

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24th May 2011
Planning Application Report of the Planning and Development Manager

Application address: Area Housing Office, Parkville Road, Southampton			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.			
Application number	11/00204/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	N/A Planning Performance Agreement	Ward	Swaythling
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Vassiliou Cllr Osmond Cllr Turner

Applicant: Bouygues Development	Agent: Fluid Architecture Ltd FAO: Mr Christopher Pickering
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Recommendation Summary	Refuse
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Appendix attached			
1	Reasons for Refusal	2	Scheme Comparison Table
3	Development Plan Policies	4	Relevant Planning History
5	SCC Highways Objection	6	Community Use Offer

Recommendation in Full

Refuse for the reasons set out at **Appendix 1** of this report.

Background

The Council resolved to grant planning permission (ref: 08/00081/FUL) in April 2008 for the redevelopment of this site for:

“The erection of new buildings (part two-storey, part three-storey, part four-storey, part five-storey and part fourteen-storeys) to provide a mixed use development comprising a health centre, community use, retail use and 119 flats with associated parking, landscaping and access facilities - Description amended following reduction in height of tower element by 3 storeys.”

Subsequently, the Council granted planning permission (ref: 08/01489/FUL) in January 2009 for a revised scheme comprising:

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

Neither development has proven to be deliverable in the current economic climate, although permission 08/01489/FUL is extant and still implementable.

The site is within the ownership of the City Council. The Council’s Cabinet agreed, on 25th October 2010, that the site is again, in principle, suitable for disposal.

1. The Site and its Context

- 1.1 This application relates to the redevelopment of the existing Parkville Road car park (66 parking spaces, of which 54 are public), youth centre (308sq.m) and local housing office (243sq.m), which is currently vacant.
- 1.2 This level site is accessed directly from Parkville Road and is bounded to the east by Thomas Lewis Way and the railway line beyond, and to the west by Stoneham Way/High Road and its junction with Stoneham Lane. Both boundaries are defined by mature planting.
- 1.3 The character of the area is mixed in terms of land use and architectural styles. The terrace to the south of Parkville Road forms part of the Swaythling Local Centre, which is characterised by two storey development with retail space fronting the road. The red brick Market Buildings on the opposite side of Stoneham Way/High Road are of three storey construction. They also form part of the defined Local Centre. Swaythling Railway Station is located approximately 220 metres from this site, with existing pedestrian linkages.
- 1.4 The application is located within a defined area of “medium” accessibility, albeit with good access to the Swaythling Railway Station. The application site area measures 0.37 hectares.

2. Proposal

- 2.1 Full planning permission is sought for a mixed use development following the redevelopment of the site with a tall building.
- 2.2 It is intended to provide improved health care facilities over two floors of accommodation (756sq.m), which will enable the existing Stoneham Lane Surgery to relocate. The proposed building has also been flexibly designed to accommodate a future expansion of the medical centre into the first floor (200sq.m) should this be required.
- 2.3 The existing community space (formed by the youth centre) will not be re-provided on site. Instead, the Council has agreed to find alternative off-site provision for the youth club users as part of the land deal between the applicant and the Council as landowner. The Council’s existing housing office use has also been consolidated off-site.

- 2.4 Small scale retail (918sq.m), including a new/replacement pharmacy, and four additional 'flexible' retail units (use class A1/A3/D1), a plant room and storage, and a site manager's office will occupy the remaining ground floor space.
- 2.5 The development provides student accommodation for 368 bed spaces (comprising 53 shared 'pods' formed from 348 bedrooms, 4 no.2 bed flats and 12 no.1 bed flats). Given the proposed use no affordable housing is provided.

The Building

- 2.6 The proposed building is a perimeter block development formed by two wings of between one (4.2 metres high) and seven (19.8m) storeys that are hinged together by a fifteen-storey (42.8m) landmark tower around an internal courtyard and parking area. The chosen design provides a southerly aspect to this courtyard and takes a similar form and footprint as that previously consented. The wings incorporate a communal roof terrace and a series of green roofs and walls as the building steps upwards. The building is modern in design with a facing brick, horizontal timber cladding, and through colour rendered finish. The main tower element and wings are formed by a high pressure laminate Trespa cladding.

External Space(s)

- 2.7 As with permission 08/01489/FUL the current scheme has removed the basement car park that was originally approved under application 08/00081/FUL.

- 2.8 A total of 36 spaces are provided at surface level within the courtyard and off-site along Parkville Road. The parking spaces are allocated as follows:

13	Permit controlled spaces for medical centre staff use	On-site
11	spaces for patients of the medical centre (inc. 2 disabled spaces)	On-site
7	Public spaces to serve the retail and community uses	Parkville Rd
3	Informal University Servicing Spaces	On-site
1	Car Club Space	Parkville Rd
1	Private space serving 1 Parkville Road following de-adoption	Parkville Rd
0	Residential spaces	

- 2.9 Permission 08/01489/FUL was approved with 59 parking spaces (including 5 disabled spaces) split across Parkville Road including the former Bower's garage site on the opposite side the road. These spaces were to be allocated between the residential flats (19 spaces) medical staff (14 spaces) and public use (25 spaces) with 1 car club space. A summary comparison table of this scheme with the previous approvals is provided at **Appendix 2** to this report.

- 2.10 The scheme includes a service layby on Stoneham Way/High Road and there is also scope for a bus stop to be located on this frontage following a re-route to the Unilink bus service. A communal bin store is integral to the proposed building as is a cycle store for students with provision for 1 space per 2 students proposed. Additional spaces are provided for visitors to the scheme. All can be secured and retained with a planning condition.

