

# Agenda Item 4

## Southampton City Planning & Sustainability Planning and Rights of Way Panel meeting 21<sup>st</sup> June 2011 Appendix 1 Planning Application Report of the Planning and Development Manager

<b>Application address:</b> Area Housing Office, Parkville Road, Southampton			
<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 and restrictions on student car ownership are deemed possible. In light of these changes the impact of the development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 21<sup>st</sup> June 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	24 <sup>th</sup> May 2011 Panel Report	2.	Comparison Table (Updated)

## Recommendation in Full

Conditional Approval - Subject to 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 as part of the land transfer to provide the following planning obligations:

- 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 UNIlk 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;
- viii) A Student Car Ownership Restriction as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land. 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 Southampton whilst living at City Gateway and will be evicted if found to have done so. This will be enforced by the landowner upon receipt of valid

evidence. 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 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.

- 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 UNlink 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; and,
- 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.

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 & Rights of Way Panel agreed to defer this application from its meeting in May 2011 to allow officers an opportunity to consider the

applicant's revised submission and Transport Assessment. The additional information was submitted to address the previous recommendation of refusal. A further public consultation exercise has also been undertaken.

- 1.2 In light of the revised details it is now considered that the increased level of parking proposed is sufficient to meet the needs of the development without causing harm to highway safety, or the visual amenities of nearby streets caused by any potential overspill parking. The previous concerns have, therefore, been addressed for the reasons set out in this report.
- 1.3 The previous Panel report is attached at **Appendix 1** and should be read in conjunction with this report. It includes details of the previous highway objection to the scheme as submitted.
- 1.4 This report seeks to explain how the revised Transport Assessment and parking layout have addressed the reasons for refusal recommended previously. A comparison summary of the scheme (as submitted and amended) is attached at **Appendix 2**.

## **2.0 Consultation Responses and Notification Representations**

- 2.1 Since the May Panel report was published the Council has received 19 additional representations comprising:
  - A highway/parking objection to the proposals from new Ward Cllr Vassiliou;
  - Confirmation from Ward Cllr Turner that her objection remains;
  - 2 further neighbour objection letters seeking a student car ownership restriction clause in the event that permission is granted;
  - A letter from the Inner City Boxing Club removing their objection to the application providing their facility is re-provided for (in line with Bouygues offer dated 5<sup>th</sup> May);
  - A further petition with 322 signatures in support of the project with 14 further neighbour letters of support.
- 2.2 Following the receipt of the applicant's revised site layout and associated Transport Assessment those interested parties that have made a formal written representation to the original submission have been re-notified. A closing date for comment of Friday 17<sup>th</sup> June has been given and a verbal update of any further responses will be given at the Panel meeting.
- 2.3 **SCC Highways** – Objection removed. It would appear that the applicants have gone a long way to overcome the original highways objections raised, and I am prepared to remove my objection on highway grounds.
- 2.4 The levels of car parking shown are more in line with anticipated traffic generation to this site with the level of development proposed, as long as students are precluded from bringing cars to their university accommodation.
- 2.5 Previous consents have included similar levels of car parking provision to that now proposed. The applicants have however shown 8 parking spaces to be dedicated to medical staff which creates some concern. However, if a

condition is imposed to require that these spaces are for medical staff only during surgery hours and are available to unrestricted use outside of those times I would be prepared to accept this proposal. The doctors surgery have requested that 13 staff members in total are provided with permits allowing them to park on site, and this is to include the 8 spaces dedicated for their use, not an addition. A car park management plan will be required to provide detail of how the car park will operate and be policed.

