

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (EAST) - 19 January 2016
Planning Application Report of the Planning and Development Manager

Application address: 18-22 Cumberland Place			
Proposed development: Erection of a part 11-storey and part 12-storey building to provide retail floorspace (Class A1/A2/A3) at ground floor level with purpose built student residential accommodation above (62 cluster flats and 166 studio units - 507 bedrooms in total) with associated communal living space, cycle and waste storage in the basement and external amenity areas.			
Application number	15/01823/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	05.02.2016 (Agreed extension of time)	Ward	Bargate
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker
Referred by:	N/A	Reason:	N/A

Applicant: Peveril Securities Limited & Cumberland Commercial	Agent: Signet Planning
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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 application constitutes a Departure from the Development Plan as the site is within a protected office area. However, the Council is satisfied that the site has been marketed as an office development opportunity for a reasonable period and that alternative uses should be considered. The Council is satisfied that the design, amount of development, impact on the amenities of neighbours and transportation issues are acceptable for this site. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP10, SDP13, HE5, HE6, H2, H7 and H13 of the City of Southampton Local Plan Review (amended 2015), CS4, CS6, CS13, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (amended 2015) and AP1, AP2, AP9, AP16 and AP17 of the City Centre Action Plan (2015).

Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment

Recommendation in Full

1. That the Panel confirm the Habitats Regulations Assessment in Appendix 2 to this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
 - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iv. Provision of Public Art in accordance with the Council's Public Art Strategy.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vii. Measures to mitigate the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - viii. Submission and implementation of a Travel Plan.
 - ix. Submission and implementation of a Waste Management Plan.
 - x. Submission and implementation of a Student Intake Management Plan to regulate arrangements at the beginning and end of the academic year.

xi. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

3. In the event that the legal agreement is not completed within two months of the Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

4. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. The site and its context

1.1 The application site is a cleared piece of land (approximately 0.24 hectares in area) surrounded by a hoarding situated on the north side of Cumberland Place at the junction with Grosvenor Square. The immediate surroundings are predominantly commercial in character with offices on three sides: Mountbatten House, a substantial 4-storey and 5-storey building above lower ground floor parking to the north; 23 Cumberland Place, a 4 -storey building (known as West Park House) to the east; 15-17 Cumberland Place, a part 5 and part 6 storey building to the west on the opposite side of Grosvenor Square. Adjoining to the south is Watts Park which forms part of the City Central Parks and are designated as Parks of Special Historic Interest. On the north side of the application site is a privately owned access road which serves this site and the adjoining West Park House. This private road is currently gated at either end.

1.2 The application site is not within a conservation area. There are some listed buildings on the Cumberland Place frontage (numbers 5-11), in Grosvenor Square and in Brunswick Place to the east. The area to the north of the parks is one of the prime office development locations in the City Centre (Policy AP2 of the City Centre Action Plan).

2. Proposal

2.1 The application proposes the erection of a part 11-storey and part 12-storey building to provide student residential accommodation. On the ground floor, three retail/cafe units would be provided facing Cumberland Place (total floorspace of approximately 770 square metres). The proposed building would be U-shaped and would provide a south facing hard paved and landscaped communal space fronting Cumberland Place. The proposed student accommodation would be a total of 507 bedrooms in a mixture of 62 cluster flats (10 x four bedroom, 11 x five bedroom and 41 x six bedroom) and 166 studio units.

2.2 Various communal student facilities, a gymnasium, cinema and study areas, will be provided within the basement and at the rear of the ground floor. Shared roof terraces for the students would be provided at first floor level and on the roof. The main entrance to the student accommodation would be from the side in Grosvenor Square.

- 2.3 Servicing will be from the private road at the rear of the site. There will be 8 car parking spaces and one cycle space per two student bedrooms to be provided within the basement. Refuse storage would also be in the basement and would be managed as part of the building maintenance contract.
- 2.4 The overall height of the building would be approximately 36 metres which is 54.35 metres Above Ordnance Datum (AOD) which compares to adjoining tall buildings at Queens Keep (57.48 m. AOD) and Brunswick House (63.29 m AOD).
- 2.5 The proposed external materials would be Portland stone or similar rainscreen cladding to the base of the building with a change further up the building to a through coloured stone effect rainscreen cladding.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 As the site is within the defined City Centre, the following policies in the CCAP are particularly relevant. Policy AP1 seeks to promote large scale office developments in appropriate locations. Policy AP2 seeks to retain existing offices in prime office areas which include Cumberland Place and Brunswick Place. Policy AP9 seeks to promote residential developments on appropriate sites. Due to the policy designation as a prime office location, this proposal constitutes a Departure from the Development Plan. The justification for departing from this policy position is given in paragraphs 5.2, 6.2 and 6.3 of this report.