- 2.11 The proposal seeks to retain all existing trees and landscaping along the site's Thomas Lewis Way frontage, although replacement planting is proposed along the

Stoneham Way/High Road frontage. Although these trees are not formally protected by a TPO they are located on Council owned land and are, therefore, afforded protection from inappropriate works. In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B (“worthy of retention”). The scheme proposes their replacement with 16 stand alone trees, 48 densely planted trees in a large courtyard planter, and 13 densely planted trees in a small courtyard planter (77 in total).

- 2.12 The scheme includes a semi-private courtyard and approximately 316sq.m of shared and usable amenity space located on a private roof terrace. All students have access to the communal roof terraces and lower courtyard and management controls are suggested to restrict access after dusk.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 3**.
- 3.2 The proposed mixed-use development is in principle considered to provide substantial positive regeneration benefits to the Swaythling Local Centre. At ground floor level appropriate retail and community services are provided that will positively extend and enhance the local centre (Local Plan Policy REI6 and Core Strategy Policy CS3 refer). The location of the site provides the opportunity for a tall landmark building that, by its nature, accompanies an intensive form of development.
- 3.3 The existing community uses are protected by adopted LDF Core Strategy Policy CS3.
- 3.4 Policy CS10 is permissive of additional health care facilities in appropriate locations.
- 3.5 Local Plan Policy H13 seeks to ensure that the growth of the city’s Universities is co-ordinated with the provision of student accommodation.
- 3.6 Core Strategy Policy CS16 requires that schemes of 10 or more dwellings provides at least 30% of the units as “family homes” with at least 3 bedrooms and access to private amenity space. An exception is made for “specialist” housing schemes including purpose built student accommodation.
- 3.7 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. In this instance the applicants will achieve a ‘Very Good’ BREEAM standard and will meet their micro-renewables obligations with an air source heat pump located within the plant room.

Planning Policy Guidance Note PPG13 - Transport (2010)

- 3.8 The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. PPG13 explains that by “influencing the location, scale,

density, design and mix of land uses, planning can help to reduce the need to travel”. One element of this approach is the implementation of maximum car parking standards, as set out at Policy SDP5 and Appendix 1 of the adopted City of Southampton Local Plan Review (2006).

- 3.9 PPG13 states that Council’s should “not require developers to provide more (parking) spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls” (Paragraph 50 refers).

4.0 Relevant Planning History

- 4.1 The relevant planning history for this site is set out at **Appendix 4**.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners (at validation stage and following the receipt of amended information), placing a press advertisement (21st February 2011) and erecting a site notice (24th February and 3rd March 2011). The application was also advertised as a potential departure from the Development Plan (28th February 2011). Those that objected were notified as the scheme was amended.

Third Party Comment

- 5.2 At the time of writing the report **85** representations have been received from surrounding addresses (excluding multiple responses from the same address), including an objection from Ward Cllrs Odgers and Turner to the submitted and amended scheme.
- 5.3 **City of Southampton Society** – Supportive of the proposals for this site. No objection raised to the current proposals, but have requested that a clock is added to the top of the tower.
- 5.4 1 letter of support has been received from the existing Stoneham Lane Surgery, and 9 representations explain that, whilst objecting to the detailed application, they welcome the principle of a regeneration project on the site.
- 5.5 In addition 4 separate petitions have been lodged comprising:
1. 190 signatures objecting to the sale of the site by the City Council and its subsequent redevelopment for student accommodation and shops;
 2. 188 signatures in support of the provision of university accommodation, new healthcare facilities and retail;
 3. 149 signatures (131 from Ethelbert Avenue) objecting because of inadequate parking and subsequent overspill into the Ethelbert Avenue Conservation Area;
 4. 6 signatures requesting that if permission is granted a condition is imposed restricting car ownership to residents
- 5.6 Relevant planning issues raised include:

i) Highways

- There is a lack of on-site parking to serve the development as evidenced by the applicant's own transport assessment. The University have accepted that restricting student car ownership is unenforceable. This will result in pressure to park off-site in already over-parked streets (such as Parkville Road, Phillimore Road, Rayners Gardens, Ethelbert Avenue, Stoneham Lane, Carnation Road, Laburnum Road and other streets within the Flowers Estate). The submission does not take account of the likely Controlled Residents Parking Zone in the Lower Flowers' roads, which will also lead to additional overspill. This scheme will result in highway safety problems and access difficulties for the emergency services. The number of discrepancies within the transport assessment undermines the credibility of the survey work.

Response

Agreed in part. The adopted Local Plan aims to reduce reliance on the motor car in line with advice contained in PPG13 (Transport). The provision of 32 parking spaces and 1 car club space to serve the proposed level of development in this area of 'medium' accessibility to public transport routes and local facilities is insufficient for the reasons detailed in the Planning Considerations section of this report as informed by the comments of the Council's Highways Officer (attached at **Appendix 5**). That said, the applicant's Transportation Assessment suggests that the existing car park is under utilised, and the City Council has taken steps to close it permanently.

- The management plans for the drop-off and collection of students are inadequate and impractical, particularly for students travelling long distances.

Response

These concerns are shared by the Council's Highways Officer, although it is likely that a planning condition or planning agreement could be used to properly assess the likely demand and make appropriate arrangements with ongoing monitoring. This, in itself, is not a sustainable planning objection.

- Cycle parking is inadequate for a student block and there are no motorcycle spaces.

Response

Since the original submission the level of on-site cycle parking to serve the students has been significantly increased so that a secure store with 1 bike space per 2 students is now available. As part of this change motorcycle parking has been introduced into the site layout.

- The existing public car park will not be replaced to the detriment of the existing Local Centre.

