

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 7 June 2016**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 14 Cumberland Place			
<b>Proposed development:</b> Redevelopment of the site. Demolition of the existing building and erection of a 12-storey building to provide 141 flats for student occupation (198 bedrooms) with associated parking and other facilities.			
<b>Application number</b>	16/00400/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	08.06.2016	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Paffey

<b>Applicant:</b> Orchard Homes & Developments Ltd	<b>Agent:</b> None
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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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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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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 principle of residential use has been established by previous decisions. 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).

<b>Appendix attached</b>			
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 or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into; and
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 comprises a five storey office building which fronts Cumberland Place. The site has planning permission for conversions and extensions for residential use. A parking area is located to the rear containing 13 parking spaces and is accessed from Grosvenor Square. The building has a concrete 4-storey facade with vertical fins to the front and facing brick to the side and rear elevations. The adjoining building to the east, 15-17 Cumberland Place, comprises a 6-storey office development. The former Southampton Park Hotel, which is located immediately to the west, is currently vacant and in the process of being redeveloped. Cumberland Place is predominantly commercial in character and is safeguarded as an office development area in the Local Plan and City Centre Action Plan.
- 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). On the opposite side of Cumberland Place is Watts Park which forms part of the Central Parks, designated as parks and gardens of special historic interest.

## **2. Proposal**

- 2.1 The application proposes the erection of a predominantly 12-storey building with a 9-storey rear wing to provide student residential accommodation. The proposed student accommodation would be a total of 198 bedrooms in a mixture of 141 units (105 studio units, 15 x two bedroom and 21 x three bedroom). The overall height of the building would be approximately 37 metres.
- 2.2 Various communal student facilities, a gymnasium, reception/common room, cinema and study areas, will be provided on the ground floor.
- 2.3 Servicing will be from the private road at the rear of the site. There will be 4 car parking spaces, and one cycle space per two student bedrooms to be provided within a covered area at the rear. Refuse storage would also be at the rear of the ground floor and would be managed as part of the building maintenance contract.
- 2.4 The proposed external materials would be a red brick base with two different

cladding systems, one for the lower four floors and one for the upper levels. The colour and quality of the external materials has not been specified and would be controlled through a planning condition.

### **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 27<sup>th</sup> 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 City Centre Action Plan (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 paragraph 6.2 of this report.

### **4. Relevant Planning History**

- 4.1 The application site has been in office use for many years. In August 2014 no objection was raised to an application for prior approval for a change of use from offices (Class B1) to 24 flats - 23 x 1-bed and 1 x 2-bed. (Reference 14/00988/PA56)
- 4.2 In May 2015, planning permission was granted for alterations and extensions to the existing building to form a 10-storey building with 28 additional flats (20 x one bedroom, 7 x two bedroom, 1 x 3 bedroom) in addition to the 24 flats previously approved under reference 14/00988/PA56 (Reference:14/01738/FUL).

### **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 as a departure from the Development Plan (13.05.2016) and erecting a site notice (13.05.2016). At the time of writing the report **2** representations have been received from surrounding residents. The following is a summary of the points raised.

- 5.2 **The Polygon is already a student ghetto, approving this proposal, in addition to the development at 18-22 Cumberland Place, would be to the detriment of maintaining a sustainable community. The Council have started to regulate landlords with HMO applications but let these monstrous blocks blight the city like the eyesore at Mayflower Halls.**

Response

There has been a significant increase in demand for purpose built city centre student accommodation in the past few years. This issue is addressed in more detail later in this report as are issues about design.

- 5.3 **Having no amenity space for the students is unacceptable, the lack of space for play and leisure would drive them further to outside entertainment including the many bars in the vicinity. There should be no amenity space on the roof.**

Response

The layout of the building is fairly typical of the modern purpose built student blocks with various communal facilities on the ground floor but no 'garden space' as such given the constraints of the site. There is no proposal for shared amenity space on the roof of the building.

