

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 22nd July 2014**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land at Vermont Close			
<b>Proposed development:</b> Redevelopment of the site. Erection of two new buildings ranging in height from two storeys to four storeys, to provide 26 student flats (120 bedrooms), with associated refuse, cycle store and parking following demolition of existing workshop/stores (outline application seeking approval for access, layout, scale and appearance)			
<b>Application number</b>	14/00429/Out	<b>Application type</b>	Out
<b>Case officer</b>	Andy Amery	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	21.08.2012 (PPA)	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	5 or more objections and 3 ward councillor requests	<b>Ward Councillors</b>	Cllr Hannides Cllr L Harris Cllr B Harris

<b>Applicant:</b> Mrs A Hauser	<b>Agent:</b> Concept Design & Planning - FAO Mr Rob Wiles
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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**Reason for granting Permission**

The development is considered acceptable when placing significant material on the recent appeal decision which took into account the policies and proposals of the Development Plan as set out below.

The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking was deemed to be acceptable in that decision. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the applicants addressing of the tree issue raised by the Inspector and the applicants entering into a S106 agreement. The officer's original assessment and third party response to the scheme have been fully considered but are not considered to outweigh the decision made on appeal. The need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing has also been taken into account. 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, 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.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	Inspectors Decision Notice		

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
  - i. 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. 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;
  - vii. A Site Waste Management Plan;
  - viii. Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNilink bus passes to all residents;

- ix. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
  - x. Submission and implementation of a Training and 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;
  - xi. 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;
2. In the event that the S.106 Legal Agreement is not completed within two 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.
  3. 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 is a resubmission of a virtually identical scheme refused under officers delegated powers in February 2013. The original submission 12/01758/Out was refused on six specific grounds:

### **1. Scale, Height, Massing, Site coverage, Character, Overdevelopment.**

The scale, height and overall massing of the proposed buildings would introduce a visually dominant building form which would be out of scale and character with its immediate context of the smaller scale school buildings and leisure facility which are all located to the west of the residential units in Vermont Close and are all served by the same narrow access track.

The buildings would be visually dominating and overbearing when viewed from the adjacent school and its playground due to the significant change in levels between the sites, and when viewed along the Vermont Road access route from Winchester Road from where the current openness of the site and mature tree planting adds positively to the character and setting of the wider street scene given the attractive low density, open, spacious, well landscaped edge of suburb character.

The proposals are therefore contrary to policies SDP1 (i), SDP7 (i, ii, iii, iv and v) SDP9 (i, ii, iv, and v), H2 (i and iii) and H13 (iii) of the City of Southampton Local Plan Review 2006 and Policy CS13 of the Core Strategy 2010.

### **2. Impact on the character and amenity of the area.**

The quantum of 120 bed-spaces is not considered appropriate for the location of the site. The site is not located within a high accessibility area nor is it within immediate proximity of the range of facilities the occupants would need to access for day to day

living needs. The site is located within a relatively quiet residential enclave with relatively narrow access roads serving residents of Vermont Close, two modest scale local schools and a small scale leisure facility.

Given the lack of parking and servicing provided on the site all residents would need to walk or be driven through the existing residential cul-de-sac to gain access to the university, the nearest shopping facilities and to access public transport. The introduction of a 120 bed student accommodation block will therefore significantly alter the levels of activity associated with the site to the detriment of the quiet amenity currently enjoyed by residents. In particular, given the relative remoteness of the site from evening economy facilities it is likely to introduce noise and activity during the evening and night-time period.

The proposals are therefore contrary to policies SDP1 (i) and H13 (iii) of the City of Southampton Local Plan Review 2013 and CS13 of the Core Strategy 2010.

The proposed siting and layout of the buildings fails to have adequate regard to safeguard the protected trees of the site.

The trees on and adjacent to this site are protected three different Tree Preservation Orders:-

- The Southampton (Winchester Road - Bassett Crescent West) Tree Preservation Order 1965
- The Southampton (Vermont Close) TPO 1988
- The Southampton (land at Vermont Close) Tree Preservation Order 2012

The proposed buildings within the Root Protection Area and beneath the crown spread of protected Pine trees to the rear eastern boundary. This is contrary to BS 5837:2012 and not considered acceptable in tree terms.

The suggested reduction of branches is not appropriate on arboriculture grounds and is only proposed to provide clearance from the proposed building.

The site and layout of the buildings fails to allow adequate clearance to avoid future conflict with occupiers of the building due to potential excessive shading to the buildings and also an overbearing presence on future occupants, cause nuisance from falling debris.