- 2.6 The students are to be restricted on the matter of bringing cars to their accommodation. It is of concern to residents in surrounding areas that if students were not to be restricted on this matter, up to 42 students may bring cars with them to this accommodation. A robust agreement must be put into place which has powers to evict students who do not comply with the no car aspect, and there must be measures in place to ensure that this can be checked and policed.
- 2.7 Issues to be covered:
- i. not withstanding any documentation submitted with this planning consent, a car park management plan shall be submitted and approved prior to occupation by the LPA.
  - ii. not withstanding any documentation submitted with this planning consent, details of the student car restriction policy shall be agreed prior to occupation by the LPA.
  - iii. all works to the public highway shall be undertaken either via a 278 agreement, S37/38 agreement, 171 Licensing, or be funded whereby SCC can carry out the works on behalf of the developer. All works are to be agreed prior to commencement of construction on site. Details of the lay-by and works to the Parkville Road modifications are to be agreed to ensure that their detail is of sufficient quality to achieve the desired outcomes.
  - iv. stopping up procedures are to be complete prior to commencement of development on site.
  - v. a plans showing construction vehicle routing, timing of deliveries and a site workers parking strategy to be submitted and approved prior to commencement of the development.
  - vi. all previous highway conditions to be transferred to this application.
  - vii. the developer shall be responsible for the cost of checking of drawings and construction where this may fall outside any other legal agreement entered into.
- 2.8 **SCC Heritage** – Objection removed providing there is an appropriate control mechanism in place to prevent overspill parking.
- 2.9 **SCC City Design** - The proposal offers a well designed development on a challenging site that should enhance the local character, regenerate the local community and provide a distinctive new gateway to the city. This is a very large development on a relatively constrained triangular site on the edge of the Swaythling/Portswood suburb. The site was identified in the Gateways and Approaches Initiative 2006 as lacking distinction as a turning point for navigating the approach to the city from the M27. The principle of a tall building was established under the previous approved application. This distinctive proposal would create a sense of arrival at this key gateway to the city and strengthen a sense of place for the local community. The scale of the development is of a 'city scale' which is appropriate in relationship to

the approach from the north along Thomas Lewis Way as the setting is dominated by the dual carriageway and tree lined edge to the railway to the east. Looking north along Thomas Lewis Way the development quickly increases in height providing a stark contrast between the domestic scale of dwellings on Parkville Road but one appropriate to the urban context and relatively large scale of Thomas Lewis Way.

- 2.10 It is unfortunate that the courtyard amenity space has been reduced to increase the parking provision. This will put more emphasis on the need for really high quality landscape scheme including hard landscaping materials, the design of the 'art' fence and soft landscaping species and features.
- 2.11 In conclusion, the scheme has evolved to a sophisticated design using panelling system of cladding to both the tower and the outward facing elevations of the two accommodation wings. The proposed Trespa Meteon panelling product will be fitted to give the elevations a varied colour rendering resulting from the reflective qualities of the product. This will add interest to the scheme, and reduce the visual mass of the tower and the wings, creating a distinctive gateway feature. The use of the grey brick to the base of the development and the wood effect panelling to upper storey of both the tower and wings again helps to reduce the mass and gives the scheme a distinctive 'top, middle and bottom'. The wood effect panelling visually lightens the upper storey whilst adding a softer looking material to the elevations that introduces a more human scale with its richer textures. The use of render on the rotund close to the existing Stoneham Way development helps to tie the scheme into the existing context.

### **3.0 Planning Consideration Key Issues**

- 3.1 The key issues for consideration in the determination of this planning application are (as previously reported):
- 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.
- 3.2 This report provides an update to the level of on-site parking and its impact on highway safety, and explains why the scheme has now addressed the previous recommendation of refusal. All other matters remain as previously reported (**Appendix 1** refers).

#### **Highways and Parking**

- 3.3 As reported to the May Planning Panel this application was recommended for refusal on highway grounds. The previously recommended reason for refusal stated that:

## 1. REFUSAL REASON – Parking & Highway Safety

In the absence of a robust Transport Assessment the proposed level of parking located within the red line, and along Parkville Road, is considered to represent a shortfall to that required to serve the proposed mixed-use development. This deficiency is symptomatic of an over-intensive use of the site and, in the opinion of the Local Planning Authority, will result in additional pressures on existing off-site parking spaces and will result in inconvenient parking taking place within Parkville Road, the proposed service layby and neighbouring streets (including those forming the Ethelbert Avenue Conservation Area) to the detriment of highway safety, visual amenity and the convenience of Parkville Road residents as users of the site attempt/wait to park. The application has, therefore, been assessed as contrary to 'saved' policies SDP1(i), SDP5 (as supported by Appendix 1), SDP7(v), H13(iv) and HE1 of the adopted City of Southampton Local Plan Review (2006), policies CS14, CS18 and CS19 of the adopted LDF Core Strategy (2010) and the relevant guidance contained within the Government's PPG13 (2011).

