

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 27 September 2011**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Area Housing Office, Youth Centre and Car Park Site, Parkville Road, Swaythling			
<b>Proposed development:</b> 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.			
<b>Application number</b>	11/00204/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	N/A Planning Performance Agreement	<b>Ward</b>	Swaythling
<b>Reason for Panel Referral:</b>	Major Development on Council Land	<b>Ward Councillors</b>	Cllr Vassiliou Cllr Osmond Cllr Turner
<b>Applicant:</b> Bouygues Development		<b>Agent:</b> Fluid Architecture Ltd FAO: Mr Christopher Pickering	
<b>Recommendation Summary</b>	<b>Delegate to the Planning and Development Manager to grant conditional planning permission subject to the criteria listed in this report.</b>		

**Reason for Granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been revised to increase the level of on-site car parking. Following the proposed change to the student-car ownership restriction the impact of the development, in terms of visual and neighbour amenity, highway safety and parking are still considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 6<sup>th</sup> September 2011. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, current market conditions and the overall viability of the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, and application 11/00204/FUL should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

<b>Appendix attached</b>	
1.	6 <sup>th</sup> September 2011 Panel Report (attached as six separate documents)

## Recommendation in Full

Conditional Approval - Subject to:

- (a) Confirmation in writing by the applicant prior to the grant of planning permission that the attached draft Heads of Terms are acceptable to the applicant;
- (b) the receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application, will be conditional upon Bouygues Development and any other landowner entering into a S.106 legal agreement with the Council, prior to the land transfer taking place, to provide the following planning obligations:

*Note: Changes to that previously agreed by the June Planning Panel are highlighted:*

- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
- ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
- iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
- iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
- v) The funding of Traffic Regulation Orders (TRO) required ~~for the above measures~~ to enable the development to be implemented;
- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNlink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use. **Details to include additional explanatory signage to be erected in Parkville Road at the applicant's expense;**

- viii) A Student Car Ownership Restriction **Mechanism** as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land **or to obtain parking permits to the Council's Controlled Parking Zones**. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed ~~penalty clause~~ wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and **may** be evicted if found to have done so. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning **leading to possible eviction**. This will be ~~enforced by~~ **at the discretion of** the University of Southampton and/or any designated operator and/or the landowner upon receipt of valid evidence. ~~followed by eviction in the event that the car is still available. In the event that no enforcement is taken by the landowner (to either the evidence provided or the eviction notice) within agreed timescales a breach of planning will have occurred and a financial penalty (to be set and agreed) will be payable to the City Council by the landowner.~~ Reception area to have an up-to-date telephone number with information about when and where breaches can be reported ~~to the freeholder~~. **Without prejudice to the above paragraph, the mechanism will be agreed between the University/operator and Southampton City Council prior to first occupation of the building;**
- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council's Public Art 'Art People Places' Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNilink bus passes to all residents;
- xiii) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan;

- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- xviii) Agreement of construction vehicle routing;
- xix) Developer shall be responsible for the cost of checking of drawings and construction;
- xx) **Market Buildings Car Parking Improvement Scheme (MBCPIS) – Prior to implementation to have approved in writing by the Council a scheme of works for the MBCPIS - to include consultation with Market Building’s residents and business owners, a minimum of 37 parking spaces, tree protection measures during construction, and enhancements to the area’s appearance including the associated Herbert Collin’s Memorial Garden. The MBCPIS shall be provided prior to the first occupation of the development in accordance with an agreed S.278 and TRO for any additional parking restrictions; and,**
- xxi) **Details of additional explanatory signage to be erected in Ethelbert Avenue at the applicant’s expense.**

In the event that such an undertaking is not forthcoming within 3 months from the date of this decision that delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure an appropriate mechanism for dealing with the S.106 legal agreement mitigation measures listed above.

## **1.0 Background**

- 1.1 The Planning and Rights of Way Panel deferred this application from its meeting on 6<sup>th</sup> September 2011 to enable further negotiation to take place regarding the restriction of associated student parking. For completeness a copy of the previous Panel reports and the Minutes from the June Panel are appended to this Panel report at **Appendix 1**.
- 1.2 The following report itself deals only with the negotiations that have taken place regarding the proposed parking.

## **2.0 Planning Considerations**

- 2.1 The previous panel report explained that the proposed development will result in an overspill of cars onto the neighbouring public highway. It is anticipated that some 42 vehicles belonging to student residents would park off-site on any given day. The report (as updated at the meeting) explained that from the survey work undertaken there should be capacity upon the neighbouring streets to accommodate the development and its overspill requirements. The applicant’s survey work suggests that some 59 spaces would be available on any given day to accommodate this overspill. Notwithstanding the existing available capacity to accommodate the development’s needs the applicants have also offered to reconfigure the public parking associated with Market Buildings. This offer would secure some 10 additional spaces for public use.

