

Planning and Rights of Way Panel (EAST)

Tuesday, 12th April, 2016
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Denness (Chair)
Councillor Tucker (Vice-Chair)
Councillor Hecks
Councillor Coombs
Councillor Wilkinson

Contacts

Democratic Support Officer
Ed Grimshaw
Tel: 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

Planning and Development Manager
Samuel Fox
Tel: 023 8083 2044
Email: samuel.fox@southampton.gov.uk

PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

Public Representations

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Smoking policy – The Council operates a no-smoking policy in all civic buildings

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Southampton City Council's Priorities

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

Fire Procedure – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2015/16

Planning and Rights of Way - EAST	
2015	2016
23 June 2015	19 January 2016
4 August	1 March
15 September	12 April
27 October	
8 December	

Planning and Rights of Way - WEST	
2015	2016
2 June 2015	9 February 2016
14 July	22 March
25 August	3 May
6 October	
17 November	
22 December	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meeting held on 1st March 2016 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 14/01911/FUL - VACANT SITE WEST OF M271, TEST LANE

(Pages 13 - 80)

Report of the Planning and Development Manager seeking approval for the terms of the S106 agreement for the development at the above address, attached.

6 PLANNING APPLICATION - 15/02401/FUL - 536-540 PORTSWOOD ROAD

(Pages 81 - 116)

Report of the Planning and Development Manager recommending that approval be granted in respect of an application for a proposed development at the above address, attached.

7 PLANNING APPLICATION - 16/00196/FUL - CAPITAL HOUSE, HOUNDWELL PLACE

(Pages 117 - 156)

Report of the Planning and Development Manager recommending that approval be granted in respect of an application for a proposed development at the above address, attached.

8 PLANNING APPLICATIONS - 15/02412/R3CFL AND 15/02444/OUT - SPRINGWELL SCHOOL

(Pages 157 - 196)

Report of the Planning and Development Manager recommending that approval be granted in respect of an applications for a proposed development at the above address, attached.

9 PLANNING APPLICATION - 15/02461/FUL - UNIVERSITY OF SOUTHAMPTON, SALISBURY ROAD

(Pages 197 - 214)

Report of the Planning and Development Manager recommending that approval be granted in respect of an application for a proposed development at the above address, attached.

Monday, 4 April 2016

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 1 MARCH 2016

Present: Councillors Tucker (Vice-Chair), Hecks, Coombs, Wilkinson and Shields

Apologies: Councillors Denness

45. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Denness from the Panel, the Service Director, Legal and Governance, acting under delegated powers, had appointed Councillor Shields to replace them for the purposes of this meeting.

46. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting held on 19 January 2016 be approved and signed as a correct record.

47. **FORMER CO-OP, VICTORIA ROAD SO19 9DY 15/01939/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Demolition of the existing building and erection of a two-storey building to provide a Lidl food store with associated car parking.

Peter Clark, Mr and Mrs West, Mr Dixey, Mr Doak, Marylin Jack, Maureen Wilkins, Mr Paine, Mr Heath (local residents/ supporting), Jason Gratton (applicant), and Councillors Hammond and Payne (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the report had been amended to include an additional condition seeking a Trolley Management Plan. In addition to reflect the Panel's desire to ensure that Ward Councillors are notified of the species and size of any trees proposed when the submission for the discharge of condition 22 (Landscaping, lighting and means of enclosure detailed plan) an additional informative to the decision notice would added.

RESOLVED to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and additional conditions, set out below.

Additional Condition

30. APPROVAL CONDITION: Trolley Management Plan

Details of measures to ensure that shopping trolleys remain within the site and for the proper management of the storage and retrieval of trolleys shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the

development hereby permitted. Such additional measures as might subsequently be required from time to time shall also be agreed in writing with the Local Planning Authority. The trolleys associated with the site shall at all times be managed in accordance with the approved scheme.

REASON: To ensure that trolleys are curtailed within the site and are not allowed to create obstacles on the highway or harm to the visual amenities of the area.

The Planning and Rights of Way Panel also requested an extra informative to be added to the decision notice. This is to ensure that Ward Councillors are notified of the species and size of any trees proposed when the submission for the discharge of condition 22 (Landscaping, lighting and means of enclosure detailed plan) is made.

NOTE: This new information will read as follows:

“33. Note to applicant: Submission for condition 22 (Landscaping, lighting and means of enclosure detailed plan). Details provided as part of any formal submission for the discharge of condition 22 will be made available to Ward Councillors (outside of a Planning and Rights of Way Panel meeting) to review and comment on prior to their final approval.”

48. **UNIVERSITY / SALISBURY ROAD 15/02460/FUL AND 15/02461/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an applications for a proposed development at the above address.

- (i) Application Number 15/02460/FUL
Demolition of existing building and erection of a new part 4-storey and part 7-storey building to provide a new teaching and learning centre comprising lecture theatres, seminar rooms, teaching and learning spaces and a cafe with associated landscape, infrastructure and other works.
- (ii) Application Number 15/02461/FUL
Landscaping and traffic calming measures to Salisbury Road, including alterations to vehicular access and utilities following proposed stopping up of Salisbury Road as public highway.

Jerry Gillen, Adrian Vinson, (Highfield Residents Association/ objecting), Graham Linecar (Southampton Commons and Park Protection Society), Chris Pattison (agent), Ian Dunn (applicant), and Councillor Claisse (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer advised the Panel in relation to Application Number 15/02461/FUL an administrative error had resulted in the objectors to the application had not being notified of the Panel meeting.

In relation to Application Number 15/02460/FUL the presenting officer noted that the Highfield Residents Association had submitted a further representation setting out a Counsel Opinion which advised that the recommendation failed to deal with Policy H13 of the City of Southampton Local Plan Review adopted Version 2nd Revision (2015). In addition the Counsel opinion had questioned the legitimacy of an East Panel to determine of this application and sought to defer any decision of the application. In response the Panel's legal advisor gave verbal response to the Counsel Opinion and

confirmed that the East Panel were free to make a decision on the application. The legal advisor also confirmed that the assessment of Policy H13 is adequately covered both in the case officer's report and by the applicant in their correspondence.

In response to the representation from SCCAPS and enquiries from Members of the Panel, it was suggested by officers and agreed that the S106 recommendation should be amended to include land up to the boundary with the Common. In addition it was noted that Southampton Airport had now withdrawn their holding objection to the application.

RESOLVED

- (i) In regard to Application Number 15/02461/FUL that consideration of this application be deferred to a future meeting;
- (ii) In regard to Application Number 15/02460/FUL to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106, set out below;

Application Number 15/02460/FUL Amend S106 clause (i) to read:

"The delivery of a scheme of hard and soft landscaping and highway works for the enhancement of Salisbury Road for all users, including pedestrians and cyclists, possibly through a s.278 depending upon the outcome of the 'Stopping Up' procedure, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013). **These works to include all land up to the boundary with the Common; with the improvements between the red line application site and the Common either being undertaken by the applicant or by the Council following a financial contribution.** To include a contribution (if required) to cover the cost of any necessary Traffic Regulation Orders. Delivery within 6 months from the date of first use of the building;"

49. 10-11 PALMERSTON ROAD SO14 1LL 15/02208/FUL

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Alterations Including Rear Extensions At First And Second Floor Levels And Reconstruction Of The Roof In Connection With Conversion Of The Existing Public House Into 13 Flats (8 X Studios And 5 X 1 Bedroom) With Associated Works.

Rob Wiles (agent), was present and with the consent of the Chair, addressed the meeting.

The Panel discussed the landscaping and whether there should be additional sound proofing controlled by condition, in addition to the requirements of building regulations, added to the corridor at ground floor level to improve the residential environment in the building.

RECORDED VOTE to grant planning permission
FOR: Councillors Coombs, Tucker and Wilkinson
ABSTAINED: Councillors Hecks and Shields

RESOLVED

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and amended conditions, set out below.

Amended / Additional Conditions

Amended Conditions

CONDITION 5: GLAZING - SOUNDPROOFING FROM EXTERNAL TRAFFIC NOISE [PRE-OCCUPATION CONDITION]

The residential units hereby approved shall not be occupied until a scheme for protecting the proposed flats from traffic noise from Palmerston Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:-

- Outer pane of glass - 10mm;
- Air gap between panes - 12mm; and
- Inner pane of glass - 6 mm

or, with secondary glazing with a –

- Outer pane of glass - 6mm;
- Air gap between panes - 100mm; and
- Inner pane of glass - 6.4 mm

For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

REASON: In order to protect occupiers of the flats from traffic noise.