Due to the proposed siting of the buildings it is considered that construction would be likely to cause direct damage to protected trees and will require unnecessary crown reduction of several trees.

The proposals are therefore contrary to Policies SDP7 (i) and SDP12 of the City of Southampton Local Plan Review 2006

### **3. The proposed siting and layout of the buildings fails to have adequate regard to safeguard the protected trees of the site.**

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The proposals are therefore contrary to Policies SDP7 (i) and SDP12 of the City of Southampton Local Plan Review 2006

#### **4. Impact on character from demands for car parking, and servicing of the site**

The level of parking and servicing space shown to serve the development is considered to be inadequate and inappropriate given the low accessibility location of the site and the number of students proposed to be accommodated.

The provision of 120 student bed spaces has the potential to introduce significant additional traffic movements and increase demands for on-road parking within the immediate area. Notwithstanding existing permit controls in Vermont Close, up to 120 students would have the ability to park on the public highway outside the controlled time periods or in accordance with the short term day time parking allowed. This would conflict with other uses and users of the area including two schools and a leisure facility and significantly change the character of what is a quiet, verdant residential area

The proposals are therefore contrary to policies SDP1 (i), and H13 (iii) of the City of Southampton Local Plan Review 2006.

#### **5. Design and Layout**

Notwithstanding the other matters of scale, massing and height, the design of the buildings incorporates an 'undercroft' feature which is a wholly alien feature within the building forms on adjacent and nearby sites and is more a feature of higher density urban centre schemes than a sub-urban edge of residential location.

The layout would also create an internal amenity space that would be on the northern side of three and four storey buildings gaining little direct sunlight and is at variance with the openness and soft landscape spaciousness that forms the setting of the taller flats within Vermont Close. The layout and quantum of the space is not

considered to provide an adequate external environment for the 120 students proposed.

This relationship between the building form and its 'amenity space' highlights that the scheme represents an overdevelopment of a relatively small and constrained site and would give the appearance of a cramped layout which would be out of character with the area.

The proposal is therefore contrary to policies SDP7 (i, ii, iii, iv and v), SDP9 (iv and v) of the City of Southampton Local Plan Review 2006 and Policy CS13 of the Core Strategy 2010

**6. In the absence of a completed Section 106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in that they fail to make appropriate developer contributions or the necessary obligations including:**

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);  
Amenity Open Space ("open space")  
Playing Field;
- iv. The restriction of the occupation of the buildings to students only.
- v. The submission, approval and implementation of a scheme for on-site management including an on-site contact for local residents.
- vi. The submission of a highway condition survey prior to the demolition of the existing buildings and its subsequent reinstatement;
- vii. Submission and approval of a travel plan including measures for students arriving and departing at the beginning and end of term
- viii. Parking permits restrictions.
- ix. Submission of a construction traffic management plan.

A copy of the Inspector's decision notice is attached as an appendix to this report and addresses each of the Council's reasons for refusal in turn.

## **1. The site and its context**

- 1.1 The site was recently sold at auction by the Council. It historically formed a small scale store/depot with a range of single storey utilitarian buildings with a hard surfaced compound. It is located beyond a quiet residential enclave which comprises a mix of flatted blocks and houses with mature landscaping. Beyond the site the levels drop to an adjacent school served by a narrow access route which also serves as vehicular access to a specialist school and for pedestrians and cyclists access to the Sports Centre.
- 1.2 The mature and protected trees surrounding the site are an important feature within the street and form an attractive backdrop to the flats and houses in Vermont Close and a screen to the adjacent school which sits a lower level than the site (in the region of 2m difference).
- 1.3 The site is to the west of Vermont Close and in terms of visual context and functional access (as well as historic use) relates more to the buildings on the western side of Vermont Close rather than the taller flats close to Winchester Road which the applicant has taken as the main reference for the height of the proposals.
- 1.4 Vehicular access is from a narrow and banked track off Vermont Close which also provides access to two schools and a leisure facility (swimming pool).
- 1.5 The land was deemed surplus to Council needs in November 2010 and sold at auction on 21 February 2013.