4. Relevant Planning History

- 4.1 Prior to demolition, the site was in two parts: a 1960's office building at 18-20 Cumberland Place which was part 3-storeys and part 8-storeys; and a pair of 3-storey office buildings at 21-22 Cumberland Place. There is separate planning history for these two sites.
- 4.2 **18-20 Cumberland Place**
In February 2011, planning permission was granted for: 'Redevelopment of the site. Demolition of the existing building and erection of a 10-storey building to provide offices (Class B1 - 13,276 square metres floorspace) with associated works and basement parking, including reconfiguration of existing rear access'

(Council reference 08/01202/FUL). This permission was not implemented and consequently has lapsed.

4.3 **21- 22 Cumberland Place**

Two permissions have been granted for this part of the site. Firstly, application reference 08/01183/FUL for 'Redevelopment of the site. Erection of an 8-storey office building (6,800 square metres Class B1 floorspace) with associated parking and facilities involving reconfiguration of existing rear access to provide ramped vehicular access to the basement, following demolition of the existing building.' This was granted permission in February 2010. Secondly, application reference 10/00792/FUL for 'Erection of an 8-storey office building (6,300 square metres Class B1 floorspace) with associated parking and reconfiguration of existing rear access to provide ramped vehicular access to the basement' which was granted in October 2010. Again these permissions have not been implemented and have therefore lapsed.

4.4 Subsequent to these decisions, there were pre-application discussions about a combined development of the two sites for offices of up to 10-storeys in height. Although no planning application was submitted, the site was marketed for a major new office development under the name 'The Bond'.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (25.09.2015 and 06.11.2015) and erecting a site notice (21.09.2015 and 06.11.2015). At the time of writing the report **7** representations have been received from surrounding residents and businesses. The following is a summary of the points raised:

5.2 **This is an inappropriate location within the city centre for large-scale student accommodation. Policies in the City Centre Action Plan promote large scale office accommodation and Policy AP2 explicitly states that Cumberland Place/Brunswick Place is a 'Prime Office Area'. There is no policy or economic justification for destroying the inherent commercial character of this part of Cumberland Place which remains a thriving and prestigious commercial area. The Council could risk inadvertently facilitating the departure of large, economically significant Southampton based firms from the City if it introduces incompatible student use in Cumberland Place.**

Response

The significant increase in demand for purpose built student accommodation has resulted in several former office sites coming forward for student housing. Local examples include Mayflower Plaza and Brunswick House. Although it is Council policy to retain existing offices in this part of the city centre, it is arguable how long the Council should wait for an office development to come forward on this site given the demand for alternative uses. The fact that there is no extant planning permission and apparently limited interest in taking up an office development on this site is a material consideration.

5.3 **The extent of the proposed development leaves minimal space for the**

provision of suitable outdoor amenity space for future residents. The proposal is therefore an overdevelopment of the site because it will not provide suitable unshadowed, useable amenity space. The proposed urban square would be inadequate to serve the development of over 500 rooms, it would also be a low quality space due to a lack of natural light and overshadowing by the high rise block surrounding it. A number of the rooms would not provide a good standard of amenity with limited outlook and some would look directly onto adjoining sites. The development would also suffer from noise and air quality problems due to its location adjoining a busy main road and multi-storey car park. A consequence of a poor quality environment for future residents will be an adverse impact on the mental welfare for future student occupiers.

Response

It is not accepted that the proposed square would be significantly overshadowed; it is a south facing area and would provide a useful place for students and other users of the commercial units to meet. Upper floor roof terraces would be provided and the site is directly opposite the central parks where the amenity space needs of future occupiers can be met. The outlook from some of the rooms, predominantly study bedrooms, would be limited but this is not unusual for a development of this nature. Air quality issues can be mitigated by mechanically ventilating some of the rooms and this, together with measures to combat noise from the busy main road can be secured through conditions.