- 2.2 Since the last Panel meeting officers and the applicant have discussed alternative approaches to meet the parking requirements of the scheme.
- 2.3 The use of a basement car park (as previously agreed with the flatted residential scheme) is financially prohibitive, and would run contrary to the University's policy of encouraging students not to bring cars to University. This is also the reason for not providing surrogate parking to serve the development on other sites (including the existing Stoneham Lane doctor's surgery site).
- 2.4 Instead, officers have explored the option of a review of car parking following the occupation of the development with the creation of additional Controlled Parking Zones (CPZs) on affected streets (including Ethelbert Avenue) if required. Whilst a review could be undertaken, the enforcement of any further CPZs would require an ongoing cost to the development for enforcement of vehicles parking without a permit. This requirement is also financially prohibitive and cannot be borne by the developer or the Council. As such, it is not a viable option.
- 2.5 Finally, with regard to Market Buildings, and the proposals to amend the existing parking arrangements, the applicant has met with some of the affected business owners and residents. It is clear that the needs of each individual business is different, but that some form of parking restriction is needed to prevent all day parking by students whilst allowing customers of the existing businesses to use the spaces for as long as necessary. As the S.106 clause (as set out above) explains a full consultation will be undertaken prior to any changes to the Market Buildings existing parking taking place. Only following this exercise will a workable solution involving, for instance, some form of time restriction on parking between the hours of 8am and 6pm be implemented.

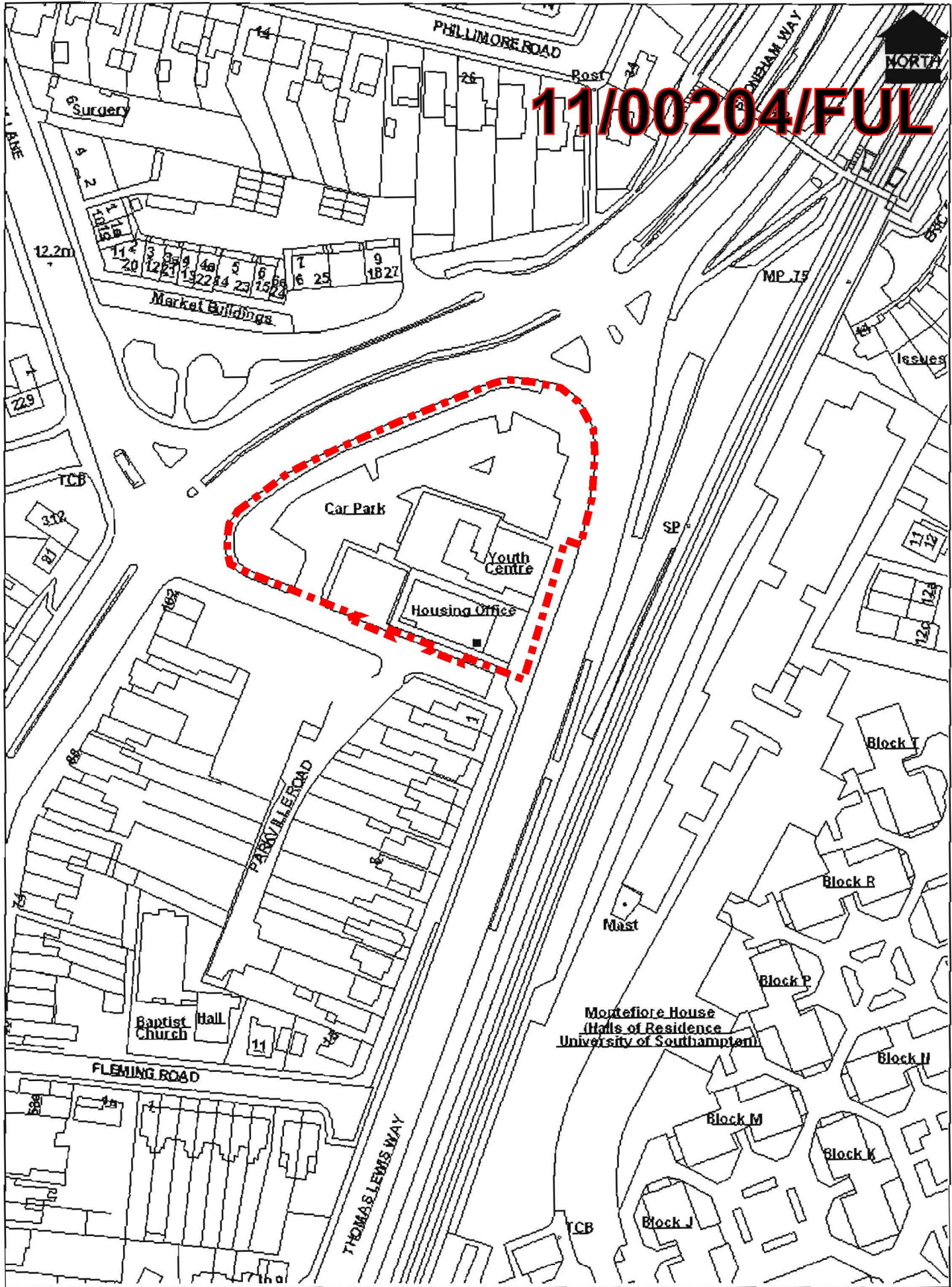
### **3.0 Conclusions**

- 3.1 Following the deferral of this application from the last Panel meeting, officers have sought to address the Panel's reservations regarding parking. Having reviewed alternative options with the applicant it is considered that the previous recommendation holds good without the need for further amendments.
- 3.2 In short, it is considered that any overspill parking from the development will be reduced by the inclusion of a parking restriction clause within the residential lease, the offer of a free UNlink bus pass to occupants, access to on-site cycle parking, and the inconvenience of having to park a car away from the development and out of sight. It is considered that any overspill parking that does occur can be accommodated within the existing public highway network without resulting in highway safety issues or a significant visual impact on the Ethelbert Avenue Conservation Area. As such, the application is acceptable and is recommended for approval subject to the terms as set out in 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 27/09/11 PROW Panel



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