Response

A total of 18 spaces will be available to serve the patients of the doctors (11 identified), users of the commercial floorspace (7 identified) and the existing local centre. As the existing car park has been underused it is likely that many trips to the Local Centre already take place by non-car modes. That said, the level of parking proposed has raised an objection from the Council's Highways Officer.

- The location of the nearest bus stop is too far from the development to encourage the use of public transport.

Response

The applicants propose to re-route the existing Unilink service, and the amended scheme introduces a new stop to the front of the development. These measures could be secured with a S.106 Legal Agreement.

- In the event that planning permission is issued it is essential that the University includes a clause in the tenancy agreements that the student residents will not bring a car to Southampton.

Response

The applicants agree that such a clause is not legally binding or enforceable.

- The development will result in additional trips on the network, which is already at capacity particularly during peak times.

Response

Agreed in part. Discussions with the developers have identified a package of highway works that could be implemented to mitigate against this impact and make the scheme workable. Similarly, it should not be forgotten that there are existing uses on site (including a car park) and that an extant planning permission could be implemented that also yields additional trips on the network.

ii) Community Use

- The existing youth centre provides a valuable resource to the Swaythling community that should be kept or replaced. Similarly, the existing boxing club is providing a valuable activity at minimal cost to its users. The closure of this building without proper replacement will harm Swaythling, which already has high levels of unemployment and social deprivation.

Response

Agreed. This issue is discussed further in the Planning Considerations section of this report. The Council has confirmed the measures it will undertake to replace the youth club provision and the applicants are working with the boxing club to ensure ongoing provision is possible (**Appendix 6** refers).

iii) Design & Residential Amenity

- A 15 storey tower and the chosen design are grossly out of keeping with its context. The proposal would be visually intrusive.

Response

The issue of design, height, scale and the suitability of a tall building for this site is discussed in the Planning Considerations section of this report. Refer also to the comments of the Council's City Design Manager. The Council has previously resolved to grant permission for a 14 storey tower with a similar building height.

- The application fails to respect views out from the nearby Ethelburt Conservation Area. Overspill parking may take place within the CA to the detriment of its character.

Response

The application was previously considered to be suitably removed from the nearby conservation area so as not to harm its setting. The previous scheme was also assessed as having an appropriate level of on-site car parking. The submission includes a full visual impact assessment (as was presented with the previous scheme) and the tower element, whilst visible, is considered to be acceptable. The highway concerns of overspill parking are shared by the Council's Heritage Team Leader.

- The tower will restrict the flight path to Southampton Airport.

Response

BAA are a statutory consultee on this matter and have raised no objection to the proposals.

- The scheme does not provide sufficient details of the proposed external lighting and fails to demonstrate how light spill will be reduced.

Response

The detailed lighting scheme could be resolved by a planning condition following further consultation with colleagues in Environmental Health.

- A 15 storey tower will result in significant overshadowing of surrounding buildings.

Response

The applicants submission includes a detailed shadow path analysis, which confirms that the majority of the shadow caused will fall across the existing highway network rather than nearby residents (the nearest of which are located to the south of the development and away from any shadow caused).

- The submitted noise survey does not include any new survey work since the previous application (including noise from the likely occupants) and is inadequate. The site should be reclassified as Noise Category D where PPG24 recommends that planning permission is refused.

Response

The Council's Environmental Health Officer has reviewed the submission and the detailed objection to it. The EHO agrees, in part, with the objectors criticisms but comments that "the proposal recognises that this site is in a noisy area, on the cusp of category C/D of PPG 24 and the criticisms will not make a great deal of difference to the calculated levels and, therefore, the high specification windows with acoustically treated ventilation that are proposed should be sufficient to ensure the internal noise climate is suitable. No objection has been raised to the assessment and planning conditions are recommended to resolve any detailed issues.

- The nearby residents will suffer from noise and antisocial behaviour from the student residents – as evidenced elsewhere in the City where concentrations of students live.

Response

The applicants have given careful consideration to the impact that the development (and its users) will have on its neighbours. The site will have a 24 hour concierge/manned site office and external gates will be locked at an agreed time to ensure that all pedestrian movements take place through the tower and away from Parkville Road residents. Similarly, the proposed roof terrace will be locked after dusk. Further details of this management plan and CCTV can be secured with a planning condition.

- Loss of privacy to the resident of 1 Parkville Road and others who live nearby.

Response

The proposed alterations to the wings of the building and the removal of any communal roof terrace or window with a southerly aspect from the Thomas Lewis Way wing will remove any possible overlooking. The main building is sufficiently separated from its neighbours to cause any concern. For instance, the tower is some 42 metres from Market buildings and 63 metres from the rear of those dwellings fronting Phillimore Road. A separation distance of 49 metres between the tower and 1 Parkville Road is achieved, which reduces to some 11.7 metres to the nearest wing. There are no windows proposed at this point. The level of overlooking proposed is no worse than those previously assessed as acceptable.

- The quality of television reception will be reduced by this tower scheme (and certain addresses, particularly within the Ethelbert Avenue Conservation Area, are unable to erect a satellite dish).

Response

PPG8 Telecommunications (2001) advises that “large, prominent structures such as tower blocks, cranes, warehouses or football stadiums can cause widespread disruption to analogue television reception... Digital television signals are far more robust than analogue and, as viewers change to digital over time, offer the prospect of the elimination of such problems.... Certain factors can be taken into account at the planning application stage, in particular the height and width of each face of the structure, the material and outside surface finish, and the orientations of the sides of the structure in relation to any local transmitter”. Whilst the issue is material to Planning, as with the previous scheme the S.106 legal agreement could be used to secure a pre and post construction TV reception study with any change in circumstances rectified at the developer’s expense.