## **2. Proposal**

- 2.1 Outline planning permission is sought for the redevelopment of the site to provide university halls of residence style accommodation in two separate blocks of predominantly three and four storey in height and arranged as 26 'cluster flats', with a total of 120 bedrooms.
- 2.2 The cluster flats are mainly arranged in groupings of six bedrooms sharing communal dining, kitchen and bathroom facilities.
- 2.3 There is no provision for parking within the scheme but a vehicular access located in the same position as the former Council depot access is provided to facilitate servicing and drop off of students on arrival and departure. 60 secure cycle spaces are shown within the central courtyard in accordance with the Council's adopted standards.
- 2.4 Site coverage of the footprint of the buildings is 43% which is less than the maximum 50% set out in the Council's policies.
- 2.5 The nearest residential buildings are to the north and east within Vermont Close at a distance of approximately 20m. The existing mature tree boundary will provide a

significant screen between the existing residential dwellings and the new development for long periods during the year.

- 2.6 The nearest bus routes are located in Winchester Road to the south east of the site but served by a segregated and illuminated footpath leading from opposite the entrance to the site to Winchester Road. The route is largely screened from Vermont Close itself by mature landscaping.
- 2.7 The buildings are not dissimilar in scale, height and proportion to the flatted blocks which already exist within Talbot Close and Vermont Close. They represent flat roof buildings forming a perimeter block fronting Vermont Close and the un-named track to the south set within courtyards and mature tree planting. For purposes of fire escape and circulation each 'building' forms two distinct accommodation blocks.
- 2.8 **Block A** fronts Vermont Close and is the northern most element of the scheme and the closest to houses in Vermont Close. This block is three storey with a 9m roof height. Access is from the rear courtyard
- 2.9 **Block B** fronts Vermont Close. This block is four storey with a 11.6m roof height.
- 2.10 **Block C** sits at the corner of Vermont Close and the un-named track serving the school sites. This would be the most prominent element of the building and would be the element visible when viewed from Winchester Road. This block is four storey with a 11.6m roof height.
- 2.11 **Block D** sits along the boundary adjacent to the school and is predominantly three storey but with a small two storey projection adjacent to the school boundary.
- 2.12 A mix of modern and traditional materials are proposed including buff brick, white render and a green roof.

### **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**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> 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



#### **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 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 (18.03.14) and erecting a site notice (21.03.14).

At the time of writing the report **58** representations have been received from surrounding residents and Ward Councillors:-

#### **5.2 Third Party Comment**

The following planning-related issues have been raised by Local Residents and Ward Councillors:

- The area is populated by generally older residents and is not suitable or appropriate for students – it cannot accommodate numbers of this level without having a significant impact on the character and amenity and quality of life of those residents.
- The development will introduce significant increases in traffic and parking into an area that will conflict with existing school and leisure uses and the quiet residential character of the area.
- The bulk and massing of the buildings is too dominant and out of character.
- There will be noise and disturbance to neighbours with anti-social behaviour in the evening as revellers return to the site.
- The site is not located close to the University or facilities that students will need day to day access to.
- There will be an adverse impact on trees and wildlife.
- Anti-social behaviour will increase.
- Overlooking and loss of privacy for existing residents and the school grounds.
- A poor design which is too tall and looks like an 'eye-sore'. This is an over-intensive use of the site.
- There will be foul water drainage issues as the existing network does not have capacity.
- The proposals show a pedestrian access which crosses privately owned land and would not be made available.

#### **Consultee Comments**

5.3 **SCC Highways** – Remain of the opinion that the location of the development is not appropriate for this many students given the low accessibility of the location, the lack of immediate access to facilities for day to day needs, the lack of parking on site, the potential for increased traffic within the vicinity of the site and the lack of management/servicing arrangements. The comments and the conclusion of the Inspector are noted however.

- 5.4 **SCC Sustainability Team** – Objection raised. The development will be required to meet BREEAM ‘Excellent’.
- 5.5 **SCC City Design Manager** – No objections to the scale of buildings but considers design and layout could be revised to achieve a better solution in terms of on-site amenity of occupiers of the student units and the character of the area. The Inspector’s comments and conclusions are noted however.
- 5.6 **SCC Trees** - based on additional information provided by the applicant and points clarified following the appeal decision prior to submission of the re-submitted application, objections are no longer raised but conditions are required to be imposed and enforced.
- 5.7 **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.
- 5.8 **SCC Ecologist** – Following the submission of a full bat emergence survey there are no significant biodiversity issues associated with the re-development of this site.
- 5.9 **SCC Contaminated Land** - Regulatory Services considers the proposed land use as being sensitive to the effects 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.