- 5.4 **The Council has not complied with its statutory obligations with regard to publicising the application and notifying adjoining occupiers. The private access road at the rear of the site is not within the applicants ownership and the necessary notice has not been served. The applicant's level of public consultation has been extremely limited compared to other student schemes in the city.**

Response

The application has been advertised by site and press notices on two occasions with letters sent to adjoining occupiers. The Council's obligations have therefore been met. The private access road at the rear of the site is not within the red line of the application. It is up to the applicants to decide how much pre-application consultation to undertake although it is understood that the adjoining solicitors who made this objection were met by the applicant in the lead up to the submission of the application.

- 5.5 **There are currently no road crossings, does this mean they will be installed should the Panel give the go ahead to this application?**

Response

There are pedestrian phases on the traffic lights at the junctions with Grosvenor Square and with Bedford Place so there are convenient and safe pedestrian routes across Cumberland Place to the parks and other parts of the city centre.

- 5.6 **The proposed building will block the natural light into the office building adjoining to the north. One whole side of our office is overlooked by this area. The height of this proposed building is of great concern.**

Response

The height and mass of the proposed building is very similar to the previously approved office development. There will inevitably be an impact on the offices at Mountbatten House in terms of loss of outlook. The existing offices within Mountbatten House are open plan and dual aspect. The national planning guidelines on daylight/sunlight generally apply to residential neighbours. Although the guidelines may also be applied to existing non-domestic buildings where the occupants have a reasonable expectation of daylight, there are no specific planning standards for natural daylighting to office building as it is assumed that offices tend to rely on artificial supplementary lighting throughout the day.

- 5.7 **The Council's Ecologist has objected to a similar application for a tall building adjoining the park at Vincents Walk (Voodoo Lounge site), partly on the grounds that the building could pose a collision risk to birds. The same considerations apply here. There are many large birds flying around the outside of the park. The cruelty to flying birds by building obstacles in their natural and established flight path is not acceptable. Birds falling from high storeys could cause severe injury or death.**

Response

The Council's Ecologist has reviewed the scheme and is content that this would not be a significant issue for the application site. This is because there are a number of other tall buildings close to it which means that birds will be forced to fly higher up before they reach the parks. The proposed building on the Voodoo Lounge site on the other hand would be the only tall building in the vicinity which means that it is more likely to catch birds out. It is also much closer to the park, with sizeable trees close to it, so birds will need to fly close to the building in order to reach the trees.

- 5.8 **Councillor Tucker:** Support the application in principle but would like to see some of the CIL monies for this project going towards providing a safe crossing along the stretch of road further down towards the junction opposite Queens Keep. There is an active set of traffic lights on one side of Havelock Road if crossing from the park but none if you are walking from the park towards the Polygon

Response

The Council's Highways Team are satisfied that pedestrian crossings in the immediate vicinity of the application site are acceptable. Any wider improvements would rely on a future bid for funding from CIL contributions.

Consultation Responses

- 5.9 **SCC Highways** - No objections to the principle of student accommodation on this site. The quantum of parking shown is adequate for an inner city location and it is accepted that many visits here will be on foot. The parking would be required at the beginning and end of term for student drop off and collection and this would need to be managed. The cycling, parking and servicing arrangements require amendments.
- 5.10 **SCC Housing** – As the proposed scheme comprises student accommodation we

would not seek affordable housing, but would expect a student restriction to be put in place, plus we would hope that the provider would sign up to 'SASSH' (Southampton Accreditation Scheme for student housing).