- The building will have a wind funnelling effect

Response

As with the previous scheme(s) the proposed design reduces any significant harmful microclimate impacts as detailed in the applicant’s submission.

iv) Other

- There are nesting birds using the site, and the submitted ecology report fails to make any assessment of the site’s bat population. The loss of trees and habitat should be resisted.

Response

The Council’s Ecologist and Natural England have identified that the site has a very limited biodiversity value and have raised no objection to the application. The Council has already accepted the principle of redevelopment. The issue of nesting birds can be resolved by carefully programming the commencement of development.

- The proposed retailing will compete with the existing Local Centre, which is already suffering from high vacancy rates. The submitted Retail Impact Report contains deficiencies.

Response

The Local Plan identifies this junction as a Local Centre. Although the application site does not form part of this designation the use of retail space along Stoneham Way will activate the ground floor of this building, whilst linking the Stoneham Way retail frontages with Market Buildings. The proposed commercial space is formed by 5 separate units with a combined floor area of 918sq.m. At the time of writing the applicant’s have indicated that two of these units have been earmarked for a convenience retailer and a pharmacy respectively. Given the relative small-scale operations the proposal will not significantly impact upon existing trading but should compliment the existing Centre. The Council has previously resolved to grant permission for 608sq.m of complimentary retail serving a mixed-use redevelopment proposal on this site.

- The public consultation undertaken as part of the pre-application stage was inadequate. It comprised 1 evening session on 8th December at the Jury’s Inn with little notice.

Response

Noted. The Council has undertaken its own consultation exercise in line with statutory requirements.

- There would be vandalism to medical staff cars (off and on-site).

Response

The scheme has been designed to accommodate the needs of the Surgery so as to reduce the likelihood of staff needing to park off-site. On-site provision has been made for CCTV coverage and management that should deter any vandalism taking place.

Consultation Responses

- 5.7 **SCC Highways** – Objection raised. A full copy of the objection is attached to this report at **Appendix 5**.
- 5.8 **SCC Heritage** – Concerns raised. There are potential implications arising from the implementation of the Gateway scheme and the nearby Residents Parking Scheme. Concerns are raised that casual parking would relocate to other areas, the Conservation Area included. As Ethelburt Avenue is a private road managing casual parking will prove problematic as the Council will not be able to enforce a Residents Parking scheme. Such parking may be detrimental to the character and appearance of the Conservation Area.
- 5.9 **SCC City Design** – following detailed discussions at both pre-application and application stage no objection raised. Previously advised that the form, height and massing is acceptable and promises to provide a dramatic gateway building on this key approach to the city. The wings are tall, given the context and local plan policy SDP 9 (5 storeys or greater), and the same applies as above. These wings, particularly on Stoneham Way, complement and relate more closely to the local context providing a human scale at street level. The pedestrian route through to the medical centre includes windows to allow some natural surveillance as well as being well lit. The route should also be clearly legible through to the medical centre entrance. In response to this scheme it is considered that the strip windows to the wings introduce a rhythm of windows and mullions that reflects the proportions of the Market buildings. They will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing.
- 5.10 **SCC Tree Team** - The trees on this site are under Council ownership and are therefore considered to have the same protection as a Tree Preservation Order. They do, therefore constitute a material consideration in the planning process. The objection raised from previous consultations (ref. 08/00081/FUL) is still relevant although constrained by the outstanding permission. There are some 20 trees and hedgerow trees shown to be removed. It was previously recommended that this application is refused due to the loss of important visual amenity trees without suitable mitigation.
- 5.11 **SCC Housing** – No objection raised to nil affordable housing provision providing a restriction on the use of the units for students only is imposed. The provider should also be required to sign up to SASSH - Southampton Accreditation Scheme for Student Housing.
- 5.12 **SCC Landscaping** - No objection subject to the imposition of appropriate planning conditions. This is an acceptable solution, which is a mature and thoughtful response to both the new development and the existing context.
- 5.13 **SCC Sustainability** – No objection subject to the imposition of appropriate planning conditions. The BREEAM pre-assessment indicates that at least a ‘Very Good’

standard will be achieved, however there is a lack of additional information on the residential and retail assessments on how each of the credits is planned to be achieved. The design and access statement says 'A 10% improvement or better over Building Regs Part L2A shall be achieved.' The applicants should be aware that the multi-residential element should be achieving at least 15% improvement.

- 5.14 **SCC Ecology** – No objection subject to the imposition of appropriate planning conditions. It is pleasing to see the introduction of a bio-diverse green roof, although it only accounts for a small proportion of the available roof space. This roof will provide some mitigation for the loss of foraging provided by the tree belt. The proposed development is unlikely to have a significant adverse impact on local biodiversity. Implementation of the enhancement measures listed in the Ecological Appraisal January 2011 should be secured through a planning condition. An informative should be placed on any permission advising of the legal duty to avoid disturbance to nesting birds.
- 5.15 **SCC Environmental Health (Pollution & Safety)** - No objection subject to the imposition of appropriate planning conditions relating to noise attenuation, hours of construction, piling method, demolition method and the management of operational deliveries. The proposal recognises that this site is in a noisy area, on the cusp of category C/D of PPG24. A high specification window with acoustically treated ventilation is proposed and should be sufficient to ensure the internal noise climate is suitable. It should be noted that mechanical ventilation may be required for the lower levels of the site to overcome any potential concerns for air quality issues from the traffic.
- 5.16 **SCC Environmental Health (Air Quality)** – No objection subject to the imposition of appropriate planning conditions. The Air Quality Report is acceptable.
- 5.17 **SCC Environmental Health (Contamination)** - No objection subject to the imposition of appropriate planning conditions. Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach.
- 5.18 **SCC Archaeology** – No objection subject to the imposition of appropriate planning conditions. A desk-based assessment and programme of field evaluation was undertaken back in February 2009. Although prehistoric material (including Bronze Age pottery and burnt flint) was discovered on the site, the archaeological potential for the site can best be dealt with by carrying out a Watching Brief on the groundwork associated with the development.
- 5.19 **BAA** - No objection subject to the imposition of appropriate planning conditions relating to bird hazard management, removal of permitted development rights for telecoms, lighting and cranes.
- 5.20 **Natural England** – No objection. The site is within 500m of the habitats that form part of the River Itchen Site of Special Scientific Interest (SSSI), which also forms part of the River Itchen Special Area of Conservation (SAC). It is the opinion of NE

that this project, either alone or in combination, would be unlikely to have a significant effect.