3.4 In response:

### i) Parking

3.5 The scheme as originally submitted was served by 24 parking spaces that rose to 36 spaces through the application process. Officer's raised concerns that of the 36 spaces shown only 11 spaces would be made available for users of the medical centre, which itself has 8 consulting rooms. In addition only 7 spaces were identified for the retail and community uses, and the existing local centre. This lack of public parking compounded the limited number of spaces proposed and this raised a highways objection and recommendation of refusal.

3.6 Following the deferred recommendation to refuse the applicant has appointed new transport consultants and revised the scheme. The parking layout has been redesigned to include a total of 44 parking spaces. The additional 8 parking spaces (ie. 44 proposed less 36) are located partly within an extended car park into the internal courtyard, partly by reallocating between uses, and partly by redesigning the Parkville Road layout. In real terms, the number of public spaces has been increased from 18 (as outlined above and previously considered too few) to 36 as now proposed. In short:

- Of the 13 medical staff spaces only 8 will be marked and enforced as such. This frees up 5 spaces for public use and makes better use of the available space. A further 5 permits will be allocated for medical staff use, but these spaces will form part of the overall provision;
- 3 spaces for University servicing have been reallocated to public use, with servicing taking place on an informal basis from behind the controlled gate into the courtyard space;
- The dedicated car club space has been deleted following dialogue with the possible providers confirming that this is not be a viable location;

- The dedication of highway land for parking to serve 1 Parkville Road has been removed; and,
  - 3 additional parking spaces have been accommodated onto Parkville Road (from 9 to 12 in total).
- 3.7 The increased numbers, revised layout and reallocation (as supported by the new Transport Statement) address officers' concerns and the suggested reason for refusal.
- 3.8 The applicant's revised Transport Assessment explains that the current maximum parking standard for this form of development is 49 spaces. This represents the maximum number of spaces that our current development plan would allow for this proposal. The proposal is therefore 5 short of this maximum standard. However, 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). It is considered that the parking layout will serve the proposed development without harming highway safety and the competition for spaces will be reduced. It should also be noted that the earlier permission 08/01489/FUL was supported by 25 public parking spaces. A summary comparison table of the permitted scheme with the current proposals is provided at **Appendix 2** to this report. The current application represents an increase in provision when compared to the extant position.
- 3.9 There is no objection to the proposed level of parking as revised.

ii) Student Car Ownership

- 3.10 It was reported to the May Panel that "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". This is still broadly the case, however, whilst the University maintain that they could not enforce car ownership it is evident that the freeholder still could.
- 3.11 Therefore, in addition to the package of measures to encourage non-car use when studying in Southampton (such as the free bus pass, the re-routing of the UNlink service to stop at the site, access to secure cycle storage and the site's relatively accessible location to the University and the rail network), and the inconvenience of having to park off-site, the freeholder would accept a clause requiring them to enforce against any student occupier found to have access to a car whilst in residence. A S.106 legal agreement could be used to ensure that the freeholder acts upon any reliable evidence provided and terminates the tenancy of any guilty party. The principle of this form of agreement has been agreed with Legal Services, and addresses the further concern raised previously regarding the impact of overspill parking on surrounding streets, including those unmade roads forming the Ethelbert Avenue Conservation Area.

S.106 Mitigation and Viability



- 3.12 The second reason for refusal centred around the need for the development to mitigate against its direct impacts through the S.106 legal agreement process.
- 3.13 The applicants have agreed to enter into a S.106 legal agreement with the Council (at the land transfer stage). The application is, however, supported by an up-to-date viability appraisal of the proposal that concludes that a full S.106 contribution makes the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery and the wider regeneration benefits. The applicant's submitted appraisal has been independently tested. It is recommended by officers that the Council should accept that a full contribution currently makes the scheme non-viable and that the required Strategic Transport contribution can be reduced to reflect this.

### Summary

- 3.14 The proposed development has been revised to increase the level of on-site car parking and restrictions on student car ownership are deemed possible. In light of these changes the impact of the development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable. 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.

## **4.0 CONCLUSION**

- 4.1 The application is recommended for conditional approval following confirmation from the Council's Head of Property & Procurement Services that the contract for the sale of Council owned land will be conditional upon Bouygues Development entering into a S.106 legal agreement with the Council as part of the land transfer to provide the package of measures listed above.