- 5.4 **Southampton Commons and Parks Protection Society (SCAPPS) - Objects on the grounds of visual impact and lack of outdoor amenity space. Cumberland Place provides the backdrop and setting for Watts Park; the concept when the Central Parks were planned and laid out in the mid-19th century was that the surrounding buildings should be part of an overall ensemble with the Parks and provide a fitting backdrop and setting. That concept has been progressively eroded and challenged by unsympathetic redevelopment over the years but, despite the traffic, Cumberland Place still retains vestiges of that character and appearance. Those last vestiges are fragile, and will be destroyed by this proposal and the unfortunate recent permission for an unsympathetic, over-bulky development at 18-22 Cumberland Place. Both developments, by height and massing, fail to conform to scale and rhythm of street-frontage needed to sustain the character and appearance of Cumberland Place. Visual images provided by the applicant demonstrate that a building of the height and massing proposed would be obtrusive in views from within and across the Park and, contrary to the opinion submitted by the City Council's Conservation Officer, would be over dominant. Tall buildings which fail to articulate the scale and rhythm of present surrounding development do not in any way contribute to 'articulation' of the edge of the Park but cause undesirable damage. That permission has already been given to add 5 storeys to the present structure should not be accepted as justification for repeating that mistake. The proposed building is too high and unsympathetic in scale and massing for this sensitive location.**

- 5.5 The proposed development does not provide outdoor amenity space for use of the residents. Section 14 of the Design and Access Statement says 'No communal external amenity space provision for residents of the accommodation is proposed. Taking into account the proximity of amenities to residents in this city centre location and in particular Watts Park just across the road, the provision (ie none) is considered to be appropriate'. SCAPPS is dismayed and appalled by this statement. It leaves to the City Council making provision for consequent

increased pressure of use, and type of use, resulting from an additional 200 active young persons living next to the Park -- and a Park laid out as ornamental gardens, ill-suited to coping with the informal active recreation. SCAPPS is vehemently opposed to developers being able to pass on to CIL funding making provision to meet demands resulting from use consequent on the proposed development. CIL is there to assist provision for the benefit of the community as a whole, not provision made necessary by the proposed development/use.

#### Response

The design issues are addressed later in this report. The issues relating to student accommodation adjoining the parks have been considered in connection with other recent developments. The Panel have previously endorsed the approach that funding for improvements to the city's open spaces falls within the CIL funding regime.

### **Consultation Responses**

- 5.6 **SCC Highways** - The proposal for 198 student rooms at this location is acceptable in principle. The site is located on Cumberland Place which forms part of the city's inner ring road, and is an A class 30mph 4 lane road, carrying high volumes of traffic especially at peak times. The ring road creates severance from north to south for pedestrian movements, although there are a number of crossing points designed within traffic signal controlled junctions along its length. However, there is a requirement to review pedestrian and cyclist movements and desire routes for this scheme to make it acceptable. This can be addressed via the Section 106 agreement. The rear of the site has 3 or 4 car parking spaces which are designated to be used for parent drop off at the beginning of the academic year, but the suggested drop off arrangements seem inconclusive as to how all student arrivals can be accommodated with such small provision of spaces. Additional information is required for the details of cycle parking and bin stores etc. which can be covered by conditions.
- 5.7 **SCC Sustainability Team** – It is not clear what the proposed energy strategy is to achieve 15% reduction in CO<sub>2</sub> through renewable or low carbon sources and to meet the BREEAM requirements - this should be incorporated into the plans (e.g. whether connection to city centre district system, space for onsite CHP or photovoltaic panels). It is recommended that this is confirmed prior to determination. A green roof should be incorporated to provide a variety of species to improve the biodiversity benefits.
- 5.8 **SCC Design Advisory Panel** – (Comments made at the pre-application stage - at that time the proposed building was 12-storeys over the whole site). The Panel had commented on the previous application for extending the building and had given support to the proposed height and general proportion of the building fronting the park. The key advice sought at this stage was whether the additional height and mass of the building was acceptable. The Panel recognised that the set back and set down of the building created a distinction between the two elements of the building but this was considered to be insufficient to break the overall bulk and mass of the building which was considered to be overpowering within the site and most particularly on the key view looking east along Cumberland Place. The Panel felt that the Park Lane half of the building should be reduced in a height by a minimum of three floors. Particular attention should be given to external materials and the design of the roof storey.