- 5.11 **SCC Sustainability Team** – A BREEAM pre-assessment estimator has been submitted which demonstrates that the development can achieve 'Excellent'. At least 15% reduction in CO₂ over Building Regulation is achieved through the energy efficiency measures and the use of on-site CHP and photovoltaics on the roof. Other areas of the roof are proposed to be Sedum mat. There is a request that this be top dressed with a specific green roof wildflower seed mix. This would ensure the roof contributes more effectively to Policy CS22 (Promoting Biodiversity), and would also contribute to BREEAM ecology credits. A condition is recommended for securing the green roof specification. There will be an improvement on the 'Green Space Factor score' as required by the City Centre Action Plan as the previously developed site intends to incorporate this green roof and also tree planting.
- 5.12 **SCC Heritage** – There are no archaeological issues with this application. The key conservation issue is therefore the impact of the building on the setting of the Grade II Registered Park. The current proposal is an improvement on previously approved schemes, and the breaking up of the façade by creating the U shape will result in a less domineering built form. Given the extensive green edge to the park the building would not be visible from inside the park except perhaps during the winter months. Consequently, it is not considered that there would be any harm caused to the setting of the park.
- 5.13 **SCC Environmental Health (Pollution & Safety)** - No objection to this application subject to conditions on air quality measures, noise, extraction equipment, construction management etc. Although this site is not currently within an Air Quality Management Area (AQMA) as there are not any receivers in the current location, there is a high level of traffic flow which is frequently queuing and therefore stationary in this area. The site is between the Charlotte Place AQMA and Commercial Road AQMA. The student accommodation on Havelock Road has had works carried out to protect the lower floors air quality as a result of an air quality assessment they carried out. In addition the proposed accommodation is designed in some parts to be quite close to the road.
- 5.14 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the application site is located on/adjacent to the following existing and historical land uses: Omnibus Depot (adjoining to the North and Garage (adjoining to East). These land uses are associated with 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. It is recommended that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. This can be covered by planning conditions.
- 5.15 **SCC Ecology** – No objections, the application site comprises a cleared site with a limited amount of naturally re-colonising vegetation. The plant species present are all commonly occurring and there is a negligible likelihood of protected species being supported. The proposed development includes an area of landscape

planting and a green roof which have the potential to support biodiversity. I would like to see native and/or ornamental plant species of established wildlife value included in the amenity areas. I would also like the green roof to be more biodiverse incorporating a combination of sedum, wildflowers and grasses. This would provide a varied habitat attractive to a range of invertebrates, particularly pollinators and would complement the biodiverse green roof on the nearby Mayflower Plaza Halls of Residence. The accompanying ecology report makes a number of recommendations in respect of biodiversity enhancements which I would like to see implemented.

- 5.16 **Natural England** – Raise objection until further information is provided. The application site is within or in close proximity to a European designated site and therefore has the potential to affect its interest features. In respect of the New Forest SPA, the application does not include information to demonstrate that the requirements of the Habitats Regulations have been considered by the Council. It is recommended that the Council obtain further information to help undertake a Habitats Regulations Assessment. This should include an ecological assessment of the impact of the operational phase of the development on the designated sites. This could include information on car ownership restrictions, the ease of public transport accessibility to the New Forest sites and the visitation patterns of the student population relative to the permanent residential population of the city to the sites in question. In respect of the Solent and Southampton Water SPA, provided that the applicant is complying with the locally adopted policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

Response

The Council's Planning Ecologist has prepared the necessary Habitats Regulations Assessment which is Appendix 2 to this report. The report will be sent to Natural England and any response will be provided verbally at the meeting.

- 5.17 **Historic England** - No comments on this case. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 5.18 **City of Southampton Society** – The new building should not be any higher than its un lamented predecessor; the proposed building is unattractive being just a series of square blocks; the amenities are lacking, the communal facilities are not much for 500 students; there will be adverse pressure upon the park, e.g. students playing football and so on, which is not really consistent with the character of Watts Park. The Society would like assurances that the new building would be readily converted into family dwellings if need be. Students would not be the ideal occupants of such a prestigious site facing the park.

Response

There are no planning reasons why student residential accommodation should not be built on sites facing the parks as is the case at Mayflower Plaza and Brunswick House. This is a high density form of development. Although subsequent conversion to an alternative form of flatted accommodation would be possible this

is unlikely to be an attractive site for family housing should the market change in the future.