### **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 21/06/11 PROW Panel**

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

#### **01. APPROVAL CONDITION - Implementation Commencement**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

**REASON:**

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

**02. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

**03. APPROVAL CONDITION - Details of External Materials - Samples**

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. These details should include a commitment to using an anti-graffiti finish (where feasible) to the ground floor level. Development shall be implemented only in accordance with the agreed details.

**REASON:**

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

**04. APPROVAL CONDITION - Building Heights**

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority. No building works or ancillary structures including television aerials, satellite antennas and telecommunication equipment shall exceed a maximum building height of 54.33 metres AOD. Obstacle lights shall be placed on the top of the building. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome) ). The obstacle light(s) must be sited so as not to infringe the Obstacle Limitation Surface at 54.330m AOD.

**REASON:**

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is demonstrated and to prevent any undue conflict with the flight paths of Southampton Airport – BAA's response dated 8<sup>th</sup> March 2011 refers.

**05. APPROVAL CONDITION - Security Measures**

No development shall commence (excluding the demolition and site preparation phase) until a Security Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the:

- i. CCTV coverage & concierge arrangements with 24 hour on-site management;
- ii. semi-private ground floor courtyard access and management arrangements;

- iii. surface car park area including all means of enclosure and lighting;
  - iv. door types of the storage areas;
  - v. outer communal doorsets and the pod access doorsets;
  - vi. ground floor windows; and
  - vii. audio/visual control through the communal access doors.
- Development shall be completed and retained in accordance with the agreed details.

**REASON:**

In the interests of crime prevention and residential safety

**06. APPROVAL CONDITION - Active frontages**

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the non residential uses hereby approved on the ground floor shall retain an 'active window display' along the length of the shop frontages hereby approved (without the installation of window vinyls or roller shutters) in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of each unit to which the information relates.

**REASON:**

In the interests of retaining a lively and attractive streetscene.

**07. APPROVAL CONDITION - Amenity Space Access**

The communal roof terrace and first floor lounge area shown on the approved plans, and pedestrian access to them, shall be made available for all residents prior to the first occupation of the student pods and flats hereby permitted unless otherwise agreed in writing with the Local Planning Authority. The roof terraces shall be retained with access to them by all residents and their visitors at those times agreed in writing with the Local Planning Authority prior to the first occupation of the student accommodation.

**REASON:**

To ensure the provision of adequate amenity space in association with the approved flats.

**08. APPROVAL CONDITION - Servicing**

Notwithstanding the details submitted with the application prior to the occupation of each of the non-residential units hereby approved full details of how service vehicle deliveries to the site will be managed shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details unless otherwise agreed in writing by the local planning authority and the approved details conformed to thereafter.

**REASON:**

In the interests of the safety and convenience of all highway users.

**09. APPROVAL CONDITION - Hours of Use – Non Residential Uses**

The non residential uses hereby approved shall not operate outside of the hours hereby set out:

- 6:30am and 10:30pm (Monday to Saturday) and 7am and 10pm Sundays, Bank and/or Public Holidays as supported by a Security Management Plan (As required by the condition above)
- The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week including Sundays, Bank and/or Public Holidays.

REASON:

In the interests of existing and proposed residential amenity

**10. APPROVAL CONDITION - Hours of Delivery – Non Residential Uses**

No deliveries shall be taken at or despatched from the site outside the hours hereby set out:

- 6am and 7pm (7 days a week including Sundays and recognised public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only.
- Any deliveries by articulated vehicles shall be in accordance with the above hours with such deliveries to take place no earlier than 7am (Monday to Friday) and 8am on weekends and recognised public holidays as supported by a Deliveries Management Plan that shall have been agreed in writing with the Local Planning Authority prior to the occupation of the commercial unit to which it relates.

REASON:

In the interests of existing and proposed residential amenity

**11. APPROVAL CONDITION - Noise Mitigation & Attenuation**

The approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant's Noise Assessment dated 28<sup>th</sup> January 2011. Any mechanical acoustic ventilation from noise issues from Thomas Lewis Way shall be ventilated from the roof.

Notwithstanding these approved details, unless otherwise agreed in writing by the Local Planning Authority, windows and ventilation systems shall be provided to achieve the sound reduction levels of:

- 32dB(A) for living rooms overlooking Stoneham Way
- 42dB(A) for bedrooms overlooking Stoneham Way
- 32dB(A) for living rooms overlooking Thomas Lewis Way
- 43dB(A) for bedrooms overlooking Thomas Lewis Way

REASON:

To protect occupants of the student accommodation from traffic and railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

**12. APPROVAL CONDITION - Disabled Access**

Lifts shall be provided in accordance with the approved plans and shall be made available for use prior to the first occupation of the student accommodation hereby approved. The approved lifts shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the approved use continues.