- 5.21 **Southern Water** - No objection subject to the imposition of appropriate planning conditions. A public sewer crosses the site and will need to be diverted as part of the proposals.
- 5.22 **Hampshire Constabulary** – No objection following confirmation that the proposed lighting will be either column or building mounted to avoid Secured By Design issues. Previously advised that the Design & Access Statement addresses the context of the site in compliance with PPS1.
- 5.23 **The Environment Agency** – Previously raised no objection in principle, but requested that planning conditions are imposed to ensure that the development complies with the applicant's Flood Risk Assessment.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of mixed-use & the replacement of community facilities;
 - ii. The principle of a tall building development in this location;
 - iii. The design approach & its impact on the established character;
 - iv. The level of on-site parking and servicing, and its impact on highway safety; and,
 - v. The impact on existing and proposed residential amenity;
 - vi. Impact on Local Trees;
 - vii. The requirement for a S.106 Agreement and the provision of affordable housing.

6.2 Principle of Mixed-use Redevelopment

The re-use of this previously developed land with a mixed-use proposal is consistent with the requirements of 'saved' Local Plan policies H2 and H13 as supported by policies CS3, CS5 and CS10 from the Council's adopted LDF Core Strategy (2010) and the national guidance identified above.

- 6.3 The Council's favourable determination of the previous applications (08/00081/FUL and 08/01489/FUL) is also a material consideration that should be afforded significant weight in the determination of this application, especially as the latter scheme could still be implemented

i) Community Uses

- 6.4 Policy CS3 seeks to prevent the loss of existing community uses unless the use can be relocated to a site providing equivalent community benefit or there is no community need for the building.
- 6.5 As submitted the application proposed to replace the existing community uses, but as discussions have developed so has the ground floor layout and the proposed uses. Rather than replace the community uses on site, the Council's Children's and Services Team have confirmed that from September 2011 they will maintain youth support provision in the Swathing area via an advertised programme of activities (taking place once a week) utilising existing venues such as Cantell School, Swaythling Neighbourhood Centre, Woodmill and the new MUGA on Daisy Dip (when it is completed).

6.6 The existing youth centre operates in tandem with the Inner City Boxing Club, which is a voluntary organisation. The boxing club have an informal arrangement with the Council to operate from the site on a temporary basis whilst redevelopment plans are fixed. As such, whilst the value of their work cannot be overstated, in planning terms they should be afforded only limited weight when assessed against Policy CS3 as they took the space in the knowledge of the Council's planned redevelopment proposals. That said, the applicants are working with the Boxing Club and propose to assist in finding alternative provision for the club as detailed in their attached letter at **Appendix 6**.

6.7 The application accords with the aims of Policy CS3.

(ii) Retail (Use Class A1)

6.8 As with the extant permission the application seeks a commercial ground floor use. The application proposes 3 retail units (use class A1) to include a pharmacy, a flexible retail unit (use class A1/A3 food and drink) and a Unit for D1 uses (Non-Residential). A combined floor area of 918sq.m is proposed. Policy CS3 states that "new development must be at a scale appropriate to the size and role of the centre" and identifies Swaythling as being served by a 'Local Centre' that meets 'day to day' needs for the immediate neighbourhood. The Policy is permissive of new development to protect the vitality and viability of these existing centres. The application site is located outside of the existing defined centre, but is an obvious link between the designation along High Road and the Market buildings.

6.9 The applicant's updated 'Retail Report' (2011) explains the retail impact of the proposal and concludes that the existing centre is still struggling (since their assessment of earlier, similar, proposals). Vacancy rate has increased from 5% in 2007 to 14% in 2011. The proposed uses will regenerate the area as part of the mixed-use proposals and should compliment the existing centre. The application is considered to have addressed the requirements of Policy CS3 and the additional retail floorspace proposed is again deemed to be acceptable. The application has, nevertheless, been advertised as a departure from the development plan as it proposes more than 750sq.m of retail floorspace outside of a recognised centre.

6.10 In accordance with previous discussions the applicants propose the following hours for trading:

- 6:30am to 10:30pm Monday to Saturday
- 7am to 10pm on Sundays and Public Holidays
- The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week

6.11 Site deliveries will be restricted to between 6am and 7pm (7 days a week including Sundays and public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only. Any deliveries by articulated vehicles shall take place no earlier than 7am (Monday to Friday) and 8am on weekends and public holidays.

6.12 These suggested hours are considered to be acceptable.

iii) Medical Centre (Use Class D1)

6.13 The application proposes 756sq.m for a medical centre serving the catchment of the existing Stoneham Lane Surgery. Policy CS10 is permissive, in principle, of applications for primary care facilities in existing accessible centres and where there is a need as part of an expansion of an existing facility. This part of the application accords with these aims and is supported by officers.

(iv) Residential (Use Class C3)

6.14 The principle of additional housing on this previously developed site is supported and will assist in providing a genuine “mixed and balanced community” as required by PPS3 (2010), Core Strategy Policy CS16 and Part 6 of the approved Residential Design Guide (2006). A high-density residential scheme will facilitate the provision of improved community and health facilities and has already been accepted.