- 5.19 **Southampton Commons and Parks Protection Society** – SCAPPS objects to the proposed development. This is an extremely sensitive location where the proposed development will form a frontage to the grade II* registered park and is part of a terrace of now varied buildings facing the Park. Cumberland Terrace dates from the time when the Parks were laid out in the mid-19th century. The terraces facing the Parks were an integral part of the overall design intention for the Parks. They gave a setting and background to views within the Parks. Despite some of the original buildings having been lost and replaced, Cumberland Terrace still has that character and role - the buildings along it provide a setting and backdrop to the Park. There is a rhythm and continuity which perpetuates the character of the original 4/5 storey terrace. An important part of that results from care in height, all except the building on the corner of Devonshire Road are around 5 storeys with design features setting back storeys above that height so in street views there is visually a continuity between them. That character and appearance is fragile. It is particularly vulnerable when over large buildings are 'dropped' into the sequence making up the continuous facade. SCAPPS objects to this proposed development because it is too high; a tall building in this location would be obtrusive in views from within and across Watts Park and is at variance with the rhythm and style of the rest of Cumberland Place.
- 5.20 The submitted 'streetscape elevations' show how an 11 and 12 storey structure on this site would be out of character and out of sympathy with the height, scale and rhythm of the rest of Cumberland Place. SCAPPS acknowledges that the current proposal is visually less damaging than schemes already granted permission, but having made mistakes in the past is, in SCAPPS view, insufficient reason to perpetuate that mistake and accept on this site a development that is so clearly out of scale and out of place.
- 5.21 SCAPPS also has concern at the compounding impact of yet more student housing next to an ornamental park. The application makes no provision for on-site active recreation. Bringing over 500 active young persons to live next to a Park must result in increased pressure for kick-about type recreation. Watts Park outside the application site is laid out as ornamental gardens and singularly vulnerable to damage from that type of pressure. If permission is granted it must be accompanied by provision in a suitable nearby location in the Central Parks of a purpose-designed facility for active recreation.

Response

The views of SCAPPS on developments of this nature are well known. However, Policy AP17 of the CCAP promotes individually designed tall buildings to provide variety adjoining the Central Parks. Any further improvements to the parks to provide for more active recreation would need to be funded through CIL rather than through the Section 106 agreement for this site. The proposal also includes a residents gym and students have access to University sports pitches/clubs as part of their education.

5.22 **Southampton Design Advisory Panel (comments at the pre-application stage)** - The panel broadly support the proposal and in general feel the scheme is well thought out. Detailed comments:

- The setback and change of material for the top three floors is unnecessary. It would be better to lose the setback, but slightly increase the thickness of the horizontal element that defines the transition between the vertical and horizontal emphasis of the building
- The building element next to the Paris Smith building should consider the need for a similar top floor treatment
- Consideration could be given to extending the colonnade as a feature across the front of the building to provide a 'threshold' for the new public square, although care needs to be taken not to overly 'privatise' the space
- The use of roof spaces to provide private communal amenity for the students is a welcome feature.

Response

These comment were fed back to the applicant and resulted in this later version of the design.

5.23 **Southern Water** - there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. There are no objections subject to conditions and informatives.

6. Planning Consideration Key Issues

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

- The principle of this form of development and the use
- The scale and design of the scheme
- Transportation issues
- Impact on neighbouring amenities
- Section 106 issues

6.2 Principle of Development

The most relevant planning policy relating to offices is now AP2 of the City Centre Action Plan. This policy states that in the prime office areas, which includes Cumberland Place/Brunswick Place) the net loss of office floorspace will not be supported unless there are clear economic benefits. The site is vacant and although there have been previous proposals there is no extant planning permission; there is therefore no net loss of office floorspace on this site.

6.3 The applicant has provided evidence of marketing which has taken place for the site as an office development. Information from letting agents demonstrates a variety of marketing approaches for parts of the site since 2008. Once the two parts of the site were effectively combined a formal marketing campaign was launched in mid 2012. As a result of the marketing exercise it became clear that the majority of demand for offices in the Southampton area was for smaller units

than 'The Bond' building. The letting agents feel that the possibility of achieving a pre-let at The Bond or anywhere else in Southampton is very unlikely in the short to medium term and market demand is most likely to be satisfied by the refurbishment of existing buildings. This professional view is supported by recent experience; there have been no speculative office buildings constructed in the city centre since the schemes at Charlotte Place and Dorset Street which were built some 10 years ago. In these circumstances, the site is appropriate for other uses including residential. Public comments on the application have expressed a preference for either retaining a commercial use or developing the site for general needs family housing. Whilst these alternative uses might be acceptable, this application must be considered on its own merits against the relevant policy background.