## Response

These comments, which were made at the pre-application stage, have been addressed with the application scheme. The height of the building has been amended and the rear part has been reduced from 12-storeys to 9-storeys. The roof storey has also been re-designed. The details of the materials can be covered by a planning condition in the normal way.

- 5.9 **SCC Heritage** - The application site is located within Area 7 of the Local Areas of Archaeological Potential. The 1846 Royal Engineers map shows the land as vacant. By 1870 the site was occupied by a large Victorian villa and associated garden, which survived until the Second World War. The site is also immediately to the north of the Grade II\* Registered West (or Watt's) Park. The area would have been given over to fields in the medieval to post-medieval periods, however there is potential for archaeological deposits relating to earlier periods of occupation surviving (albeit in a truncated form). The site lends itself to the location of a tall building, which will help to articulate the edge of the park without being over dominant. There are no objections subject to conditions on archaeology.
- 5.10 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses - Garage (35m North West). This land use is 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. Therefore, the site should 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.
- 5.11 **SCC Ecology** – No objections. The existing building and its immediate surroundings have negligible biodiversity value which is confirmed by the accompanying ecological appraisal. The building appears to be in good condition with no obvious entry points for bats. Demolition of the building is therefore unlikely to lead to direct adverse impacts on biodiversity. Desktop information has previously indicated the presence of a bat roost in Watts Park which lies close to the application site. There is therefore a need to ensure that the new building does not result in higher light levels which could have an adverse effect on bats using the roost. In particular, light spill from floors above the level of the street lights needs to be minimised. This can be achieved by careful design of lighting and glazing and management of the building once it enters operation. The submitted design shows an area green roof which, if appropriately designed, has the potential to provide a significant biodiversity enhancement. I would like to see the use of a range of wildflower species in addition to sedum as per the recommendation in section 5.4.1 of the ecological appraisal.
- 5.12 The ecological appraisal details a number of measures designed to prevent recreational impacts upon European sites in the New Forest and along the coast. These measures are appropriate however, they will need to be supplemented by the use of tenancy agreements to prevent the keeping of dogs and bringing cars to the accommodation. In addition, an SRMP payment will be required.

- 5.13 **BAA** – No safeguarding objections.
- 5.14 **Historic England** – No comments, the application should be determined on the basis of local conservation advice.
- 5.15 **Southern Water** – No objections subject to conditions relating to provision of new drainage arrangements. Following initial investigations Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure.
- 5.16 **Natural England** - No objections subject to contributions being secured. The site is within 5.6 km of Solent and Southampton Water SPA. Provided the application is complying with the adopted Supplementary Planning Document, 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. With respect to New Forest sites, the information provided by the applicant, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they have no objections providing that all mitigation measures are appropriately secured in any permission given.

## **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 still occupied as offices and therefore this application constitutes a 'Departure from the Development Plan'. However, there are other relevant circumstances in this case. Firstly, the government has allowed conversions of existing office buildings into residential accommodation to be carried out as 'permitted development' subject to a prior approval process. These national arrangements have now been made permanent. As a result it is increasingly difficult for the Council to safeguard offices in this location. Secondly, previous approvals have allowed residential use of this site, initially a 'prior approval' for the conversion of the existing building and subsequently extensions to create a 10-storey building. The principle of residential use has therefore been established and student accommodation is a specialist form of residential accommodation.

6.3 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.

#### 6.4 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 a tall building on this site and for a 12-storey building at 18-22 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. This does not necessarily mean that every site north of the park will become a tall building. For example, the listed buildings at 5-11 Cumberland Place are likely to remain and the recently approved hotel development to replace the Southampton Park Hotel was relatively low level given the need to be sympathetic to the setting of the adjoining listed buildings. In this case, the increase in the height of the building is relatively modest compared with the previous approval; although this would be a 12-storey building compared to 10-storeys as previously approved, due to a difference in the storey heights of the office building, this proposal would be only some 3.7 metres higher than previously approved.