6.15 The key change following the consideration of application 08/01489/FUL is that the residential element of the scheme is to be taken by the University of Southampton for student accommodation. With the exception of the 16 self-contained flats the accommodation is provided in pods or “cluster flats”, where 5 or 6 students share a communal living space with one another. There are 53 of these flats. The principle of this type of accommodation is supported by saved Policy H13 and is well suited for the site and the Swaythling Local centre. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City’s existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council’s normal affordable housing requirements do not apply.

Principle of a Tall Building

6.16 The application site is defined by mature planting and a low density context of between two and three storeys. The provision of a 15 storey building requires further justification and consideration before it can be accepted within this defined context. Adopted Local Plan Policy SDP9 defines a tall building as having 5 or more storeys of accommodation and states that the principle of tall(er) buildings is accepted on major routes into and out of the City, at junctions and at “gateway” locations. The application site meets these requirements and has already been assessed as acceptable, in principle, for a tall building proposal. The form of the current tower is similar to that previously considered to be acceptable, and the additional storey within the tower can be accommodated by reducing the storey heights throughout the building with no additional overall height required.

6.17 A material change following the approval of application 08/01489/FUL relates to the High Road and Thomas Lewis Way wings, which have been increased in height from 4 to 6/7 storeys.

6.18 A tall building scheme on this site is acceptable. This conclusion is shared by the Council’s City Design Manager and the Council’s “Gateways and Approaches Initiative” document (2006), which remains an un-adopted strategic document at this time.

Design Approach and Impact on Established Character

- 6.19 The proposed design approach should be assessed against the development plan unless other material considerations dictate otherwise.
- 6.20 In particular, PPS3 (2010) states that “good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted” (paragraph 13 refers).
- 6.21 Local Plan Policy SDP7 states that “development which would cause material harm to the character and/or appearance of an area will not be permitted”. The supporting text explains that “context is about understanding the uses, visual characteristics and the patterns of local life of an area” (paragraph 2.49 refers). The Council’s Residential Design Guide SPD explains that one of its key objectives is to positively enhance local character. In line with national urban design guidance the RDG recognises that the scale, massing and appearance of a dwelling or a group of dwellings should create a balanced composition in relation to each other and be in harmony with existing nearby development (paragraph 3.9.5 refers).
- 6.22 In terms of immediate context, it is clear that only a building of domestic scale would truly respect the existing Swaythling Local Centre. However, it does not follow that development of a greater scale and massing will automatically be viewed as alien or harmful to a given context. The site’s redevelopment potential has already been accepted and it sits on land bounded by significant highway distributors (in terms of volume and width). The site has an urban feel and appearance and its gateway location is recognised in the Council’s “Gateways and Approaches Initiative” document (2006). Marking a gateway with a landmark building is an established design technique. The Council has accepted a modern tall building proposal on this site already, and circumstances have not changed significantly, despite the subsequent adoption of the LDF Core Strategy in January 2010. The current proposal is formed using a very similar building footprint and envelope. The massing of the tower element has remained similar to the consented scheme, with the height and width being identical. The scheme is still compliant with Policy SDP19 in terms of airport safety and BAA have again raised no objection to the application’s height or form.
- 6.23 The chosen design expands on that already approved, albeit the wings have been increased in height by two/three storeys and all balconies have been omitted. The tenure has been amended and now proposes a scheme comprising wholly student residential accommodation above the ground floor commercial uses. The Council’s City Design Manager has commented that the taller strip windows to the wings provide a rhythm of windows and mullions that reflects the proportions of the Market buildings and will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing. No objection to the proposed scale, design or massing is made.
- 6.24 The proposed quantum of residential development enables the provision of a good “community” offer as part of a wider regeneration scheme. It is, therefore, considered that the proposed footprint and quantum of development (in terms of its built form) is acceptable, and would not result in any substantial harm to the visual

amenities of the locality. The current application enables the applicant to make better use of this previously developed land and assists the Council in addressing its housing requirements.

- 6.25 The application is considered to have addressed the requirements of local and national design guidance identified above and supported by Local Plan policies SDP6, SDP7, SDP8 and SDP9 as supported by Core Strategy Policy CS13 and CABE's guidance relating to "Tall Buildings".
- 6.26 Finally, the impact of the development on the nearby Ethelbert Avenue Conservation Area has also been considered as required by Local Plan Policy HE1. The impact of the physical form on the setting of this conservation area is considered to be negligible given the separation distances involved and the existing development between the two. The Council's Heritage Team Leader has raised concerns, however, to the impact that any overspill parking may have on the character of the conservation area itself, especially as Ethelbert Avenue is currently an un-adopted unmade road with no parking restrictions (unlike others in the vicinity of the site) and its adoption or use for parking to serve the development would affect its character.

Highways and Parking

- 6.27 Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes and Swaythling Train Station. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. Since submission the level of on-site car parking has increased from 24 to 36 (including 3 spaces to meet the University's servicing needs) with the use of Parkville Road for designated parking. Whilst this parking is located outside of the submitted 'red line' it is highway land and could be secured with a S.106 legal agreement.
- 6.28 The Council's Highways Officer has raised an objection to the proposals based on the lack of appropriate on-site parking to meet the needs of this mixed-use development, and the local centre following the loss of the existing public car park. Furthermore, during the consideration of the application it has become evident that neither the University nor the City Council could reasonably restrict any student from bringing a car to University and parking on nearby roads. Whilst there is no certainty that any student will choose to do so, especially given the availability of on-site cycle parking, a car club space, the 'free' Unilink bus pass to residents (with a possible diversion of the UNilink bus route) and the close proximity of the proposal to a Local Centre and the University itself, there is a possibility that additional demand for off-site parking spaces will be caused by the residential element of the scheme. An Assessment of whether this off-site demand is likely and harmful is, therefore, required. A full copy of the Highways Officer's response that informs the recommended reason for refusal is set out at **Appendix 5** to this report. In light of this objection it is considered that the scheme fails to accord properly with the Local Plan and Core Strategy policies relating to parking and highway safety, and this shortfall in provision will give rise to additional inconvenience to those existing residents of Parkville Road.