REASON:

In the interests of the amenities of future occupants and visitors and in accordance with the Council's policies and practice in respect of access for disabled persons.

### **13. APPROVAL CONDITION - Hours of Construction & Associated Deliveries**

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.

Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

- 8am to 9am and 4:30pm to 5:30pm Mondays to Fridays

#### **REASON:**

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the City's peak hour traffic.

### **14. APPROVAL CONDITION - Demolition and Construction Method Statement**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Method Statement (DCMS) for the development. The DCMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved DCMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

#### **REASON:**

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

### **15. APPROVAL CONDITION - Demolition - Removal of Debris**

The existing building and/or structure shall be demolished (in accordance with the plans hereby approved) and all resultant materials removed from the site and disposed of at an appropriate authorised tip within 2 months of the

commencement of the demolition works relating to that structure and before the redevelopment hereby approved is commenced unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

To secure a satisfactory and comprehensive form of development and to safeguard the visual amenity of the locality.

**16. APPROVAL CONDITION - Piling Method**

A method statement shall be submitted to and approved in writing by the Local Planning Authority before the development commences (excluding the demolition and site preparation phase) to demonstrate how any pile driving operation will take place as part of the development. Any pile driving operations as approved shall be carried out in accordance with that approved method statement. To limit vibration, a continuous flight auger method is the preferred method.

**REASON:**

To ensure that appropriate measures are incorporated into the construction activities to mitigate any noise problems generated by pile driving operations.

**17. APPROVAL CONDITION - Landscaping**

Notwithstanding the information submitted with the application (and detailed on the Terrafirma plan 1070-101H) no development shall take place (excluding the demolition and site preparation phase) until full details of both hard and soft landscaping for both the roof terraces, landscape buffers, all car parking and the ground floor courtyard area have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i. a detailed response to the Council's landscape design comments dated 19<sup>th</sup> April 2010;
- ii. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins etc);
- iii. external lighting (to include type and luminance);
- iv. 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;
- v. a specification for the approved green/brown/biodiverse wall(s) and roof(s) forming the Thomas Lewis Way wing;
- vi. the provision of a 2 for 1 replacement of those trees to be lost (where practicable). The replacement trees shall be of a heavy standard size (12 - 14cm girth) as a minimum and will be planted within the site or at a place agreed in writing with the Local Planning Authority;
- vi. details of any proposed boundary treatment, including the "art fencing" to the south of the approved semi-public communal courtyard at ground floor level and the retained strip along the building's Thomas Lewis Way frontage; and
- vii. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works shall be carried out in accordance with the details approved. The works shall be carried out before any of the development

is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of three years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**REASON:**

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

**18. APPROVAL CONDITION – Arboricultural Method Statement**

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees (including those along Thomas Lewis Way that are to be retained) during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

**REASON:**

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

**19. APPROVAL CONDITION - Sustainable Drainage System**

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a

specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

**REASON:**

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20 and in accordance with the applicant's FRA dated February 2011.

**20. APPROVAL CONDITION - Sewers**

No development shall commence (excluding the demolition and site preparation phase) until details of the proposed means of foul sewerage have been submitted to, and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

**REASON:**

As further capacity is required to accommodate the proposed intensification of development.

**21. APPROVAL CONDITION - Flood Risk**

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the development shall be implemented in accordance with the Flood Risk Assessment (FRA) and Drainage Strategy (Odyssey February 2011) prior to the first occupation of the development.

**REASON:**

To ensure that a site can be developed safely the FRA is proposing mitigation measures that ensure increased surface water flow does not create flooding to people / property nearby.