6.5 In terms of the detailed design approach, the ground floor would have a full width glazed entrance lobby with a projecting canopy above giving an active presence to the street. The scale of the building is effectively broken up into a clear bottom, middle and top section. The lower four floors of the building are on a similar line to the existing building with the upper floors set back. This respects the design of other buildings on Cumberland Place/Brunswick Place which adopt a similar

approach of a plinth with a taller element above. This is a relatively narrow, deep plot so many of the rooms will have windows to the side elevations. The west elevation in particular will have primary windows to rooms. This has the benefit of making the west side of the building a 'primary elevation' rather than just a flank wall. This is considered to be important given the prominence of this elevation 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 good quality design.

## 6.6 Transportation Issues

This site is well 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. Although there is limited on-site parking for drop-off and collection purposes this can be controlled through management arrangements. The Grosvenor Square multi-storey car park directly adjoins and this can be used for longer term visitor use.

## 6.7 Impact on neighbouring properties and quality of accommodation

There are no residential occupiers directly adjoining the site, although the former Southampton Park Hotel is currently being redeveloped for a replacement hotel. Given the nature of the surroundings within the city centre, the site is considered to be suitable for a student residential scheme. In terms of the physical impact of the building, there would be no impact along the northern site boundary as this abuts the multi-storey car park. The design of the adjoining hotel development took into account the approved scheme for this site and this proposal would have a similar impact on this adjoining site. The eastern elevation would have only limited window openings so the redevelopment potential of this adjoining site should not be adversely affected. In terms of the likely standard of accommodation, the layout is typical of the modern developments being provided by private developers with a mix of studio units and cluster flats. This proposal includes 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. The rooms on the north side of the building would have a much more restricted outlook but these rooms are fewer in number and the situation is considered to be acceptable for what is effectively short-stay accommodation.

## 6.8 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 £176 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 in office use within an area where the Council has previously sought to protect office use. In this case there are mitigating factors including previous approvals which permit residential use. 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, parking and ecology issues.

## 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 07/06/2016 PROW Panel**

## **PLANNING CONDITIONS**

### **1. 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. 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. 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. 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 scheme 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. Use of uncontaminated soils and fill [Performance Condition]**

Only clean uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall 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. 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. 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. 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. 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. 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. 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. Drainage Strategy (Performance Condition)**

No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason:

To ensure satisfactory drainage provision for the area.

**13. 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. 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. 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. Renewable Energy - Micro-Renewables (Pre-Commencement Condition)**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions of 15% must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development of 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable 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 demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**17. 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.

**18. Layout of Car Parking/Servicing (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. 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. 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. External Lighting Scheme (Pre-Commencement)**

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason:

In the interest of residential amenity/to minimise the impact on protected species.

**22. Archaeological watching brief investigation [Pre-Commencement Condition]**

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

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

**23. Archaeological watching brief work programme [Performance Condition]**

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

Reason:

To ensure that the archaeological investigation is completed.

#### **24. Noise & Vibration (external noise sources) (Pre-Commencement Condition)**

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.

#### **25. 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.

#### **26. Provision and retention of facilities (Performance Condition)**

The ancillary facilities for the student accommodation as shown on the approved plans, to include the cinema, common room/reception, study rooms and gym 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.

#### **27. 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.

#### **28. Visitor cycle parking (Performance Condition)**

Before the development hereby approved first comes into occupation, short stay cycle storage facilities for visitors shall be provided and made available for use in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage shall thereafter be retained as approved.

Reason:

To encourage cycling as an alternative form of transport.

**29. Habitats Regulations Mitigation Measures (Performance)**

The development hereby approved shall not be first occupied until the mitigation measures identified in the NFSPA Mitigation Note from Ecosupport Ltd dated March 2016 have been implemented as set out in the document.