## **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 a student building development in this location;
  - ii. The scale and design of the proposals and its impact on the established character including trees;
  - iii. The impact on existing and proposed residential amenity;
  - iv. The quality of the proposed living environment;
  - v. The level of on-site parking and its impact on highway safety; and,
  - vi. The requirement for a S.106 Agreement
- 6.2 The proposals are as considered previously by officers when refusing the scheme on six clear and separate grounds.
- 6.2.1 The only changes to the proposals have been the additional reports relating to trees, ecology and sustainability. These reports have been considered and satisfy the requirements of the material planning considerations therein.

- 6.2.2 The significant material change in circumstances between an assessment of this application and that of the refused is the need to take into account the Inspector's decision notice when making a final determination on this application.
- 6.2.3 The Inspector's decision was dated 31 December 2013. The Inspector concluded in his final paragraph that:  
*'Although I consider that the proposed development would be acceptable in terms of its impact on neighbouring living conditions and in relation to car parking provision, I am persuaded from the evidence before me that not all of the existing protected trees on and straddling the site would remain unaffected by the proposal. The loss of any of these important trees would unacceptably harm the character and appearance of the area **and for this reason alone** the appeal is dismissed. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.*
- 6.2.4 The Inspector's decision is clear and strongly worded. Of all the issues set out in the reasons for refusal only the issue of the impact on the trees was held to be worthy of a refusal notice.
- 6.2.5 Tree concerns have been addressed and therefore the sole reason for refusal as determined by the appeal Inspector has been overcome.
- 6.2.6 Officers and other decision makers must have due regard to all material considerations. The appeal decision has significant weight in terms of its recent timing and its assessment of all other issues and finding no harm would be caused as a result of the development.
- 6.2.7 The officer's recommendation notwithstanding, continued concern must reflect that set of considerations in order to be reasonable and identify appropriate conditions and measures to mitigate the impact of the development.

### 6.3 **The principle of a student building development in this location**

Officers remained concerned on this point but recognise the conclusions of the appeal that:  
*"the appeal site is not in an area of low accessibility for students, and that its proximity to the main university campus is similar to several existing student residencies".*

### 6.4 **The scale and design of the proposals and its impact on the established character including trees;**

Officers remained concerned on this point but recognise the conclusions of the appeal that:  
*"The proposed blocks, however, are set at angles to the school, which would reduce much of their impact; this could be further mitigated by tree and hedge planting along the north-west boundary. The separation*

*distances between the proposed blocks and the nearest existing properties to the east would be sufficient to ensure no undue impact on the residents' living conditions through overlooking, loss of light or loss of outlook."*

**6.5 The impact on existing and proposed residential amenity;**

Officers remained concerned on this point but recognise the conclusions of the appeal that:

*"I conclude that the proposal would not unduly harm the living conditions of either the users of the school or the neighbouring residents, and would therefore not conflict with the Framework (paragraph 17)."*

**6.6 The level of on-site parking and its impact on highway safety;**

Officers remained concerned on this point but recognise the conclusions of the appeal that therefore conclude

*"that the impact of the proposed low car parking provision would be mitigated by the proximity of the site to bus services, the university and facilities, and that the further measures described above could be introduced to mitigate any potential disturbance or inconvenience caused by student parking. As such, the proposal, subject to additional management measures which would have been necessary were I minded to allow the appeal would not be contrary to the accessibility criteria of Core Strategy policy CS13 (design principles) or Local Plan policies SDP1 (quality of development) or H13 (new student accommodation)."*

**6.7 The requirement for a S.106 Agreement**

As identified by the Planning Inspector, 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.

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**

The scheme remains unchanged from that refused by officers under delegated powers with regards to scale, massing, numbers of students, car parking and servicing and cycle provision. Additional information not available to the Inspector has been provided and is considered to address the sole reason for refusal identified by the Inspector.

## 8.0 **Conclusion**

Notwithstanding continued officer concern, given the clear conclusions reached by the Planning Inspector having assessed each point of the Council's original reasons for refusal, it would be unreasonable to formulate any recommendation other than for approval subject to appropriate conditions.

### **PLANNING CONDITIONS to include:**

#### **01 APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure and the scale, massing and bulk of the structure, is approved subject to the following:

- Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site namely the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- 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 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 all Blocks shall be fitted in accordance with 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 sensitive site.

### **05 APPROVAL CONDITION - Building Heights and 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.

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:

- CCTV coverage and concierge arrangements with 24 hour on-site management;
- semi-private ground floor courtyard access and management arrangements to include hours of access by the public;
- door types of the storage areas;
- outer communal doorsets and the cluster flat access doorsets;
- the design of the security gates into the central courtyard in consultation with Hampshire Constabulary;
- ground floor windows; and
- 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 - Hours of Construction and Associated Deliveries**

Any demolition, preparation 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.