**22. APPROVAL CONDITION – Sustainable measures**

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

**REASON:**

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

**23. APPROVAL CONDITION - Energy (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, or other means of improving energy efficiency that will achieve a reduction in CO2 emissions of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be conducted. Plans for the incorporation of renewable energy technologies or other means of improving energy efficiency to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions



of the development of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

**REASON:**

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

**24. APPROVAL CONDITION - Parking Provision**

The 32 car parking spaces shown on the approved amended drawings listed below shall be provided and made ready for use prior to the first occupation of the development unless an alternative phased provision is agreed in writing with the Local Planning Authority. Notwithstanding the Odyssey Car Parking Management Plan (CPMP) the parking spaces shall be retained thereafter in accordance with a revised CPMP that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development. Details shall include, for example, parking allocations between uses (including staff/permit allocations), means of security, pricing (if appropriate), enforcement and hours of use (where appropriate).

**REASON:**

In the interests of ensuring adequate provision is made for car parking on the site and the safety and convenience of all highway users and to ensure the distribution of spaces between units in order to meet the Council's adopted parking requirements.

**25. APPROVAL CONDITION - Refuse & Recycling Bin Storage – In accordance**

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. All storage shall be located and retained inside the building and presented only on the day of collection. The facilities shall include accommodation for the separation of waste to enable recycling by residents. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

**REASON:**

In the interests of the visual appearance of the building and the area in general.

**26. APPROVAL CONDITION - Litter Bins**

Provision shall be made on-site for the installation and subsequent emptying of litter bins and such provision shall be approved in writing by the Local Planning Authority before the first occupation of the development hereby permitted. The agreed scheme shall be retained and managed during the lifetime of the development.

**REASON:**

To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

**27. APPROVAL CONDITION - Cycle Storage**

Notwithstanding the information already submitted no development shall be occupied until details of the secure, covered cycle storage for all uses included within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be made available prior to the occupation of the development in accordance with the approved details. The cycle storage shall be retained whilst the building is occupied for the approved use.

**REASON:**

In the interest of the amenity of residents and to reduce reliance on the private motor car.

**28. APPROVAL CONDITION - Contamination – Desk Top Study**

Notwithstanding the information already submitted no development shall take place until the developer has carried out adequate assessments to determine the likely presence of contamination on the site (desk study) and assessed the potential risks to human health and the wider environment. If any significant hazards are identified a scheme of further investigation will be required in order to assess the risk(s). If significant risk(s) are identified a detailed remediation scheme must be devised and implemented to ensure the long-term safety of the site.

Documented evidence of the above procedures shall be submitted to the Local Planning Authority for their written approval at each stage. Any remediation scheme required and approved shall be fully implemented and adhered to. Any amendments to the remediation scheme relevant to the risk associated with the contamination shall be submitted to the Local Planning Authority for prior approval in writing. On completion of the remediation works and, prior to occupation of the properties on the development, the developer and/or his approved agent shall submit written confirmation that works have been completed in full and in accordance with the approved scheme.

The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and an investigation and management scheme implemented prior to occupation in accordance with details to be agreed.

**REASON:**

To identify unacceptable risks to human health and the environment and ensure investigation, assessment and remediation of the site is to an appropriate standard in accordance with the guidance given in Model Procedures for the Management of Land Contamination - Contaminated Land Report 11 - Environment Agency - 2001.

**29. APPROVAL CONDITION - Contamination - Export of Soil**

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by

documentation to validate their quality and shall be submitted to the Local Planning Authority for approval prior to the first occupation of the development hereby approved.

**REASON:**

To ensure that no ground contamination risks to human health and the environment are introduced onto the application site.

**30. APPROVAL CONDITION - Ecology**

The ecology enhancements, as set out within the applicant's Ecological Assessment (dated February 2011), and updated by the emails from Dan Simpson from Aspect Ecology dated 9<sup>th</sup> and 17<sup>th</sup> February, shall be implemented in full prior to the first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interests of biodiversity and the wider ecology of the area.

**31. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP) - BAA**

Development shall not commence (excluding the demolition and site preparation phase) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

**REASON:**

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport – BAA comments dated 8<sup>th</sup> March 2011 refer.

**32. APPROVAL CONDITION – Archaeological investigation**

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.

**33. APPROVAL CONDITION – Archaeological work programme**

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.