CONDITION 13: ARCHAEOLOGICAL WATCHING BRIEF WORK PROGRAMME [PERFORMANCE CONDITION]

The developer shall 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.

Additional Condition

LANDSCAPING, LIGHTING & MEANS OF ENCLOSURE DETAILED PLAN (PRE-COMMENCEMENT)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; pedestrian access and circulations areas, **hard surfacing materials (these must be composed of permeable materials)**, structures and ancillary objects (refuse bins, lighting columns etc.);

- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) **details of a method of forming defensible space in front of habitable room windows which overlook the rear amenity space of the site (basement level).**
- (iv) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (v) details of any proposed boundary treatment, including retaining walls and;
- (vi) a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

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

50. **34 ALBANY ROAD 15/02363/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of a part two-storey and part single-storey building with accommodation in the roof to create 3 flats (1 x three bed and 2 x one bed) with associated cycle and refuse storage following demolition of existing building. (resubmission 15/01839/FUL)

Dave Nobby (local resident/ objecting), Amrik Chahal (agent), and Councillor Moulton (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

On being put to the vote the officer recommendation to conditionally approve this item was lost. A further resolution to refuse the application for the reasons set out below was proposed by Councillor Tucker.

RESOLVED that conditional planning permission be refused for the reasons set out below.

REASON FOR REFUSAL: Insufficient Information relating to car parking. Based on the information submitted, the applicant has failed to adequately demonstrate that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. In the absence of an on-street car parking survey it is not clear the provision of no on-site car parking for a more intensive residential development would be acceptable. The development would, therefore, be contrary to the provisions of Policy SDP1 and H2 (iii) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

NOTE: Councillor Shields declared an interest and withdrew from the meeting during the consideration of this item.

51. **70 COBDEN AVENUE 16/00083/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. demolition of the existing building and erection of 7 x dwellings (3 x four-bedroom 2 x three-bedroom houses, 2 x two-bed flats) with associated access, parking and landscaping (revised resubmission

Sarah Adamson (local resident objecting), Naomi Classweller (applicant), and Councillor Fuller (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported various updates to the conditions set out in the report relating to the parking and access, environmental mitigation of the site, and landscaping of the site. On being put to the vote the officer's recommendation to delegate planning permission to the Planning and Development manager was lost.

A further resolution to refuse the application for the reasons set out below was proposed by Councillor Tucker.

RECORDED VOTE to refuse planning permission

FOR: Councillors Tucker, Coombs, Hecks and Wilkinson

ABSTAINED: Councillor Shields

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

The amenity space shown to serve the proposed development is not considered to be fit for its intended purpose as useable external space to serve the prospective residents. In particular, the proximity of the canopy of protected trees to the private garden spaces serving plots 6-7 and 3 would result in excessive shading to the detriment of the usability of the garden space. The proposal would, therefore, introduce additional and unreasonable pressure for the cutting back and/or removal of overhanging branches of these trees to the detriment of the character and amenities of

the area. As such, the proposal would be contrary to saved policies SDP1(i), SDP7, SDP12, H7 of the Local Plan Review (March 2015 amended) and policy CS13 of the Core Strategy (March 2015 amended) as supported by paragraph 2.3.14, section 4.4 and paragraphs 4.8.7 to 4.8.8 of the Residential Design Guide Supplementary Planning Document (September 2006).

52. **36 DELL ROAD 15/01621/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of 2 x four bedroom houses.

Stuart Buckham (local residents/ objecting), Ian Knight (agent), were present and with the consent of the Chair, addressed the meeting.

RESOLVED

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S111 Legal Agreement and the conditions listed in the report.

53. **ALBION TOWERS, GOLDEN GROVE 15/02429/DIS**

The Panel considered a report of the Planning and Development Manager setting out objections to proposed discharge of Condition 2 planning application 14/01577/R3CFL at the above address.

Councillor Noon (ward councillor) and Councillor Payne (Cabinet Member for •Housing and Sustainability) were present and with the consent of the Chair, addressed the meeting. Councillors Noon and Payne spoke in favour of the colour scheme proposed by the applicant and supported by the residents within the block.

On being put to the vote the officer recommendation to refuse to discharge the condition was lost. A further recommendation proposed by Councillor Hecks and seconded by Councillor Shields to approve to discharge condition

RECORDED VOTE Approve the discharge of Condition 2 of planning reference number 14/01577/R3CFL.

FOR: Councillors Hecks, Shields and Tucker.
AGAINST: Councillor Coombs
ABSTAINED: Councillor Wilkinson

RESOLVED that the Panel agreed to approve the discharge condition 2 on the basis of submitted option1.

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 12th April - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	RP	S.106	15	14/01911/FUL Vacant site west of M271, Test Lane
6	RP	DEL	15	15/02401/FUL 536-540 Portswood Rd
7	RP	DEL	15	16/00196/FUL Capital House, Houndwell Pl
8	MP	DEL	15	a) 15/02412/R3CFL Springwell School b) 15/02444/OUT Springwell School
9	SH	DEL	5	15/02461/FUL Salisbury Rd, University

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Delete as applicable:

RP – Richard Plume

MP – Mat Pidgeon

SH – Stephen Harrison

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)

3. Statutory Plans in Preparation
 - (a) Emerging Bassett Neighbourhood Plan (Post Examination) (2015)

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 12 April 2016
Planning Application Report of the Planning and Development Manager**

Application address: Vacant site west of M271, Test Lane			
Proposed development: Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be Storage and Distribution Use (Class B8), Unit 2 to be Business Use (Class B1 c) and/or Storage and Distribution Use (Class B8) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.			
Application number	14/01911/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	N/A
Last date for determination:	N/A - Planning Performance Agreement	Ward	Redbridge
Reason for Panel Referral:	Section 106 agreement reported at Panel's request	Ward Councillors	Cllr McEwing Cllr Pope Cllr Whitbread

Applicant: Evander Properties Ltd	Agent: Michael Sparks Associates - Fao Mr Ashley Chambers
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the proposal in the context of the site allocation for industrial and warehousing development as set out in the Local Plan and the importance of the additional employment to be created by this development. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise but that this impact can be mitigated by Section 106 obligations and conditions. Ecology and flood risk issues have also been taken into account. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable, conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the

Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) and guidance in the NPPF (2012).

Appendix attached			
1	Draft Section 106 Agreement	2	Panel report 27 October 2015

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of the S.106 Legal Agreement in the form shown in Appendix 1.

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

1. Introduction

1.1 This application was heard at the Planning and Rights of Way Panel meeting on 27 October 2015. The Panel's decision was:

(i) the Panel confirmed the Habitats Regulation Assessment on pages 65-76 of the report, subject to the amendments set out above;

(ii) delegated to the Planning and Development Manager approval to grant planning permission subject to a S.106 Legal Agreement and the amended condition set out below;

(iii) that the agreed draft Section 106 agreement would be referred to the Panel for approval before the planning permission is issued. (Note: the Panel confirmed that no further consultation with local residents or Ward Councillors was required on this matter).

1.2 This report concentrates on the Section 106 agreement and planning conditions, some of which it is proposed to amend. All the previous comments, the description of the site, planning history, relevant policy considerations and other planning matters are included within the 27 October report which is appended. There have been no significant changes in policy since the

application was considered in October.

2. Consultation Responses and Notification Representations

2.1 The planning application has not been changed since the proposal was considered in October of last year. Therefore, and as previously agreed by the Panel, there has been no formal consultation on the content of the Section 106 agreement. Nevertheless, the Redbridge Residents Association have submitted comments on issues they wish to be included. The following is a summary of the points raised:

2.2 **Gover Rd and Westover Road - Traffic Calming - Remove humps which are currently along Gover Road and replace with Pinch Points. Add Pinch Points to Westover Road.**

Response

Obligations have been included in the Section 106 agreement for traffic calming measures in Gover Road involving removal of road humps and replacement with chicane style measures.

2.3 **Entrance to Gover Rd from Redbridge Roundabout, and at the new Island on Test Lane (South at the new entrance to Evander Site which Evander are creating) - A clear width restriction barrier should be in place to deter HGV's from entering a residential area. New Signage on the entrance to Gover Rd at Redbridge Roundabout and from Test Lane South at the new island entrance to South Central to say MAX 7.5 TON & NO ENTRY to HGV's.**

Response

The physical width restriction is not favoured by the Council's Highways Team or Balfour Beatty, the Council's Highways Partner, as it would prevent legitimate access to the residential area (including refuse vehicles and e.g. building materials being delivered to residents). New signage is agreed. Any further restrictions on HGV traffic in this area would have implications for other residential streets and could not be agreed at this stage. The only other option would be 'no entry for any vehicles' on Gover Road from the Redbridge roundabout beyond the Adams Morey entrance. This is likely to be an inconvenience for residents and has therefore not been included.

