A degree of flexibility is therefore recommended (as was the case with the 'City Gateway' scheme). In this instance, the amenity space provision will be met by a private balcony serving each flat. That said, these units are not for private market accommodation and will serve a student need. As such, an exception to these requirements can be afforded, especially as 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 can be secured through the proposed S.106.

7.7 Section106 Legal Agreement

- 7.7.1 In the event that the recommendation is accepted the applicants have been advised to enter into a S.106 Legal Agreement with the Council in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts.
- 7.7.2 A development of this scale would normally trigger the need for 20% 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). It is recommended that delegation is given to the Planning and Development Manager to resolve any subsequent viability issues.

7.8 Summary

- 7.8.1 In summary, this application seeks to provide a further 9 student bedspaces and the offer of improved modern commercial floorspace to support the Swaythling Local Centre. Whilst the local opposition to the scheme is noted, particularly in terms of overspill parking and the objection to the introduction of a four storey building into a two storey terrace, the scheme needs to be assessed on its own individual merits. The recently approved neighbouring developments, and particularly the approval of 368 bedspaces on the Council's former Parkville Road car park, form a material consideration in the Council's deliberations.
- 7.8.2 In terms of parking it is considered that, as with the City Gateway project, overspill parking from the development may occur, but that this may be reduced by access to on-site cycle parking, and the inconvenience of having to park a car away from the development and out of sight. It is also considered that any overspill parking that does occur can be accommodated within the existing public highway network without resulting in highway safety issues. This conclusion was accepted for 'City Gateway' and is equally relevant to the current proposals. Furthermore, as the applicant's landownership extends to the existing building only with no external space it is the case that any redevelopment proposals for this site will also be free of parking. Alternatively, if redevelopment proposals are not supported, it is possible that the site will remain undeveloped and an eyesore within the existing streetscene.
- 7.8.3 In terms of design, the scheme's recent amendments have sought to address the policy objections and the comments of the Council's City Design Manager and Architect's Panel. A four storey development assists the terrace to turn the corner and responds well to the five/six storey wing associated with the 'City Gateway' project on the opposite side of Parkville Road. The significant regeneration benefits of both proposals and further provision of a specialist form of housing proposed should be afforded due weight in the Council's final decision. As such, the application is acceptable and is recommended for approval subject to the terms as set out in this report.

8.0 Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

SH2 for 20/11/12 PROW Panel

SUGGESTED PLANNING CONDITIONS to include:

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission is hereby granted for a mixed use redevelopment comprising 9 flats and ground floor commercial floorspace within a four storey building with approval granted for the LAYOUT, SCALE, EXTERNAL APPEARANCE and ACCESS, subject to the following:

- (i) Written approval for the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works associated with that building taking place on the site:
 - the LANDSCAPING of the site specifying both the hard, soft treatments, means of enclosures, lighting and their associated maintenance;
- (ii) An application for the approval of the outstanding reserved matter as it relates to the development shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission;
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

REASON:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Approved Plans

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

Reason:

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

03. APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window reveals, doors and roof of the building have been

submitted to and approved in writing by the Local Planning Authority. These details should include a commitment to using an anti-graffiti finish (where feasible) to the ground floor level. Development shall be implemented only in accordance with the agreed details.

REASON:

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

04. APPROVAL CONDITION - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the non residential uses hereby approved on the ground floor shall retain an 'active window display' along the length of the glazed shop frontages hereby approved (without the installation of either window vinyls or roller shutters).

REASON:

In the interests of retaining a lively and attractive streetscene.

05. APPROVAL CONDITION - Servicing

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

REASON:

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

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

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

- 6:30am and 10:30pm (Monday to Saturday) and 7am and 10pm Sundays, Bank and/or Public Holidays

REASON:

In the interests of existing and proposed residential amenity and to ensure consistency with the City Gateway proposals approved under LPA ref: 12/00033/FUL

07. APPROVAL CONDITION – ‘Dual Use’ Retail Floorspace Restriction

The "dual A1 (retail) and/or A2 (financial/professional) and/or A3 (restaurant) and/or A4 (restaurant) and/or A5 (takeaway) and or D2 (assembly and leisure) use" hereby applied for and permitted for the ground floor non-residential part of the development shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 (as may be subsequently amended) 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.