**Note(s) To Applicant**

### **Note to Applicant - Pre-Commencement Conditions**

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

### **Note to Applicant - Performance Conditions**

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

### **Note to Applicant - Southern Water – Water Supply - Informative**

A formal application for connection to the public water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

### **Note to Applicant - Southern Water – Sewers - Informative**

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

### **Note to Applicant - Oversailing Public Highway**

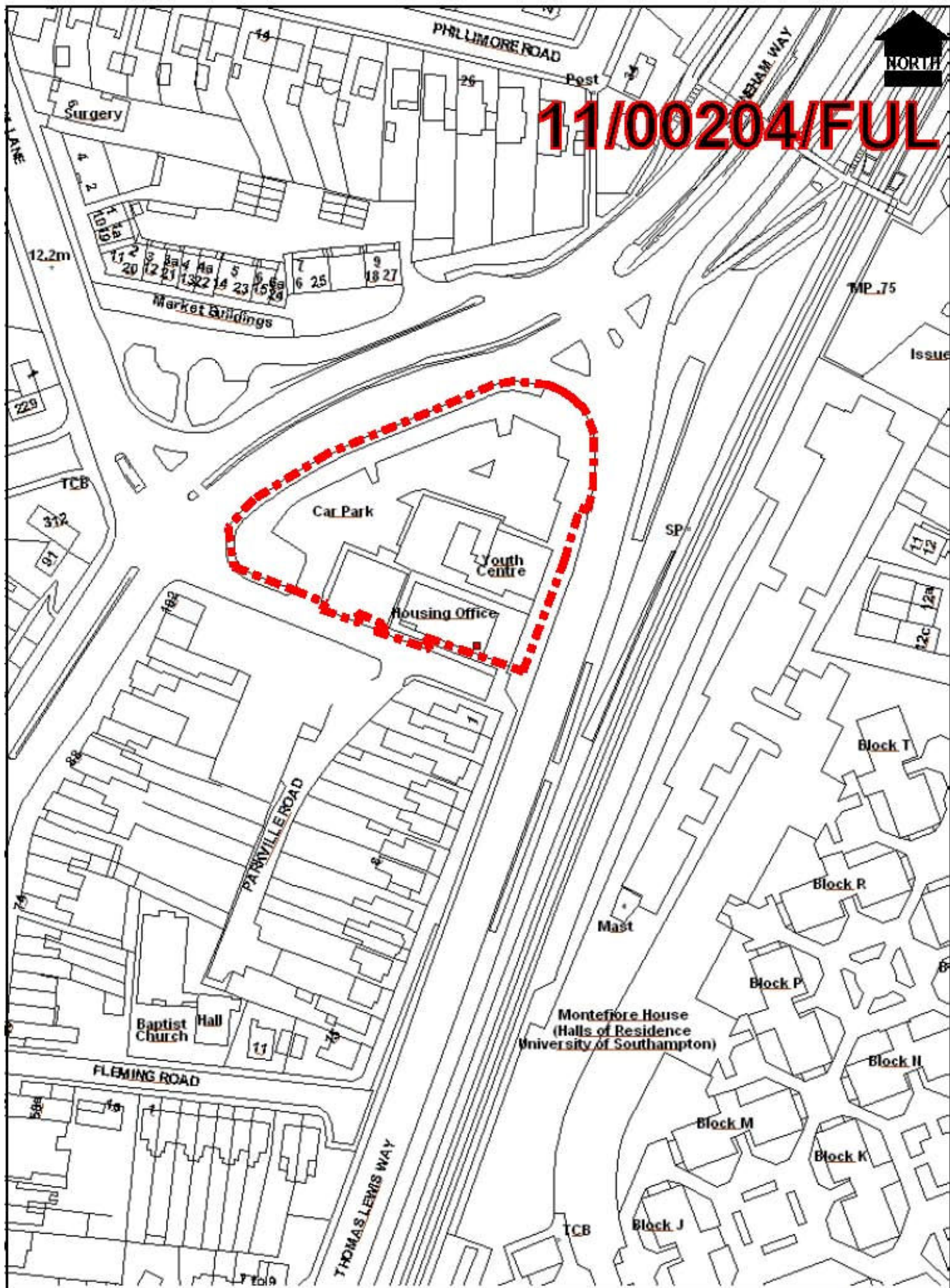
The applicant is reminded to contact the Highways Authority in the event that a license is required to oversail the public highway

### **Note to Applicant - Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)). The contact for crane issues at Southampton Airport is Iain Mc Dermott-Paine, Airside Compliance Manager telephone 02380 627173.

### **Note to Applicant – Nesting Birds**

The applicant is reminded of their legal duty not to disturb any birds found nesting on site.



Scale : 1:1250

Date : 07 June 2011

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