2.4 **20 mile per hour speed restriction on Gover Road, Westover Road and Test Lane South of the Echo Building to Gover Road junction. 30 mile an hour at Test Lane North from Nursling (B&Q) roundabout to Evander Entrance.**

Response

20 mph can be agreed for Gover Road, Westover Road and Coniston Road but not for Test Lane where the intention is for a 30mph limit. It must be stressed, however, that the developer cannot be responsible for these alterations which will require public consultation. The developers responsibility will be limited to funding the necessary Traffic Regulation Order.

2.5 **Double Yellow lines on the mini roundabout at Gover Rd/Test Lane**

junction to extend past number 47 Gover Road on both sides of road. (There are already double yellow lines at the entrance to Gover Rd at Redbridge Roundabout and at the junction of Westover Rd with Gover Rd, but none at the junction next to 47 Gover Rd).

Response

Double yellow lines could be agreed as part of a residents parking scheme. Any decision on such a scheme would follow monitoring of the car parking arrangements following implementation of the development.

- 2.6 **Car Parking Overspill - The Initial Survey should be completed PRIOR to commencement of ANY development to ensure a true picture before construction workers & then occupants arrive at the site.**

Response

This is agreed and is within the draft Section 106 agreement.

- 2.7 **Evander to provide TRIPLE GLAZING for all properties immediately adjacent/opposite to the Development/Field/Park due to loss of Residential Amenity.**

Response

This is not something which can be justified as part of the Section 106 agreement. The issue was raised by officers with the developer as requested by the residents association but the developer is not prepared to agree to any such requirement.

- 2.8 **Evander to provide BLACK OUT BLINDS for all properties immediately adjacent/opposite to the Development/Field/Park due to loss of Residential Amenity.**

Response

This is not something which can be justified as part of the Section 106 agreement. The issue was raised by officers with the developer as requested by the residents association but the developer is not prepared to agree to any such requirement.

- 2.9 **Any Site Advertising should be along the M271 or Test Lane North, not in the Residential Area of Gover Road.**

Response

We understand that this relates to the large marketing boards found on sites of this nature. This is not a matter for the Section 106 agreement. A condition can be included precluding such signs and this has been agreed with the applicant (see suggested Condition 33)

- 2.10 **Ensure that no Street Traders (Mobile or Static) are on site, perimeter or surrounding residential streets that currently have no restricted parking, during construction, completion or otherwise.**

Response

This is not a matter for the Section 106 agreement. Any such vehicles on the public highway are outside of planning control and will need a street trading

licence.

- 2.11 **Confirm that the Night Time Regulation rules will be adhered to in respect of Noise, Lighting and Vehicle Movements for the life of the site from construction onwards.**

Response

This is not a matter for the Section 106. There will be a planning condition (number 32 in the report) which will require the submission of a night time operation plan to be submitted for approval. This will enable us to have a better idea of how the individual businesses will operate. The condition will be enforceable.

- 2.12 **To Confirm that the Bund and Park will be the first stage of the Development.**

Response

It is agreed that the development cannot be occupied until the park and bund is provided (planting may follow depending on the planting season). The precise phasing of the work will need to be agreed with the contractor once one has been appointed. This can be covered by a condition (see Condition 34).

- 2.13 **To Confirm that no contaminated soil will be used in the creation of the Bund and Park.**

Response

Covered by a planning condition (see Condition 4) – not a Section 106 issue. The Council's Contaminated Land Team will make sure that public health will not be affected in this way.

- 2.14 **To Confirm that Semi Mature EVERGREEN Trees will be placed in two rows, 1 row between Gover Road and the Park and the 2nd row on the Bund between the Park and the Development to protect residents from the Visual Impact.**

Response

This is not a matter for the Section 106, it will be covered by the planning condition. At the October meeting members requested the landscaping scheme should incorporate semi-mature tree planting (see Condition 3 ii). It would not be appropriate to confirm Evergreen trees at this stage. This will be a matter for the landscaping submission based on arboricultural and ecology issues following consultation with the Council's Ecologist and Trees Team.

- 2.15 **To Confirm the creation of a site Liaison Group comprising of representatives from Southampton City Council Planning department, Redbridge Residents Association, Site Developers, Site Construction Manager and the Site Occupiers (Site Occupiers on Completion and all Future Site Occupants). The group to meet when construction begins, then regular meetings throughout the construction process and then for the life of the site with ALL future Occupiers.**

Response

An informal arrangement is proposed once the occupiers of the development are known. It is not to be included in the Section 106 agreement.

2.16 Various suggestions for the closure of Test Lane, installation of height restrictions, or making Test Lane southbound only.

Response

The Highways Team do not support these suggestions. Making Test Lane one way is likely to increase traffic speeds and would not stop through traffic. It is not possible to install height restrictions on public highway, this only happens on private land, for example at the entrance to car parks. In terms of the complete closure of Test Lane, this is a 'C' class road and there is a risk that closure may lead to unacceptably high levels of traffic on other roads. There would need to be an investigation into how the changes would affect the traffic flows, not just for residents of both the Gover Road area and Old Redbridge Road but on the roundabout itself.

Consultation Responses

- 2.17 SCC Environmental Health (Pollution & Safety)** - an amended noise report has been submitted in response to draft planning condition 26 as approved by the Panel in October. The findings of the noise report are acceptable and there is no objection to the proposed condition being deleted subject to other measures being incorporated. It is important that both buildings and the acoustic fence/bund are built together to act as an efficient acoustic barrier.

3. Planning Consideration Key Issues

- 3.1** Members have considered this planning application on two occasions, firstly in August when a decision was deferred to allow further information to be provided and secondly, in October when the Panel resolved to grant planning permission subject to a Section 106 agreement and conditions. Members requested that the draft Section 106 agreement should be referred back to the Panel before planning permission is issued hence this report. Since the meeting in October the applicant has requested certain changes to the planning conditions. This report therefore seeks members approval of the draft Section 106 agreement and the amended conditions which are at the end of this report.

Section 106 agreement

- 3.2** The draft Section 106 agreement in Appendix 1 incorporates all the 'heads of terms' approved by the Panel in October. The main concerns of the residents relate to traffic problems in the area. The proposed agreement incorporates various traffic calming measures, reduction in speed limits and improvements for pedestrians and cyclists. Surveys will be required to judge the future impact of car parking overspill on surrounding streets.
- 3.3** The Panel should bear in mind that the obligations within the agreement cannot be as wide ranging as the residents association have suggested. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. The agreement must be in accordance with the Community Infrastructure Levy Regulations 2010 which require certain

tests. These are that they are necessary to make the development acceptable in planning terms, they are directly related to the development, and are fairly and reasonably related in scale and kind. It is considered that the agreement meets these tests.

Conditions

3.4 The applicant has requested certain changes to the planning conditions which were approved by the Panel in October. Officers are in agreement with some of the proposed changes but other conditions need to be retained as previously agreed to ensure the development operates satisfactorily. The suggested changes are shown in bold in the conditions at the end of this report.

3.5 The more significant suggested changes are as follows.

Condition 13 - the applicant was concerned that the original wording which related to 'three businesses' may have unreasonably restricted marketing of the premises and may have caused an issue where, for example, the building might be occupied by a company operating under more than one business name. The amended wording will prevent subdivision of the buildings into separate areas which will offer a similar level of control.

Condition 14 - the details of the junction between the new service road and Test Lane have been shown on the drawing submitted with the application and is acceptable to the Highways Team. The finer detail of the works to the highway will be dealt with under a Section 278 (Highways Act) agreement so the condition can be amended as shown.

Conditions 20 and 30 - the ecological mitigation issues were previously covered by these two conditions. The applicant suggested that they be incorporated into one for simplicity. The Council's Ecologist is satisfied with the suggested change which will not result in less control over removal of the hedgerow.

Condition 25 - To ensure certainty it has been agreed to define the number of electric charging point. Although there is no specific policy guidance on this issue, other authorities work on the basis of a ratio of 2% to 10% of parking spaces being available as electric charging points. In this case 11 spaces is equivalent to 5% which is considered to be acceptable.