REASON:

To provide flexibility to the commercial offer whilst ensuring the vitality and viability of the Swaythling Local Centre in accordance with LPR saved Policy REI6..

08. APPROVAL CONDITION – Noise Attenuation

Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development, windows and ventilation systems shall be provided to achieve the sound reduction levels of:

37dB(A) for living rooms overlooking Stoneham Way

42dB(A) for bedrooms overlooking Stoneham Way

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

43dB(A) for bedrooms overlooking Thomas Lewis Way

REASON:

As offered in the applicant's Design and Access Statement to protect occupants of the student accommodation from traffic and railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

09. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

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

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

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

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

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

REASON:

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

10. APPROVAL CONDITION - Demolition and Construction Method Statement

Before any building works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Method Statement (DCMS) for the development. The DCMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved DCMS 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.

11. APPROVAL CONDITION - Refuse & Recycling Bin Storage – Pre-commencement

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with revised plans that shall have been submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. All storage shall be located and retained inside the building and presented 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.

12. APPROVAL CONDITION - Cycle Storage - Pre-commencement

Cycle storage for a minimum of 6 residents cycles and a visitor cycle space shall be made available prior to the occupation of the development in accordance with revised plans that shall have been submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. 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.

13. 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.

14. APPROVAL CONDITION - Use of uncontaminated soils and fill

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

REASON:

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

15. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

REASON:

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

16. APPROVAL CONDITION - Code for Sustainable Homes

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

17. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

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

18. APPROVAL CONDITION – Foul and Surface Water

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

REASON:

In the interests of securing appropriate drainage to serve the development.

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 sewerage system 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 – Cranes (BAA)

Given the nature of the proposed development it is possible that a crane may be required during its construction. The BAA 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).

Planning Policy Context

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006) – Saved Policies

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
CLT5	Open Space in New Residential Developments
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
H13	New Student Accommodation
REI6	Local Centres
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards (2011)

Other Relevant Guidance

National Planning Policy Framework (2012)

Relevant Site History

100-102 High Road – includes the Bower's Garage

08/00435/LDCE Conditionally approved 04/06/08

Application for Lawful Development Certificate for continued use of a self contained first floor flat

08/00094/FUL Conditionally approved 10/04/08

Change of use of ground floor from Use Class A1 (Retail) to Use Class A2 (Financial and Professional Services) with residential retained above, demolition of rear extension and alterations to rear including re-positioned bin store (amendment to previous planning permission ref. 07/00312/FUL)

07/00312/FUL Conditionally approved 18/10/07

Redevelopment of the site. Demolition of the existing buildings, erection of a two-storey building for retail use fronting High Road and a three/two-storey block of 13 flats at the rear (8 one-bedroom, 4 two-bedroom, 1 three-bedroom flats) with associated parking

06/01600/FUL Refused 19/01/07

Redevelopment of the site by the erection of a two-storey building for retail use fronting High Road and a three/two-storey block of 13 flats at the rear (6 one- bedroom, 5 two-bedroom, 2 three-bedroom flats) with associated parking following demolition of the existing buildings

84/01096/FUL Conditionally approved 03/04/84

Use of ground floor for sale of cars and accessories

Parkville Road Car Park ('City Gateway')

07/01702/SCR Confirmed this is not a development requiring EIA 13/11/07

Request for a Screening Opinion under Regulation 5(1) (for SCR) 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 used development

08/01489/FUL Conditional Approval 09.01.09

Redevelopment of the site. Demolition of the existing buildings and erection of new buildings (part two-storey, part three-storey, part four-storey and part fourteen storeys) to provide a mixed use development comprising a Medical Centre, community use, retail use and 81 flats (40 x two-bedroom, 41 one-bedroom) with associated parking, landscaping and access facilities (amended application to ref. 08/00081/FUL to include additional land).