**08 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.

**09 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.

**10 APPROVAL CONDITION – Foul and 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.

**11 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).

**12 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



**13 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.

**14 APPROVAL CONDITION - Refuse and 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.

**15 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.

**16 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.

**17 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:

- 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.
- 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.
- A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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.

#### **18 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.

#### **19 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.

**20 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.

**21 APPROVAL CONDITION - no storage under tree canopy [Performance Condition]**

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site.

There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

REASON:

To preserve the said trees in the interests of the visual amenities and character of the locality.

**22 APPROVAL CONDITION - Overhanging tree loss [Performance Condition]**

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

REASON:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

**23 APPROVAL CONDITION - replacement trees [Performance Condition]**

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

consent to any variation.

REASON:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

**24 APPROVAL CONDITION - Arboricultural Protection Measures  
[Pre-Commencement Condition]**

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

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

REASON:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

**25 APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)**

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

REASON:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

**26 APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

REASON:

In the interests of highway safety.

## **27. APPROVAL CONDITION - Bonfires [Performance Condition]**

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

REASON:

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

### **Notes 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 eight 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 - 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](http://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 CONTEXT**

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
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
CLT1	Location of Development
CLT5	Open Space
H2	Previously Developed Land
H7	The Residential Environment
IMP1	Provision of Infrastructure

Supplementary Planning Guidance

Car Parking SPD (Adopted September 2011)  
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)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)

**Relevant Planning History**

**04/00502/FUL:**

Temporary consent (for 2 years) to site a portakabin and consent to increase the height of the existing fence to the perimeter to 2m.

Conditionally Approved 07.05.2004

**06/00414/TEMP:**

Continued siting of a portakabin to be used as administrative offices (renewal of temporary consent 04/00502/FUL) for a further 2 year period.

Conditionally Approved 09.05.2006

**08/00174/TEMP:**

Continued siting of a portakabin to be used as administrative offices (renewal of temporary consent 04/00502/FUL following previous renewal.

Conditionally Approved 10.04.2008

**12/00845/PREAP1:**

Pre-app for re-development of site comprising the demolition of existing store and erection of 2 blocks of student cluster flats in 5 and 6-storey buildings.

**12/01758/OUT**

Redevelopment of the site. Erection of two new buildings ranging in height from 2 storeys to 4 storeys, to provide 26 student flats (120 bedrooms), with associated refuse, cycle store and parking following demolition of existing workshop/stores (outline application seeking approval for access, layout, scale and appearance) (as amended by plans received 07.02.2013)

Refused 18.02.2013

Appeal Dismissed 31.12.2013

**Inspector's Appeal Decision**

**Appeal Decision**

Site visit made on 11 December 2013 by **Mike Fox BA (Hons) Dip TP MRTPI** an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 31 December 2013**

**Appeal Ref: APP/D1780/A/13/2194762**

**Land at Vermont Close, Southampton, SO16 7LT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs A Hauser against the decision of Southampton City Council.
- The application Ref 12/01758/OUT, dated 6 November 2012, was refused by notice dated 18 February 2013.
- The development proposed is the redevelopment of the site and the erection of two new buildings ranging in height from two to four storeys to provide 26 student flats (120 bedrooms), with associated refuse, cycle store and parking following the demolition of the existing workshop/stores.

**Decision**

1. The appeal is dismissed.

**Procedural matters**

2. The only matter of detail which has been reserved for future approval is landscaping.
3. Descriptions of the former use of the appeal site vary between the appeal planning application and the Design and Access Statement. I have therefore used the simplified description of the site as included in the Decision Notice.
4. Although no landscaping plans have been submitted, an Arboricultural Statement has been included as part of the Appeal Statement. The Arboricultural Statement, however, has no plans showing either the locations of the trees on the appeal site or their proposed management in relation to their root protection areas or the spread of their crowns.
5. The original application was for 32 student flats, although this number was reduced to 26. For clarification and the removal of doubt, the reduced scheme is the appeal proposal.

**Main Issues**

6. The main issues are the effect of the proposed development on the character and appearance of the area; and on the living conditions of the neighbouring residential occupiers and users of the adjacent primary school with particular reference to noise, disturbance and outlook; and the adequacy of car parking and servicing provision.