Reason:

To mitigate the impact of the development on the special interest features of nearby Special Protection Areas as required by the Conservation of Habitats and Species Regulations 2010.

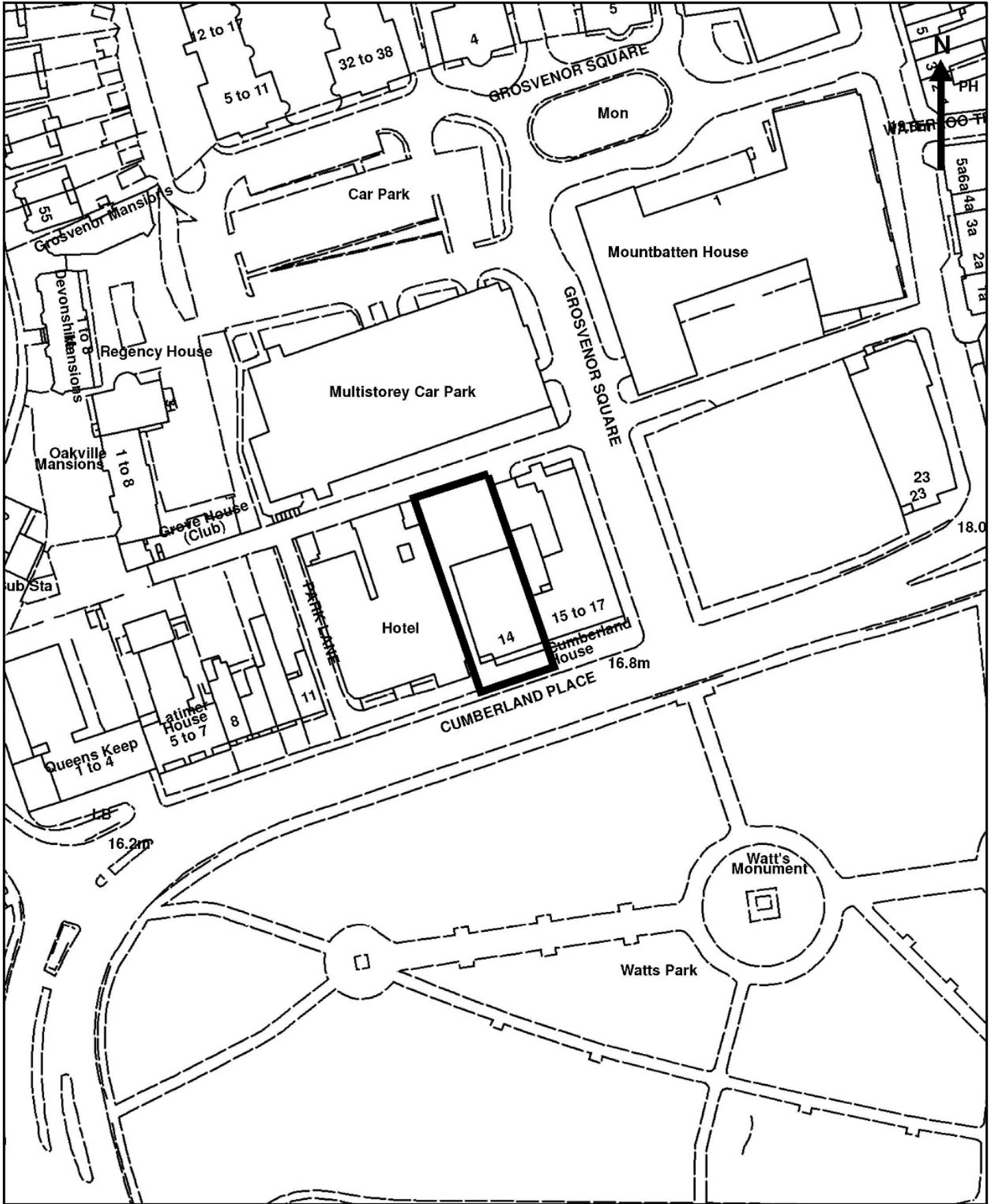
**30. Approved Plans**

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.

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