Condition 26 - The applicant considers that this condition would unreasonably limit the marketing of the site and impose a limit on the way businesses could operate. In response to concerns about potential noise arising from vehicles unloading within the open service yards, a revised acoustic report has been submitted. This report assesses various scenarios including use by various types of fork lift truck close to level access doors and within the service yards. The conclusion of this report is that the proposed mitigation measures would result in no additional noise issues than that previously assessed. The Council's Environmental Health team are in agreement with the findings of this report and agree to the deletion of Condition 26 as previously drafted, subject to mitigation measures being incorporated.

3.6 Proposed new conditions

Condition 33 - a restriction on marketing signage to meet the comments of the Redbridge Residents Association.

Condition 34 - securing additional details of the construction programme, once a contractor has been appointed. This might allow, for example, early provision of the bund to screen building operations as requested by the residents association.

Condition 35 - to provide noise mitigation measures, as a replacement for Condition 26, it will be necessary for the building screen on the southern boundary to be provided before either unit can be occupied.

Condition 36 - on reflection, precluding any form of open storage, as was sought by Condition 26 may have been overly restrictive. It is proposed to replace the condition with a requirement that no metal containers should be stored in the yard which could result in noise problems.

4. Conclusion

It is considered that the proposed draft Section 106 agreement and conditions provide a reasonable balance between safeguarding the amenities of the area and allowing an important employment creating development to proceed. Members are recommended to grant planning permission on this basis.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(b), 4(vv), 5(c), 6(a), 7(a).

RP2 for 12/04/2016 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local

Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

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

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

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

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

04. APPROVAL CONDITION - Land Contamination investigation [Pre-Commencement]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A report of the findings of the additional assessment/investigation, characterising the land gas and groundwater regime and allowing for potential risks (as identified in phase 1) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment.

05. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

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

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

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

Reason:

To protect the amenities of the occupiers of existing nearby properties and to safeguard the special ecological value of the adjoining nature reserve.

09. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

10. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling **and/or** foundations design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed
Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5
Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

11. APPROVAL CONDITION - Lighting Scheme (Pre-Occupation Condition)

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason

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

12. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended or any subsequent amending Order) the buildings hereby approved shall only be used for the purposes specified in the application, namely Storage and Distribution (Class B8) for Units 1 and 3 and either Business Use (Class B1(c)) or (Class B8) for Unit 2.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and to comply with Policy MSA19 of the Local Plan.

13. APPROVAL CONDITION - Restriction on use (Performance Condition)

The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the development shall not be sub-divided or occupied by more than three businesses at any one time.

Reason

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

(This condition to be replaced by the following wording)

13. APPROVAL CONDITION - Restriction on use (Performance Condition)

The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the buildings shall not be sub-divided into separate units without the approval of the Local Planning Authority.

Reason

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

14. APPROVAL CONDITION - Junction Details [Pre-Commencement Condition]

No development shall commence until details of the junction between the proposed service road and the highway have been approved in writing by the LPA and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans.

Reason:

To ensure a safe access to the site is achieved.

(This condition to be replaced with the following wording)

14. APPROVAL CONDITION - Junction Details [Pre-Occupation Condition]

The junction between the proposed service road and the highway shall be constructed in accordance with the approved plans before the development is first occupied.

Reason:

To ensure a safe access to the site is achieved.

15. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)

The buildings hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

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

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

Reason:

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

17. APPROVAL CONDITION - Layout of Car Parking/Servicing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and servicing facilities for the uses hereby approved shown on the approved plans shall be laid out and made available before the building to which the facilities relate is first occupied and thereafter retained solely for the use of the occupants and visitors to that building and for no other purpose.

REASON

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

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

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

19. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent 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).

(This condition to be amended to read as follows)

19. BREEAM Standards (Pre-Occupation Condition)

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

REASON:

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

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

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

Reason

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

(Note: amended to include hedgerow removal to allow Condition 30 to be deleted)

21. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

22. APPROVAL CONDITION - No other windows or doors other than approved in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed in the southern elevations of Units 1 or 3.

Reason:

To protect the amenities of the adjoining properties.

23. APPROVAL CONDITION - Sustainable Urban Drainage (Pre-Commencement Condition)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the proposed SUDs arrangements are provided in a satisfactory manner.

24. APPROVAL CONDITION - Acoustic barriers (Pre-Occupation Condition)

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be in accordance with the approved plans. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be maintained in a good state of repair so as to remain fully effective.

Reason

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

25. APPROVAL CONDITION - Electric Car Charging Points (Pre-Occupation Condition)

No part of the development shall be occupied **until a minimum of 11** electric car charging points have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of sustainability and air quality given the proximity to an Air Quality Management Area.

26. APPROVAL CONDITION - No open storage (Performance Condition)

No open storage or loading/unloading of vehicles shall take place within the yards of the buildings.

Reason

To protect the amenities of neighbouring residents.

(Note: this condition to be deleted at the request of the applicant - to be replaced by additional measures in suggested Conditions 27 and 35)

27. APPROVAL CONDITION - Noise Mitigation Measures (Pre-Occupation Condition)

No part of the development shall be occupied until detailed noise mitigation measures, to include canopies above the loading dock and a scheme of management measures **to include details of reversing alarms of fork lift trucks and lorries** have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation and retained thereafter.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

(Note: amendment at the request of the Council's Environmental Health Officer)

28. APPROVAL CONDITION - Refrigerated Vehicles (Performance Condition)

Any refrigeration vehicles serving the site shall use electrical hook up facilities rather than diesel engines.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

29. APPROVAL CONDITION - Refrigeration Compressors (Performance Condition)

Any refrigeration equipment within the buildings shall utilise electric compressors and not diesel.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

30. APPROVAL CONDITION - Hedgerow removal (Pre-Commencement Condition)

No hedgerow shall be removed until details of arrangements for replacement of the hedgerow have been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved details.

Reason

In the interests of ecological mitigation.

(Condition to be deleted following amendments to Condition 20)

31. 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.

32. APPROVAL CONDITION – Night time operation (Pre-Occupation Condition)

Between 2300 and 0700 hours the development shall not operate or be used otherwise than in accordance with a Night Time Operation Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the occupiers of the building operate in a manner which would safeguard the amenities of adjoining residential occupiers.

Additional Conditions

33. Advertisement Restriction (Performance Condition)

Notwithstanding the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or any subsequent amending regulations, no site marketing advertising shall be displayed on the site facing South so as to be visible from the residential properties in Gover Road.

Reason:

In the interests of the amenities of neighbouring residential properties.

34. Construction Phasing (Pre-Commencement Condition)

No development shall commence until a programme of construction work has been submitted to and approved in writing by the Local Planning Authority. The programme shall define the phasing of the development to include when the buildings and the bund along the boundary with the new park will be constructed. The development shall subsequently be carried out in accordance with the approved construction phase programme.

Reason:

To allow the Local Planning Authority to control the construction programme in the interests of the amenities of the area.

35. Construction Phasing (Performance Condition)

No occupation of Units 1 or 3 shall take place until both these buildings and the bund and acoustic fence between them have been constructed as shown on the approved plans or such alternative acoustic measures as may be approved in writing by the Local Planning Authority.

Reason:

To ensure that the noise mitigation measures are in place before these buildings are first occupied in the interests of the amenities of local residents.

36. No open storage of metal containers (Performance Condition)

No open storage of metal containers shall take place within the service yards or car parking areas of this development.

Reason:

To mitigate potential noise problems in the interests of the amenities of residential neighbours.