The Impact on Existing Residential Amenity

- 6.29 It is accepted that the introduction of a 15 storey building will have an impact on the existing amenities enjoyed by residential neighbours. An assessment of the significance of any harm caused by this proposal in terms of proximity to neighbours, overlooking and overshadowing was previously undertaken and accepted. A similar assessment has been submitted and the same conclusion reached with regard to the tower.
- 6.30 The increase in the height of the wings will have little bearing on existing neighbours given the separation distances involved. The additional height is stepped away from the nearest neighbour in Parkville Road and the nearest part of this two/three storey wing is 11.7 metres away. The first floor of this part of the proposed building is again dedicated to medical use and has omitted any windows fronting 1 Parkville Road. Instead, a green wall is proposed to this part of the site.
- 6.31 The proposed roof terraces have been sensitively designed to limit any overlooking of nearby neighbours. Concerns had been raised by other residents in Parkville Road that the tower element will afford significant overlooking of their property. Although there are no established guidelines for suitable privacy distances for a building of the height proposed it should be noted that the tower is itself located some 49 metres from the boundary of 1 Parkville Road. There will be no significant overlooking afforded towards this property and its neighbours from the student accommodation located in the lower sections of this scheme as the building's eastern wing will obscure any views. At the higher storeys the outlook from these pods will relate more to the wider context and the skyline than the nearest neighbours. In any event the minimum separation distance of 49m is considered to reduce any harmful overlooking afforded.
- 6.32 Finally, the application has again been supported with shadow diagram information to demonstrate that the majority of any shadow cast will fall across the public highway (particularly in the early and late afternoon, when private amenity space is more likely to be used by residents).
- 6.33 Given the building's proposed siting it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or a significant loss of privacy. As such the application is again considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

Living Environment

- 6.34 The site is located at a major highway junction and close to the railway line and is still located within Noise Exposure Category C (as defined by PPG24). The potential for noise nuisance to prospective residents is, therefore, significant. PPG24 states that, in such locations, planning permission should not normally be granted without planning conditions that can secure a commensurate level of protection against noise.
- 6.35 The applicants have submitted an Air Quality Assessment and Acoustic Assessment that suggest mitigation measures that can make this scheme

acceptable for this location. These reports have been forwarded to Environmental Health for consideration and no objection has been raised. The provision of fixed shut glazing and mechanical ventilation is considered to be an appropriate solution in these circumstances. In addition, it is noted that 10 of the proposed bedrooms (less than 3% of the total) have compromised outlooks, particularly those in the tower that look out towards the wings. On a scheme of this nature this type of accommodation is mitigated by access to other (internal and external) communal spaces that provide for a satisfactory living environment. As such, the layout of the building is again judged acceptable. All room sizes are acceptable and noise transfer between units can be mitigated at the Building Regulations stage. The applicant's previous "Micro-climate Study" confirmed that the building has been designed to sensitively mitigate any changes in microclimate and the wind environment, especially around the base of the building. Pedestrian comfort is deemed to be acceptable. The building has safe and convenient access to integral bin and cycle storage. Lift access is provided to serve all floors.

- 6.36 In accordance with the Council's current external space standards a 69 flat scheme should be supported by some 1,380sq.m of amenity space that is "fit for its intended purpose". This level of provision cannot be achieved on a scheme of this nature and would make any such scheme undevelopable. A degree of flexibility is therefore recommended (as was the case with the previous scheme). In this instance, the amenity space provision is met by approximately 316sq.m of shared and usable amenity space located on the proposed roof terrace. Additional external space is provided in the semi-private ground floor courtyard. The scheme does not comply with the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4. That said, these units are not for private market accommodation and will serve a student need. As such, an exception to these requirements can be afforded, especially as students often have good access to social and sporting groups (and the University's formal sports pitches). An off-site financial contribution towards local open space is proposed.

Impact on Local Trees

- 6.37 Adopted Local Plan policies SDP6(vii), SDP7(i), SDP12 (as supported by section 4.7 of the Council's approved Residential Design Guide and Core Strategy Policy CS13) seek to ensure that major planning applications are supported by tree survey work and details of tree protection.
- 6.38 In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B ("worthy of retention"). The scheme proposes their replacement with 16 stand alone trees, 48 densely planted trees in large courtyard planters and 13 densely planted trees in a small courtyard planter (77 in total). The majority of the trees earmarked for removal are located along the Stoneham Way elevation. The proposed building seeks to activate the ground floor to this street frontage with the introduction of additional retail space and pedestrian entrances. The building is also serviced from a proposed lay-by taken from Stoneham Way. In order to provide a building that successfully relates to the street, whilst ensuring that the development's servicing requirements are not met from Parkville Road, it is deemed necessary to remove the existing trees along this frontage. The internal courtyard will be landscaped and tree pits will be utilised to accommodate further planting within the heart of the development. The loss of these trees is again considered to be acceptable.

Section 106 Legal Agreement

- 6.39 In the event that the recommendation were to approve the applicants have agreed to enter into a S.106 Legal Agreement with the Council (at the land transfer stage) in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts.
- 6.40 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. Any S.106 legal agreement could have included a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).