6.4 The proposed student accommodation is a mixture of self-contained studio flats and 'cluster flats', where groups of students have individual study bedrooms and share a communal living space. The principle of this type of accommodation is supported by 'saved' Local Plan Policy H13 and is well suited for this site which is close to existing bus routes and within easy walking distance of Solent University (approximately 600 metres from the main campus). Furthermore, the provision of purpose built student accommodation could reduce 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. The Core Strategy Policy relating to Housing Mix and Type (CS 16), specifically the family housing/HMO requirements do not apply to purpose built student accommodation. The application is therefore considered to be policy compliant and acceptable in principle. Concern has been expressed about the level of new student accommodation being provided in this area. Research carried out as part of this application and other proposals show that the two universities together have an overall capacity of some 32,000 full-time students whereas the purpose built accommodation is only approximately 10,000 student rooms. Although there is a significant amount of development in the pipeline, the research indicates there remains demand for well-located purpose built student accommodation within the city and student numbers are also likely to rise further: this proposal will contribute to meeting that need and may assist in freeing up shared housing in the suburbs for genuine family housing.

6.5 Scale and design of the development

The northern side of the parks along Cumberland Place/Brunswick Place exhibit a wide range of architectural styles and building heights. Permission has been granted previously for tall buildings on this site. More recently, in May 2015, permission was granted for alterations and extensions to create a 10-storey building at 14 Cumberland Place. Although these permissions have not been implemented, there is a precedent for tall buildings in this location. Furthermore, Policy AP 17 of the recently adopted City Centre Action effectively promotes tall buildings of high quality design in suitable locations. One of the locations where tall buildings (5-storeys or more) are considered to be acceptable in principle are as individually designed buildings to provide variety adjoining the Central Parks with active frontages that contribute positively to their setting and respond to the scale of the parks. The policy seeks to encourage tall buildings which make a positive contribution and add to the image and identity of the city as a whole.

6.6 In terms of the detailed design approach, the ground floor would have a prominent double-height commercial frontage to Cumberland Place with the main student entrance at the side. This would provide active frontages to both public sides of the building and a human scale to the base. The scale of the building is effectively broken up into a clear bottom, middle and top section. The U-shaped footprint separates the building into three parts and breaks up the apparent mass when viewed from the parks and along Cumberland Place. The design of the scheme has evolved from the pre-application process with input at various stages from the Council's Design Advisory Panel. The Panel have supported the design approach taken. It is considered that the proposed architectural approach has the potential to create a development of high quality design, subject to the use of good quality materials which can be controlled through conditions.

6.7 Transportation Issues

This site is served by public transport, being close to Unilink bus routes and is within convenient walking distance of Solent University. The availability of car parking is a key determinant in the choice of mode of travel. Local and national policies aim to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. A 'car free' scheme with only limited disabled and staff parking is proposed for the development. Students will be discouraged from bringing a car to the city and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the S.106 legal agreement, the proposal is considered to be acceptable given this location. Issues associated with refuse management and the dropping off and collection of students at the beginning and end of the University term can be controlled through the Section 106 agreement.

6.8 Impact on neighbouring properties and quality of accommodation

In terms of the physical impact of the building, this would be most noticeable along the northern site boundary. The adjoining buildings are in office rather than residential use and the same level of protection cannot be provided on issues of sunlight/daylight, privacy and loss of outlook. The height and siting of the building is similar to the previous approvals for office developments.

6.9 Concern has been expressed about the likely standard of accommodation and the impact the design will have on the amenities of future occupiers. The layout of the student accommodation is typical of the modern developments being provided by private developers with a mix of studio units and cluster flats. This proposal includes extensive shared facilities including study spaces, a gym and cinema. The building would have extensive south facing views across the parks and is within easy walking distance of all the city centre facilities. In terms of lighting to rooms, the study bedrooms have been designed with relatively large windows providing a generous area of glazing. The applicant has provided evidence to demonstrate that the bedrooms within the building would experience internal daylight levels which comply with the relevant British Standard.