Planning Obligation by Deed under Section 106 of the Town and Country Planning Act

1990 as amended

relating to the development of land at Test Lane to the north side of Gover Road, Redbridge, Southampton

Dated:

2016

SOUTHAMPTON CITY COUNCIL
and
TRANSEUROPEAN V (SOUTHAMPTON) LIMITED
and
**ROCKSPRING TRANSEUROPEAN PROPERTY (GENERAL PARTNER) V LIMITED &
ROCKSPRING TRANSEUROPEAN PROPERTIES LIMITED PARTNERSHIP V**

Fosters 15.3.16 accepted amends on 1.3.16 v4 SCC

**Legal Services
Southampton & Fareham Legal Partnership
Southampton City Council
Civic Offices
Southampton
SO14 7LY**

Jp/ep06-01-0481

PARTIES

- (1) **SOUTHAMPTON CITY COUNCIL** of Civic Centre Southampton SO14 7PE (“the Council”)
- (2) **TRANSEUROPEAN V (SOUTHAMPTON) LIMITED** a company registered in Jersey (registration number 115193) whose registered office is First Island House, Peter Street, St Helier, Jersey JE2 4SP (“the Developer”)
- (3) **ROCKSPRING TRANSEUROPEAN PROPERTY (GENERAL PARTNER) V LIMITED** a company registered in England (registration number 07840887) whose registered office is at 166 Sloane Street, London, SW1X 9QF in its capacity as General Partner of the **ROCKSPRING TRANSEUROPEAN PROPERTIES LIMITED PARTNERSHIP V** (registration number LPO14764) whose registered office is at 166 Sloane Street, London, SW1X 9QF (“the Guarantor”)

RECITALS

- A The Council is the local planning authority and the local highway authority for the purposes of the Act for the area in which the Land is situated.
- B The Council is the freehold owner of the Land being registered with title absolute at the Land Registry under Title Number HP657167.
- C The Land is subject to a conditional contract dated the 6th day of June 2014 in favour of the Developer and the Developer hereby enters into this agreement by virtue of their equitable interest shown by a unilateral notice on the charges register of Land Registry Title Number HP657167. The conditional contract states that the Developer will acquire the legal interest in the Land six weeks after the grant of the Permission.
- D The Guarantor has an equitable interest in the land subject to the conditional contract of 6th June 2014 which was entered into with the Developer and the Council.
- E Evander Properties Limited on behalf of the Developer has submitted the Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- F The Council has resolved to grant the Permission subject to the prior completion of this Deed.
- G The Developer has agreed that the Development shall be carried out only in accordance with the rights and obligations set out in this Deed.
- H The Developer and the Guarantor have agreed to be parties to this Deed and consent to this Deed being entered into and to the obligations becoming binding on the Land.

NOW THIS DEED WITNESSES AS FOLLOWS:**OPERATIVE PART**

1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

“the 1980 Act”	The Highways Act 1980
“the Act”	The Town and Country Planning Act 1990 (as amended)
“Additional Amount”	The amount calculated in accordance with Clause 17.1 and 17.3 hereof (and references to “the Revised Amount” shall mean the original amount of any Contribution plus the Additional Amount)
“Air Quality Management Plan”	<p>A plan to mitigate the impact of the Development on the Air Quality Management Area 5 (AQMA5) to include:-</p> <ul style="list-style-type: none"> • the means whereby the objectives of the Air Quality Management Plan are promoted and encouraged • the means whereby the effectiveness of the Air Quality Management Plan can be monitored and recorded • the means whereby the achievement of the aspirational targets of the Air Quality Management Plan can be reviewed and (if necessary) the objectives updated • the timescales for the Air Quality Management Plan
“Application”	The application for full planning permission dated 26 th November 2014 submitted to the Council for the Development and allocated reference number 14/01911/FUL.
“Carbon Management Plan”	<p>A carbon management plan to include :-</p> <ul style="list-style-type: none"> • whether the development is to achieve Zero Carbon status or the Emissions Level. • for development that will not achieve Zero Carbon status, the proposed level of contribution to the Council’s Carbon Offset Fund and the basis of calculation. • the means and mechanisms for achieving either Zero Carbon status or the proposed Emissions Level. • a scheme and details of the funding for the management and maintenance of any equipment or plant provided by the Development to achieve Zero Carbon status or the Emissions Level for the lifetime of the Development.
“Carbon Offset Fund”	A fund held by the Council and to be used towards alternative CO ₂ reduction projects to mitigate for the CO ₂ emissions produced by the Development in the first year.
“Commencement”	The carrying out of a “material operation” (as defined in section

	56(4) of the Act) in connection with the Development save that for the purposes of this Deed and for no other purpose; operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements shall not be included (and “Commence” and “Commenced” shall be construed accordingly)
“Commuter Car Parking Initial Survey”	A survey to measure kerbside parking covering Test Lane south of the development entrance, Gover Road, Westover Road and Coniston Road to provide the baseline level of on-street parking in the identified roads. The survey shall take place at 10am, 3pm and 8pm on a normal working day outside of school holidays.
“Commuter Car Parking Repeat Survey(s)”	A survey which shall be repeated within six months of the Occupation of each Unit to establish if any overspill parking is evident as a result of the new Development, the Commuter Car Parking Repeat Survey(s) shall be taken on the same highways and at the same times as the Commuter Car Parking Initial Survey
“Completed”	Practically complete save for minor snagging items such that it is reasonably fit for occupation (and “Complete” and “Completion” shall have the same meaning)
“Conditions Precedent”	The conditions contained in clause 4
“Confirmatory Deed”	A Deed (a draft of which is appended hereto) to be entered into by all of the parties with an interest in the Land for the purposes of Section 106 of the Act which confirms that the obligations contained in this Agreement shall also bind their interest in that part of the Land acquired from the Council after the date of this Agreement.
“Construction Traffic Management Plan”	A plan to regulate the routes (including internal circulation routes within the Land) and times to be observed by construction vehicles visiting the Land for the purposes of carrying out the Development with the objective of ensuring that construction vehicle movements avoid peak traffic periods and do not adversely affect pedestrian routes within or close the Land
“Contributions”	The Site Specific Transport Contribution, Zero Carbon Contribution and the Recreational Land Loss Mitigation Contribution.
“Deed”	This planning obligation made by deed
“Development”	Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be storage and distribution Use (Class B8), Unit 2 to be business

	Use (Class B1c) and/or storage and distribution Use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane (amended description following alterations to the planning application) in accordance with the Permission.
“the Development Plan”	The City of Southampton Local Plan (2006) and the Local Development Framework Core Strategy Development Plan Document January 2010
“Emissions Level”	How many tonnes of CO ₂ are expected to be produced per annum based on buildings regulations calculations, after minimum on site requirements have been met in accordance with core strategy policy CS20 i.e. BREEAM/ Code requirements.
“Employment and Skills Plan”	A plan setting out how the Developer; and to the extent they are not the same person, any occupier and their contractors will work with the local employment and training agencies and shall specify the provision for employment and training opportunities and other initiatives in respect of the vocational and employability skills required by the Developer, their contractors and future occupiers, for any new jobs and business opportunities created by the Development.
“Employment and Training Agencies”	Training Agencies including but not limited to the following: <ul style="list-style-type: none"> ▪ Jobcentre Plus; ▪ voluntary and private sectors providers; ▪ schools; ▪ sixth form colleges; ▪ colleges of further education; and ▪ universities
“the Enabling Powers”	Section 111 of the Local Government Act 1972 (as amended) Section 1 of the Localism Act 2011 and all other enabling powers which may be relevant for the purpose of giving validity to or facilitating the enforcement of the obligations created by this Deed.
“Engineering Index”	In the case of amounts referred to in Clause 17.1 the Civil Engineering Prices Formula or during any period when no such index indices exists the Index which replaces the same or is the nearest equivalent thereto as the Council shall reasonably nominate taking into account any official reconciliation of changes in its basis of calculation
“Highway Condition Survey”	A survey to identify the current condition of the adopted highway in the vicinity of the Land which shall include:- <ul style="list-style-type: none"> ▪ a plan which identifies the area covered by the survey; ▪ a written report detailing the current condition of the

	<p>adopted roads and footways in the vicinity of the Land;</p> <ul style="list-style-type: none"> ▪ a list of defects in the adopted highway that exist prior to the Commencement of the Development including specific photographs identifying the individual defects; ▪ a photographic overview of the adopted roads and footways in the vicinity of the Land; and ▪ an estimate of the size, types and level of construction traffic expected to service the Land during the construction of the Development
“Inflationary Index”	<p>the Retail Prices Index issued by the Office for National Statistics</p> <ul style="list-style-type: none"> ▪ or during any period when no such index exists the index which replaces the same or is the nearest equivalent thereto as the Council shall reasonably nominate taking into account any official reconciliation of changes in its basis of calculation
“Interest”	Means interest at 4 per cent above the base lending rate of the Barclays Bank Plc (calculated on a daily basis from the date on which it fell due)
“the Land”	The land referred to in Schedule One
“Legal Costs”	The Council’s legal costs in connection with the preparation and completion of this Deed
“Linear Park”	The public open space to be provided at the Development shown on Plan 2 appended to this Deed for illustrative purposes only
“Linear Park Commuted Sum”	The sum of £41,640.00 (forty one thousand six hundred and forty pounds) which represents the costs of maintaining the Linear Park over a 10 year period following transfer of the Linear Park by the Developer to the Council
“Linear Park Scheme of Works”	A scheme of works for the Linear Park as shown for illustrative purposes only on Plan 2
“Linear Park Management Plan”	<p>A plan which shall include details of:</p> <ul style="list-style-type: none"> • such associated works of management and maintenance of the publicly accessible areas within the Development Land including litter collection • measures for the transfer of the Linear Park to the Council for adoption (if required) which shall be free from encumbrances and for nil consideration • the Linear Park commuted sum of £41,640, which is based on 10 years maintenance period
“Lorry Routing Agreement”	An agreement to regulate the routes (including internal circulation routes within the Land) and times to be observed by construction/delivery/servicing vehicle movements to avoid peak traffic periods and to not adversely affect pedestrian routes