7.0 Summary

- 7.1 The determination of this application has to be considered in the context of the recent approval for a very similar scheme on this site. This application again proposes a landmark building at one of the City's gateways and there are only marginal changes to the external appearance of this building (when compared to the recent approval) with the main change being the increase in height to the wings, an alternative design finish and the accommodation type. It again offers a mixed-use scheme with significant regeneration and community benefits, including an improved health care offer for this catchment. In order to achieve these benefits and make the scheme viable the application seeks permission for a high-density residential tower. The site is accessible to good public transport links and the consideration of density should follow that of good urban design. On that basis the proposed density is not considered to be unduly harmful and in conjunction with the other changes to the proposal (outlined above) it represents an improvement to the extant permission. The re-provision of the existing youth club use can be resolved by the Council as landowner, and the applicants are working with the Boxing Club to resolve their accommodation difficulties in the event that the existing buildings are lost to a redevelopment proposal.
- 7.2 It is evident that there are many positives arising from the development, including the provision of specialist housing that may reduce demand on existing family housing stock, an exciting landmark design fit for Southampton and the re-provision of improved medical facilities with wider regeneration and community benefits. It is also considered, however, that the level of development proposed and the further intensification of the site is not properly served by a level of on-site car parking to meet its own needs. The stated benefits should not be at any cost and the proposed level of parking will result in a demand for off-site parking to serve the commercial and, possibly, residential uses. The applicant's submission fails to deal with this properly and, in light of the highway safety concerns raised by the Council's Highway Officer, the recommendation is that planning permission should be refused.

8.0 CONCLUSION

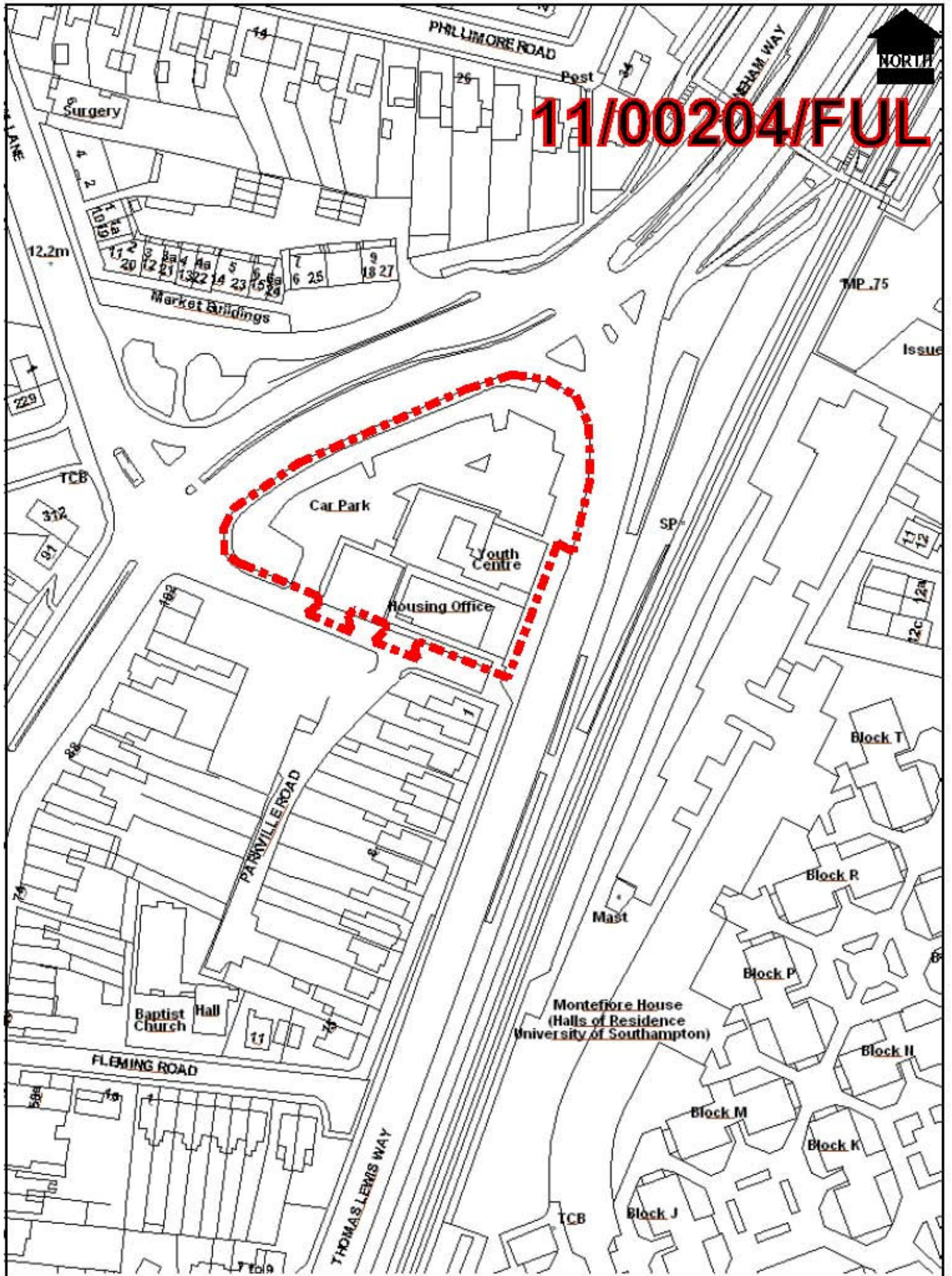
8.1 The application is recommended for refusal for the reasons set out in ***Appendix 1*** to this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

SH2 for 24/05/11 PROW Panel



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