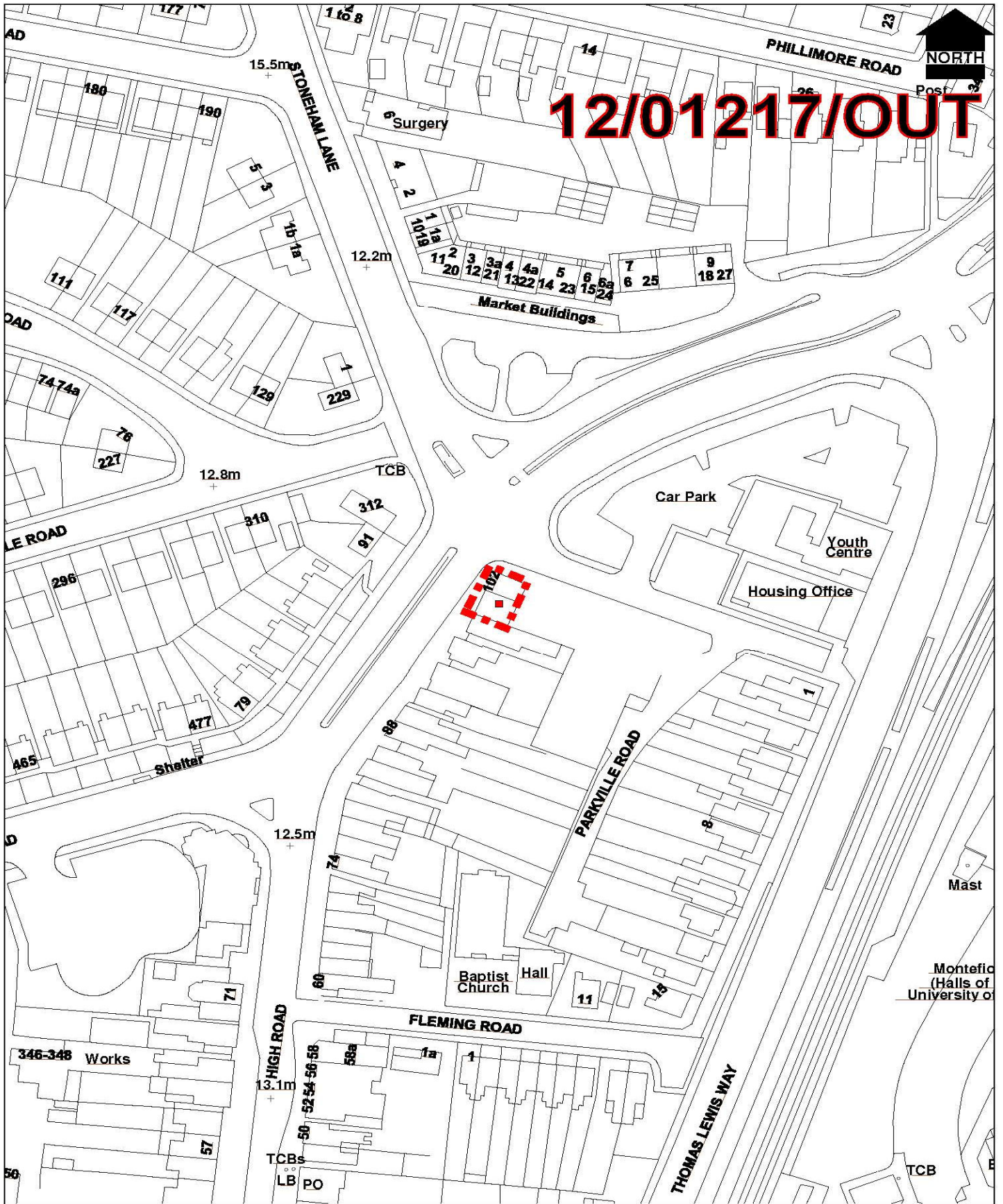
11/00204/FUL Conditionally Approved 30.09.2011

Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food

and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.

11/00033/FUL Conditionally Approved 30.04.2012

Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway. (Amended scheme to planning permission reference 11/00204/FUL excluding any student car ownership restriction clause).



12/01217/OUT

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Date 07 November 2012

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