6.10 Section 106 matters

The Section 106 agreement can limit use of the site to student accommodation only as well as assist in the day to day management of the building and parking arrangements. Financial contributions can be sought towards transportation improvements. The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. A specific formula has been adopted for student accommodation of this type. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application will comply with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) once the Section 106 agreement completes. A more detailed assessment of the impact of the development in this regard is included in the HRA within Appendix 2 to this report.

7. Summary

- 7.1 The application site is currently vacant and in poor condition: redevelopment for an alternative use is acceptable in principle. There is demand for additional purpose built student accommodation in the city and this site is close to Solent University. This would be a high density development but the scale and form of the development is considered to be acceptable for this site. The proposal is considered to be acceptable in terms of design and neighbouring amenity, highway safety and parking.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 2(e), 2(f), 4(a), 4(d), 4(g), 4(r), 4(vv), 6(a), 6(b), 7(a).

RP2 for 19/01/2016 PROW Panel

PLANNING CONDITIONS

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

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

3. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site

shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

4. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a 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.

5. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]

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.

6. 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.

7. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. The measures shall include arrangements for vehicle parking by site operatives during construction. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

8. 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.

9. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

**10. APPROVAL CONDITION - BREEAM Standards (commercial development)
[Pre-Commencement Condition]**

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

Reason:

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

**11. APPROVAL CONDITION - BREEAM Standards (commercial development)
[performance condition]**

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

Reason:

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

12. APPROVAL CONDITION - Energy (Pre-Occupation Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of at least 15% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

13. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until

all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

14. APPROVAL CONDITION - Piling (Pre-Commencement)

Prior to the commencement of development hereby approved, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of neighbouring occupiers.

15. APPROVAL CONDITION - Green roof specification (Pre-commencement Condition)

A specification for the green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. The green 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 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015)

16. APPROVAL CONDITION - Safety and security (Pre-Commencement Condition)

No development shall take place apart from site preparation and groundworks until a scheme of safety and security measures including on-site management, security of the car parking areas, a lighting plan, a plan showing location and type of CCTV cameras and access to the building has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the development to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of safety and security.

17. APPROVAL CONDITION - Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow. The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take

place unless first submitted to and approved in writing by the Local Planning Authority.

Reason:

It is necessary to manage the roofs of the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

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

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

18. APPROVAL CONDITION - Layout of Car Parking/Serviceing (Pre-Occupation Condition)

The whole of the car parking, cycle parking and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

Reason:

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

19 APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

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

20. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the Ecology Report submitted with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

21. Approval Condition - Noise & Vibration (external noise sources) (Pre-Commencement)

Prior to the commencement of the development hereby approved, apart from site preparation and groundworks a scheme of measures to protect the occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

22. APPROVAL CONDITION - Extract Ventilation [Pre-Occupation Condition]

The ground floor commercial unit shall not be used for food and drink purposes (Use Class A3) until extraction and ventilation equipment has first been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority in writing. The equipment shall thereafter be retained in accordance with the agreed details whilst a restaurant or café use is operating.

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

23. APPROVAL CONDITION - Hours of Use & Delivery Non-residential uses [Performance Condition]

The non-residential use hereby permitted shall not operate outside the following hours:

Monday to Saturdays 06:30 to 00:00 hours

Sunday and recognised public holidays 07:00 to 23:00 hours

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 06:00 to 23:00 daily.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

24. APPROVAL CONDITION - Details of a Management Plan [Pre-Occupation Condition]

Notwithstanding the information provided as part of the application, a management plan setting out measures for the day to day operation of the building shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The management plan shall include details of staffing levels, car parking arrangements and measures for mitigating noise and disturbance which might affect the amenities of neighbours. The development shall operate in accordance with the approved management plan for the lifetime of the use of the site for student residential accommodation unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To satisfy the Council that the operation of the site would not be to the detriment of the residential amenities of neighbouring occupiers.

25. APPROVAL CONDITION - Provision and retention of facilities (Performance Condition)

The ancillary facilities for the student accommodation as shown on the approved plans, to

include the cinema/function room and study rooms in the basement and gym, meeting room and amenity area on the ground floor, shall be provided before the residential accommodation is first occupied and retained thereafter for the duration of the use of the building as student accommodation.

Reason: In the interests of the amenities of future occupiers of the building.