	within or close to the Land
“the Monitoring Charge”	The costs of the Council’s Planning Agreements Officer for monitoring compliance with the terms of this Deed in the sum of £2,665.00
“Occupation” and “Occupied”	Occupation for the purposes permitted by the Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations
“Plan 1”	The site location plan attached to this Deed
“Plan 2”	The Linear Park plan attached to this Deed
“Plan 3”	The Site Specific Transport Works plan attached to this Deed
“the Permission”	The full planning permission subject to conditions to be granted by the Council pursuant to the Application
“Post Development Highway Condition Survey”	<p>A survey of the area identified in the Highway Condition Survey to identify;</p> <ul style="list-style-type: none"> ▪ any damage to the adopted highway caused during the construction of the Development which has been caused by vehicles using the adopted highway to access the Land in connection with the construction of the Development, and; ▪ a list of repairs to be agreed between the council and the Developer which are required to put the adopted highway into the condition it was in prior to the construction of the Development as recorded in the Highway Condition Survey.
“Public Art Scheme”	<p>A scheme to ensure the successful integration of public art within the Development such proposals to include:-</p> <ul style="list-style-type: none"> ▪ details of the location of the public art within the Development or within the vicinity of the Development ▪ a programme for the realisation of public art ▪ details of how the provision of public art shall be integrated into the construction of the Development ▪ details of the means for future maintenance of the public art
“Recreational Land Loss Mitigation Contribution”	The sum of £35,000.00 (thirty five thousand pounds) being a contribution to mitigate the loss of recreational land within the Development Site
“Site Specific Transport Contribution”	<p>The sum of £153,150.00 (one hundred and fifty three thousand and one hundred fifty pounds) to be used as follows:</p> <ul style="list-style-type: none"> ▪ £10,000.00 (ten thousand pounds) to be used as a contribution towards traffic regulation orders to extend the 30mph speed limit on the complete length of Test

	<p>Lane to the roundabout at Andes Road, with suitable traffic calming designed in to reinforce the reduction in speed, and amend the weight restriction on Test Lane to allow correct access to the site, and restrict heavy movements beyond the site, and</p> <ul style="list-style-type: none"> ▪ £50,000.00 (fifty thousand pounds) to be used as a contribution towards improvements works to the A33/M271 Redbridge Roundabout to provide a reconfiguration to assist traffic flow based on increase in HGV and non-HGV traffic routing south on the M271 to Redbridge Roundabout, and ▪ £50,000.00 (fifty thousand pounds) for the extension of a two metre footpath linking from Test Lane along Gover Road to link into the existing footway on the north side of Gover Road; and ▪ £11,250.00 (eleven thousand and two hundred and fifty pounds) to remove one speed hump and reinstate the carriageway as standard construction, and ▪ £31,900.00 (thirty one thousand and nine hundred pounds) to remove two speed humps and replace with chicane style traffic calming measures and associated road markings. <p>Total: £153,150.00</p>
<p>"Site Specific Transport Works"</p>	<p>Works with appropriate plans detailing the Developer's scheme including to</p> <ul style="list-style-type: none"> • the provision/widening of a three metre wide cycleway footpath along Test Lane from the entrance of the site to the boundary of the Council's Land in the vicinity of the Southern Daily Echo access as illustrated on Plan 3 appended to this Deed.
<p>"Statutory Undertakers"</p>	<p>Organisations licensed by the government which include all utilities electricity, gas, water, telephone, cable telephone and television and other telecommunication companies</p>
<p>"Travel Plan"</p>	<p>A plan aimed at reducing the reliance on the use of the private car by occupants of the Development and that encourages positively the use by those occupants of alternative means of transport which have less of an adverse impact on the environment which plan shall include</p> <ul style="list-style-type: none"> ▪ the means whereby the effectiveness of the Travel Plan can be monitored and recorded; ▪ aspirational targets for a modal split as between those using the private car and those using alternative modes of transport; and

	<ul style="list-style-type: none"> ▪ the means whereby the achievement of the aspirational targets of the Travel Plan can be reviewed and (if necessary) the objectives updated
“Unit(s)”	A Unit(s) within the Development
“Use”	Use of the Development for the purposes for which the Permission has been granted
“Working Day(s)”	Days on which banks in the City of London are open to the public
“Zero Carbon”	<ul style="list-style-type: none"> ▪ Zero Carbon is zero or negative regulated CO₂ emissions from the Development, ▪ Tonnes CO₂ per annum x £210, capped at a maximum of £3 per square metre of development floor space.
“Zero Carbon Contribution”	A contribution to the Council’s Carbon Offset Fund based on £210 per tonne of regulated CO ₂ emissions emitted in the first year of development.

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all words shall be construed interchangeable in that manner.
- 2.3 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 2.4 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.5 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council the successors to their respective statutory functions.
- 2.6 The headings and contents list are for reference only and shall not affect construction.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act and the Enabling Powers.

- 3.2 The covenants, restrictions and requirements imposed upon the Developer under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority

4 CONDITIONS PRECEDENT

This Deed is conditional upon the Commencement of Development save for the provisions of this Clause 4 and Clauses 1 to 3 and 5 to 25 which shall come into effect immediately upon completion of this Deed.

5 THE DEVELOPER'S AND THE GUARANTOR'S COVENANTS

- 5.1 The Developer and the Guarantor **HEREBY** covenant with the Council that they will observe and perform the covenants on their part contained in Schedule Two.
- 5.2 Unless otherwise agreed by the Council, not to Commence the Development in respect of the Area unless and until all interests in the Land which comprise that Area are bound by the terms of this Deed.

6 THE COUNCIL'S COVENANTS

Subject to the performance by the Developer and the Guarantor of their obligations under this Deed the Council hereby covenants with the Developer that it will observe and perform the covenants on its part set out in Schedule Three.

7 RELEASE AND LAPSE

- 7.1 It is hereby agreed that neither the Developer nor the Guarantor shall be liable for a breach of any of their obligations under this Deed (save for antecedent breaches) after they shall have parted with all of their respective interests in the Land.
- 7.2 It is further agreed that this Deed shall lapse and be of no further effect if:
- 7.2.1 the Permission shall lapse without having been Commenced; or
 - 7.2.2 the Permission shall be varied or revoked other than with the consent of the Developer; or
 - 7.2.3 the Permission is quashed following a successful legal challenge
- 7.3 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this Deed.
- 7.4 This Deed shall not be enforceable against Statutory Undertakers.

8 LOCAL LAND CHARGE

- 8.1 This Deed is a local land charge and shall be registered as such by the Council.

8.2 Upon the full satisfaction of all the terms of this Deed the Developer shall request that the Council procure that all entries in the register of local land charges relating to it other than those obligations which are of continuing effect be removed as soon as reasonably practicable.

9 DUTY TO ACT REASONABLY

All parties to this Deed acknowledge that they are under a duty to act reasonably and (without prejudice to generality) if any deed consent approval or expression of satisfaction is due from one party to another under the terms of this Deed the same shall not be unreasonably withheld or delayed.

10 NO FETTER ON DISCRETION OR WAIVER

10.1 Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.

10.2 Nothing in this Deed shall impose any contractual or other obligations on the Council to grant the Permission.

10.3 No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.

11 WARRANTY AS TO TITLE

The Developer and Guarantor **hereby warrant** to the Council that the title details referred to in Recitals B C and D are complete and accurate in every respect and that no person other than themselves and the Council has an interest in the Land for the purposes of section 106 of the Act.

12 SEVERABILITY

It is agreed that if any part of this Deed shall be declared unlawful or invalid by a Court of competent jurisdiction then (to the extent possible) the remainder of this Deed shall continue in full force and effect.

13 THE COUNCIL'S COSTS

13.1 The Developer hereby covenants with the Council that it will on completion of this Deed pay the Council's reasonable Legal Costs.