## **Reasons**

### *Character and appearance*

7. The appeal site is located between flats and houses to the south, two schools to the north and west, and a community swimming pool to the south-west. It accommodates two disused former storage buildings and areas of hardstanding. There are three groups of mature trees either within the site or straddling its boundaries. These include a line of Oaks along the south-east boundary; a cluster including a Norway Maple, Scots Pine, Lime and Horse Chestnut at the southern junction of Vermont Close and the access lane to the nearby schools; and a group of (mainly) pines to the north-east. These trees, which are protected by a TPO1, contribute significantly to the character and appearance of the maturely landscaped Vermont Close area, to the north-west of the A35 Winchester Road.

8. The proposal is for two linked/staggered and mainly 3/4 storey residential blocks (A and B) in the eastern part of the site, parallel to Vermont Close, and two similarly configured and mainly 3/4 storey blocks (C and D) in the south-western part, parallel to the access road to the schools. The blocks almost converge at the southern apex of the site, leaving a triangular open space between them, opening out towards Vermont School, which sits on lower land next door, to the north-west of the site.

9. Although landscaping is a reserved matter, the appellant argues that: "the proposal would not erode the landscaped setting of the street". This consideration is at the heart of the appeal. The Council is concerned in particular about the impact of Block A on the root protection areas and crowns of the pine trees in the north-east of the site. The submitted drawings which identify the layout, scale and height of the proposed blocks provide an indication of their likely impact on the existing trees.

10. The appellant's Arboricultural Statement (paragraph 6.1) indicates that the proposed buildings are partly situated within the retained tree root protection areas, but also states that these buildings are located on extensive areas of 'built environment', hostile to tree roots. Block A, however, would be remote from the existing buildings, although the ground is covered by hardstanding. Furthermore, the existing single-storey structures are significantly lower than the proposed development, with proportionately less impact on both the root protection areas and the crowns. The appellant's Arboricultural Statement acknowledges (paragraph 6.2) that the proposal may require some crown reduction.

11. Neither of the main parties has submitted detailed drawings to indicate the precise location of the four blocks in relation to the protected trees, their root protection areas and crowns. However, from examining the plans, reading the evidence and from my site observations, I consider that the proximity of the proposed development to the protected trees on the appeal site would result in a harmful impact and in particular on the pines in the north-east corner.

12. My concerns relate to both the construction stage and the potential cumulative arboricultural harm over time. In particular, the proximity of some of the existing mature trees, such as the row of Oaks along the south-west boundary,

1 The Southampton (Land at Vermont Close) Tree Preservation Order (TPO) 2012.

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate) 3 would cause excessive shading to the proposed development. There is likely to be pressure from future occupiers to remove significant branches and/or to remove some of these trees based on their overshadowing effects. The design, scale and external materials of the proposed development, however, would not be out of place in relation to the housing directly facing the appeal site and in the rest of the 'enclave' to the north-west of Winchester Road.

13. In the absence of detailed tree plans to fully address the concerns referred to above, I conclude on the evidence before me that the proposal would be likely to result in significant harm to several of the above-mentioned trees, to the detriment of the character and appearance of the both the site and the streetscene. This would be contrary to the relevant British Standard Trees Advice<sup>2</sup>, the Council's *Core Strategy*<sup>3</sup> policy CS13, which states that development should contribute to the 'greening of the city', and the Council's *Local Plan*<sup>4</sup> policies SDP7 (i) which protects natural features in the environment and SDP12, which specifically refers to the need for development to ensure the protection of trees. The proposal would also not accord with national policy, as expressed in *the Framework*<sup>5</sup>, which expects developments to respond to local character and reinforce local distinctiveness (paragraphs 58 and 60).

#### *Living conditions*

14. The Council expressed concern that the height and scale of the proposed development would be overbearing on the outlook from Vermont School, immediately to the north-west of the site, on lower ground. The proposed blocks, however, are set at angles to the school, which would reduce much of their impact; this could be further mitigated by tree and hedge planting along the north-west boundary.

15. The separation distances between the proposed blocks and the nearest existing properties to the east would be sufficient to ensure no undue impact on the residents' living conditions through overlooking, loss of light or loss of outlook.

16. Concern was expressed about the proximity of student accommodation to the 'established' residential areas and the likelihood of noise and disturbance.

There was also concern over students making pedestrian 'rat runs' through 'private' residential space to gain access to the university, shops and other facilities. The appellant, however, has signed a Unilateral Undertaking under S106 of the Act to achieve, amongst other objectives, a management agreement in line with the Southampton Accreditation

Scheme for Student Housing, which sets down acceptable standards of student behaviour.