26. APPROVAL CONDITION - Air Quality measures (Pre-Commencement Condition)

No development shall commence, apart from site preparation and groundworks, until details of measures to protect future residents from air quality issues, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the residential accommodation is first occupied and retained thereafter.

Reason: In the interests of the amenities of future occupiers of the building.

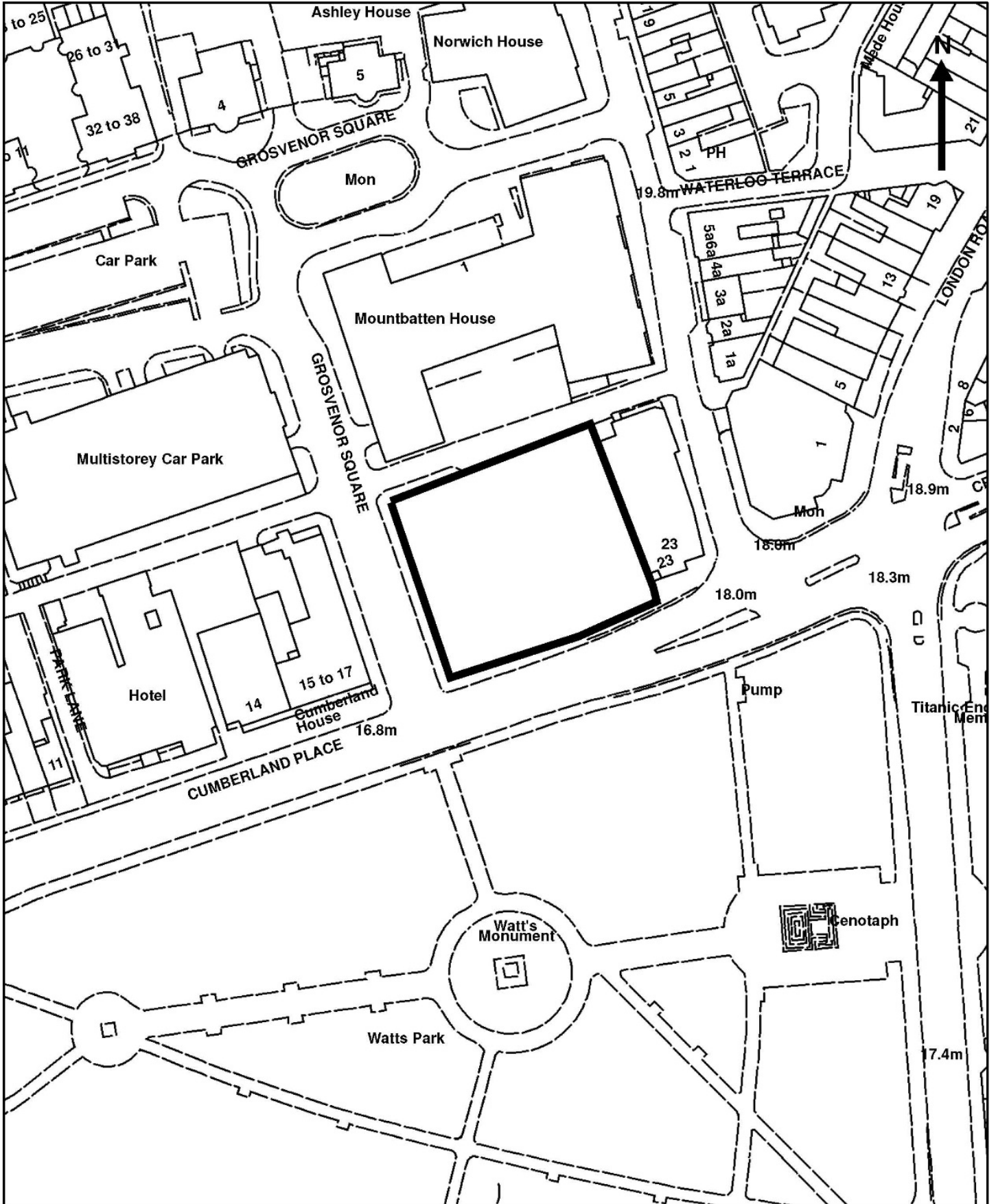
27. APPROVAL CONDITION - Approved Plans

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.

15/01823/FUL



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