13.2 The Developer hereby covenants with the Council that it will on or before the date of this Deed pay the Council's Monitoring Charge.

14 CONTRACT (RIGHTS OF THIRD PARTIES) ACT 1999

Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 no part of this Deed shall be enforceable by a third party who is not a party to the Deed and for the avoidance of doubt the terms of this Deed may be varied by Deed between the parties and the Council without the consent of any such third party.

15 NOTIFICATION OF COMMENCEMENT/OCCUPATION

The Developer covenants with the Council that they will:

- 15.1 notify the Council in writing of the date of Commencement of the Development within five Working Days of it occurring; and
- 15.2 notify the Council in writing of the date of Occupation for the first time of any part of the Development within five Working Days of it occurring;
- 15.3 pay to the Council upon written demand its reasonable fees for additional monitoring caused by the Developers non-compliance with 15.1 or 15.2.

16 NOTICES

Any notices required to be served by one party on another under this Deed shall be served by First Class prepaid post or by facsimile transmission in the following manner:

- 16.1 on the Council at the address shown above marked “for the attention of the Planning Agreements Officer” and bearing the reference “ s106 Agreement – Test Lane – 14/01911/FUL”.
- 16.2 on the Developer at the address as detailed above or as notified by the Developer in writing to the Council; and
- 16.3 on the Guarantor at the address as detailed above or as notified by the Guarantor in writing to the Council.

17 CALCULATION OF THE ADDITIONAL AMOUNT

The formulae in Clause 17.1 and 17.3 shall apply in relation to the Contributions specified in Clauses 17.1 and 17.3.

17.1 Site Specific Transport Contribution

The Additional Amount for the Site Specific Transport Contribution shall be calculated as follows:-

The Additional Amount shall comprise the aggregate of the amount calculated by the application of the formula below for each such element:

$$\text{Amount after variation} = A \times (B \div C) - A$$

Where:

A = the contribution

B = the Engineering Index as at the date the Contribution is due; and

C = the Engineering Index as at being the date 8th May 2015 when the works were costed.

17.2 The Payment of the Additional Amount

The Additional Amount shall only be payable on or after 8th May 2016 if the Site Specific Transport Contribution remains unpaid at that time.

17.3 The Zero Carbon Contribution and the Recreational Land Loss Mitigation Contribution

In the event of any increase (but not decrease) in the Inflationary Index the Additional Amount shall be the difference between the amount of the whole or any part of the relevant Contribution and the sum calculated as follows:-

$$\text{Amount after variation} = A \times (\frac{B}{C}) - A$$

Where:-

A = the relevant Contribution to be varied;

B = the Inflationary Index at the date at which the relevant Contribution was paid; and

C = the Inflationary Index at the date of this Deed

18 PAYMENT OF THE CONTRIBUTIONS

18.1 The Developer must pay the Contributions and the Additional Amount (if any) as detailed in Schedule 2 to the Council by either:

18.1.1 cheque made payable to Southampton City Council;

18.1.2 by BACS or telegraphic transfer

18.2 All payments must state the Application reference number and the address to which this Deed relates.

18.3 Payment by either method referred to in 18.1 must be identified as a Section 106 Payment and be made for the attention of the relevant Planning Agreements Officer at Southampton City Council Civic Centre Civic Centre Road Southampton SO14 7LY.

18.4 Payment by either BACS or TT must also include in its reference that it is a Section 106 Payment and is for the attention of the Planning Agreements Officer

19 INTEREST ON LATE PAYMENTS

Any amount due from the Developer under this Deed which is not paid on the due date shall be payable with Interest in addition to the Additional Amount.

20 CONSENT OF THE DEVELOPER AND GUARANTOR

20.1 The Developer hereby consents to this Deed being entered into and to the obligations becoming binding on the Land notwithstanding any registration by

or on behalf of the Developer to protect its interest in the Land pursuant to the conditional contract referred to in Recital C.

20.2 The Guarantor hereby consents to this Deed being entered into and to the obligations becoming binding on the Land notwithstanding any registration by or on behalf of the Guarantor to protect its interest in the Land pursuant to the conditional contract referred to in Recital D.

21 NOTIFICATION OF SUCCESSORS IN TITLE

The Developer and the Guarantor covenant with the Council that they will give immediate written notice to the Council of any change of ownership of the Land if at such time the obligations contained within this Deed have not fully been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation purchased by reference to a plan.

22 VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

23 CONFIRMATORY DEED

The Developer covenants not to Commence Development on the Land until such time as the Confirmatory Deed substantially in the form attached at Appendix 1 has been entered into with the Council in relation to the Development.

24 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

25 DELIVERY

This Deed is for the purposes of the Regulatory Reform (Execution of Deeds and Documents) Order 2005 a deed and for the avoidance of doubt the Deed shall be deemed not delivered despite being executed by the parties until it has been dated by the respective parties' appointed legal representatives or in the absence of one or more parties appointing a legal representative by the parties directly.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

SCHEDULE ONE

("the Land")

All that freehold land known as Test Lane north of Gover Road, Redbridge, Southampton shown for identification purposes only edged with a red line on the Plan 1

The Plan (not to scale)

SCHEDULE TWO

("the Obligations")

The Developer and the Guarantor covenant with the Council as follows:-

1 Site Specific Transport Contributions

- 1.1. No Development shall Commence until the Site Specific Transport Contribution plus the Additional Amount is paid to the Council.

Site Specific Transport Works

- 1.2. No Development shall Commence until detailed plans for the provision of the Site Specific Transport Works has been submitted to the Council for its subsequent approval and the Developer has paid all the Council's reasonable and properly incurred administrative charges in connection therewith.
- 1.3. No Occupation of the Development shall take place until the Developer enters into an agreement (or more than one agreement if required) under Section 278 of the Highways Act 1980 with the Council as the local highway authority in order to procure the Site Specific Transport Works if so required.
- 1.4. Not to Occupy the Development until all the Site Specific Transport Works have been completed to the satisfaction of the Council.

2 Carbon Management Plan

- 2.1 No Development shall Commence until the Carbon Management Plan has been submitted to and approved by the Council and that approval has been communicated in writing to the Developers by the Council.
- 2.3 To implement the approved Carbon Management Plan and promote the objectives of the Carbon Management Plan and ensure that (as far as is reasonably practicable) the objectives are met.
- 2.4 In the event that the Emissions Level approved under the Carbon Management Plan does not reach Zero Carbon not to Occupy the Development until the Zero Carbon Contribution is paid to the Council including the Additional Amount (if any).

3 Highway Condition Survey and Post Development Highway Condition Survey

- 3.1 No Development shall Commence until a Highway Condition Survey has been submitted to and approved by the Council.
- 3.2 No Occupation of the Development until the Post Development Highway Condition Survey has submitted to and approved by the Council.
- 3.3 If required to secure the repairs identified in the Post Development Highway Condition Survey to rectify damage caused by vehicles using the adopted

highway to access the Land in connection with the construction of the Development to the adopted highway during the construction of the Development in line with the Council's quality standards by complying with either 3.3.1 or 3.3.2 below:

- 3.3.1 to carry out the repair works identified in the Post- Development Highway Condition Survey by no later than a date to be approved in writing by the Council; or
- 3.3.2 No Occupation of the Development shall take place until a financial contribution (the amount of which is to be agreed between the Council and the Developer to pay for the repair works identified in the Post Development Highway Condition Survey or such later date as may be agreed in writing.

4 Public Art

- 4.1 No Development shall Commence until the Public Art Scheme has been submitted to and approved by the Council.
- 4.2 No Occupation of the Development until the approved Public Art Scheme has been carried out in full to the Council's reasonable satisfaction at the Developer's cost and in accordance with the approved Public Art Scheme.

5 Employment and Skills Plan

- 5.1 Prior to submission of the Employment and Skills Plan the Developer shall attend a meeting with the Council to specify the provision for employment and training opportunities and other initiatives for the Development.
- 5.2 Prior to Commencement of the Development to submit to the Council for approval the Employment and Skills Plan and not to Commence the Development or permit Commencement of the Development until the Employment and Skills Plan has been approved by the Council.
- 5.3 Following approval of the Employment and Skills Plan by the Council Developer will implement and where necessary procure the implementation and promote the objectives of the approved Employment and Skills Plan and ensure that so far as is reasonably practicable the targets are met.