17. Accordingly, I conclude that the proposal would not unduly harm the living conditions of either the users of the school or the neighbouring residents, and would therefore not conflict with *the Framework* (paragraph 17).

#### *Car parking*

18. The Council was concerned that the low accessibility of the site to public transport, the university and facilities would increase the pressure for car

2 BS 5837:2012: *Trees in relation to design, demolition and construction - Recommendations*

3 Southampton City Council: *Core Strategy-Adopted Version*; January 2010.

4 *City of Southampton Local Plan Review* (March 2006)

5 Department for Communities and Local Government: *National Planning Policy Framework (the Framework)*; March 2012.

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate) 4

access, and that this would exacerbate the level of noise and disturbance to local residents, who would be competing for the limited number of on-street parking spaces with the students. The provision of two spaces for dropping off/servicing was considered inadequate to meet the demands of the student population, thus compounding the impact on the residents as described above. 19. Regarding accessibility, the appellant has submitted a map which shows the location of the appeal site in relation to bus routes, bus stops, the university campus, main areas of student residences and local shopping centres. This demonstrates that the site is within easy walking distance to bus stops, frequent bus services and a range of facilities.

20. At the site visit, I walked along a footpath which runs directly from opposite the entrance of the appeal site, next to the swimming pool, to Winchester Road to the south, which it meets at a pedestrian crossing close to bus stops in both directions. Although this path is unlit, has an unmade surface and passes through woodland, it is wide enough for both a cycleway and a pedestrian route, and the potential exists for an enhanced safe and convenient link in the future. Even without this footpath, students could use Vermont Close to access buses and facilities, subject to a S278 Agreement to ensure the establishment of a continuous footpath from the site to Winchester Road.

21. The above information demonstrates that the appeal site is not in an area of low accessibility for students, and that its proximity to the main university campus is similar to several existing student residencies. I note that a residents' parking scheme exists in the roads in the neighbourhood. The Council would have the power to extend this scheme to include evenings and weekends if the impact of on-street student parking was perceived to be significant, whilst on-site parking could be controlled by

condition, had I been minded to allow the appeal. Moreover, the former use on the site, which could be re-enacted for storage and distribution without planning permission, could generate significant traffic in the area.

22. I therefore conclude that the impact of the proposed low car parking provision would be mitigated by the proximity of the site to bus services, the university and facilities, and that the further measures described above could be introduced to mitigate any potential disturbance or inconvenience caused by student parking. As such, the proposal, subject to additional management measures which would have been necessary were I minded to allow the appeal, would not be contrary to the accessibility criteria of *Core Strategy* policy CS13 (design principles) or *Local Plan* policies SDP1 (quality of development) or H13 (new student accommodation).

23. The Council's recent planning permission for the erection of a 107 bedrooms student building at Bevois Road/Earls Road<sup>6</sup> was brought to my attention as evidence of the Council's alleged inconsistency over its parking policies. In that case, however, the Council's view was that the site was accessible to the educational establishments in the city, which would explain the way the Council considered the limited parking arrangements of that scheme. Furthermore, significant tree loss was not an issue in that scheme.

<sup>6</sup> Planning application 11/01143/FUL for the erection of a building ranging in height from 2 storeys to 5 storeys to provide 24 flats for students (107 bedrooms) on land at corner of Bevois Road and Earls Road; planning permission approved following the meeting of Southampton City Planning & Sustainability Planning and Rights of Way Panel meeting 22 November 2011.

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#### *Section 106 Agreement*

24. The appellant has submitted a signed and dated Unilateral Undertaking under S106 of the Act. This would provide a financial contribution towards highway improvements in the vicinity of the site and the wider area and public open space. It would also provide for mitigation measures, including the restriction of the occupation to students only, on-site management, a highway condition survey prior to the demolition of the existing buildings, a travel plan, parking permits restrictions and a construction traffic management plan. From the evidence submitted by the Council, I am satisfied that all parts of this Unilateral Undertaking meet the tests set out in Community Infrastructure Levy (CIL) Regulation 122.

25. Even in the event of the recently adopted CIL charging regime being operational, the mitigation measures of the Unilateral Undertaking would still be relevant, had I been minded to allow the appeal.

#### **Other considerations**

26. My attention was drawn to a recent appeal decision which allowed the redevelopment of 6 residential dwellings for student accommodation of 99

rooms in Winchester<sup>7</sup>. The absence of any reference to trees in that decision limits its relevance to the appeal before me. Furthermore, I have no detailed knowledge of the background to this appeal. For these reasons I cannot give it much weight in my decision.

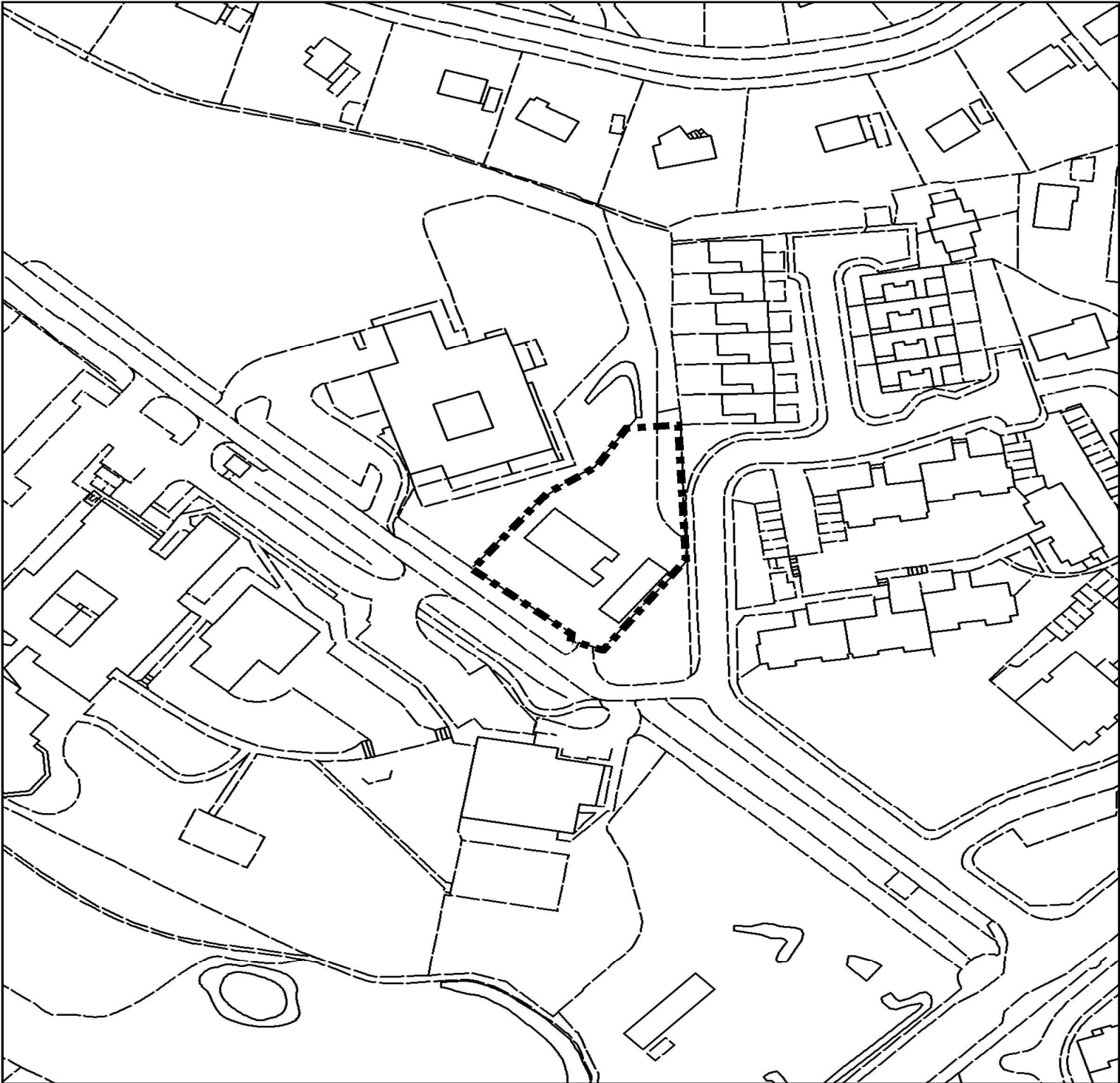
### **Conclusion**

27. Although I consider that the proposed development would be acceptable in terms of its impact on neighbouring living conditions and in relation to car parking provision, I am persuaded from the evidence before me that not all of the existing protected trees on and straddling the site would remain unaffected by the proposal. The loss of any of these important trees would unacceptably harm the character and appearance of the area and for this reason alone the appeal is dismissed. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

*Mike Fox*

INSPECTOR

# 14/00429/OUT



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