6 Travel Plan

- 6.1 No Occupation of the Development shall take place until the Travel Plan has been submitted to and approved by the Council.
- 6.2 To implement from and upon Occupation of the Units the approved Travel Plan and promote the objectives of the Travel Plan and ensure that (so far as is reasonably practicable) the objectives are met.

- 6.3 In the event that the Travel Plan identifies a requirement for any off-site or on-site works to be undertaken in order to meet the objectives then (unless otherwise agreed in writing with the Council) those works shall be carried out by the Developer at its own cost in accordance with a timescale to be included within the Travel Plan with all necessary consents required.

7 Construction Traffic Management Plan

- 7.1 No Development shall Commence until the Construction Traffic Management Plan has been submitted to and approved by the Council.
- 7.2 During the construction of the Development to direct and ensure that all contractors' delivery vehicles and construction traffic going to and from the Land comply with the terms of the approved Construction Traffic Management Plan.

8 Lorry Routing Agreement

- 8.1 No Development shall Commence until the Lorry Routing Agreement has been submitted to and approved by the Council.
- 8.2 To ensure that the Lorry Routing Agreement is implemented in full from the Commencement of the Development.

9 Air Quality Management Plan

- 9.1 No Development shall Commence until the Air Quality Management Plan has been submitted to and approved by the Council.
- 9.2 To implement and promote the objectives of the Air Quality Management Plan and ensure that (so far as reasonably practicable) the objectives are met.
- 9.3 In the event that the Air Quality Management Plan identifies a requirement for any off-site or on-site works to be undertaken in order to meet the objectives the (unless otherwise agreed in writing with the Council) those works shall be carried out by the Developer at its own cost in accordance with the timescale to be included in the Air Quality Management Plan.

10 Recreation Land Loss Mitigation Contribution

- 10.1 Prior to Commencement to pay to the Council the Recreation Land Loss Mitigation Contribution plus any Additional Amount payable.

11 Linear Park Scheme of Works

- 11.1 No Development shall Commence until the Linear Park Scheme of Works has been submitted to for the written approval of the Council.
- 11.2 On approval from the Council to construct the Linear Park in accordance with the approved Linear Park Scheme of Works.
- 11.3 No Occupation of the Development until the Linear Park has been constructed in full to the satisfaction of the Council.

12 Linear Park Management Plan

- 12.1 No Development shall Commence until the Linear Park Management Plan which shall include details of the means of ensuring future maintenance of the Linear Park has been submitted to and approved by the Council.
 - 12.2 On approval from the Council to implement the Linear Park Management Plan in full to the satisfaction of the Council.
 - 12.3 If the Council requires the transfer of the Linear Park the Developer shall:
 - 12.3.1 transfer to the Council the Linear Park free from encumbrances and for nil consideration; and
 - 12.3.2 to pay the Council upon the transfer of the Linear Park the Linear Park Commuted Sum towards the future maintenance costs of the Linear Park along with a location plan showing the extent of the Linear Park.
- 13 **Commuter Car Parking Initial Survey and Commuter Car Parking Repeat Survey(s)**
- 13.1 No Development shall Commence until the Commuter Car Parking Initial Survey is submitted to the Council for approval.
 - 13.2 Within six months of Occupation of each Unit a Commuter Car Parking Repeat Survey shall be provided to the Council; if on submission the repeated survey shows a 10% increase in overspill parking from the new Development at any one time during one day then the Developer shall:
 - 13.2.1 submit a scheme of works to mitigate the identified commuter overspill and no further Occupation of the Development shall take place until the submitted scheme is approved in writing by the Council and the scheme is actioned by the Developer
 - 13.2.2 pay all costs (up to a maximum of £25,000.00) for the implementation of a controlled parking permit zone and/or traffic calming measures for the benefit of the local residents if required

SCHEDULE THREE

(Council's Covenants)

The Council covenants with the Developer as follows:-

- 1 It will issue the Permission as soon as is reasonably practicable after the date of this Deed.
- 2 Where any payment referred to in Schedule Two is paid for a particular purpose it will not be used by the Council otherwise than for that purpose..
- 3 In the event that the Contributions or any element or part of the Contributions remains unspent or committed unconditionally to be spent within 5 (five) years after the date on which it is paid to the Council then the Council shall on written demand return to the Developer the unexpended or uncommitted (as the case may be) part of the Contributions together with any interest accrued thereon.
- 4 Upon written request from the Developer and upon payment of the Council's reasonable administration fee the Council shall provide to the Developer such evidence as it considers is reasonable to confirm the expenditure of the sums paid by the Developer under this Deed.
- 5 At the written request of the Developer and upon payment of the Council's reasonable administrative fee the Council shall provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been performed.

APPENDIX 1

CONFIRMATORY DEED

BETWEEN:

- (2) **SOUTHAMPTON CITY COUNCIL** of Civic Centre Southampton SO14 7PE (“the Council”)
- (2) **TRANSEUROPEAN V (SOUTHAMPTON) LIMITED** a company registered in Jersey (registration number 115193) whose registered office is First Island House, Peter Street, St Helier, Jersey JE2 4SP (“the Owner”)
- (3) **ROCKSPRING TRANSEUROPEAN PROPERTY (GENERAL PARTNER) V LIMITED** a company registered in England (registration number 07840887) whose registered office is at 166 Sloane Street, London, SW1X 9QF in its capacity as General Partner of the **ROCKSPRING TRANSEUROPEAN PROPERTIES LIMITED PARTNERSHIP V** (registration number LPO14764) whose registered office is at 166 Sloane Street, London, SW1X 9QF (“the Guarantor”)

1. BACKGROUND

- 1.1 The Land is subject to the Planning Agreement and the planning obligations it contains which the parties entered into on [date].
- 1.2 Under the terms of the Planning Agreement, the Owner (defined as the Developer in the Planning Agreement) undertook to ensure that when it purchased the Land that it would enter into a Confirmatory Deed.
- 1.3 This Confirmatory Deed is required pursuant to Clause 23 of the Planning Agreement to enable the Development to be carried out on the Land and for the purpose of ensuring that the agreements, covenants and obligations contained in the Planning Agreement are binding on the Owner and the Guarantor and the Land insofar as they remain to be complied with and relate to the Land.
- 1.4 The Owner agreed to purchase the Land from the Council under a conditional contract dated 6th June 2014.
- 1.5 The Owner has acquired the Site from the Council and is now the legal freeholder of the Land.

- 1.6 The Guarantor is party to the conditional contract for the sale of the Land dated 6th June 2014 as Guarantor for the Owner.
- 1.7 This Confirmatory Deed is supplemental to the Agreement and contains obligations which are planning obligations for the purposes of Section 106 of the Act.
- 1.8 The Council is the Local Planning Authority for the purposes of the Act and is the local planning authority by whom the planning obligations contained in the Planning Agreement (insofar as they are relevant and applicable to the Land and its Development in accordance with the Planning Permission) and this Confirmatory Deed are intended to be made enforceable by the Council against the Owner and the Guarantor and to binding in respect of the Land in accordance with this Confirmatory Deed and the Planning Agreement.

OPERATIVE PROVISIONS

IT IS AGREED AS FOLLOWS:

2. DEFINITIONS

- 2.1 This Confirmatory Deed adopts the definitions in clause 1 of the Planning Agreement and the interpretation provisions of clause 2 of the Planning Agreement unless stated otherwise.
- 2.2 For the purposes of this Confirmatory Deed the following words and expressions have the following meanings:

"Planning Agreement"	The agreement dated 201 pursuant to Section 106 of the Act relating to land at Test Lane to the north of Gover Road, Redbridge, Southampton
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3. STATUTORY AUTHORITY

- 3.1 This Confirmatory Deed is supplemental to the Planning Agreement and is made under Section 106 of the Act and any other enabling provisions.
- 3.2 Each covenant and obligation in this Confirmatory Deed is a planning obligation for the purposes of Section 106 of the Act enforceable by the Council against the Owner and any person deriving title in the Land and is registerable as a local land charge.
- 3.2 This Deed shall take effect upon the date hereof.

4. THE OPERATION OF THIS CONFIRMATORY DEED AND THE PLANNING AGREEMENT

4.1 This Confirmatory Deed is executed by the Owner and the Guarantor so as to bind and subject its freehold interest in the Land (as detailed in the Schedule hereto) to the obligations, covenants and other provisions contained in the Planning Agreement and the Owner and the Guarantor agree that as from the date hereof the obligations and covenants in the Planning Agreement given by the Owner and Guarantor to the Council shall be binding on the Land pursuant to section 106 of the Act as if the said obligations and covenants, undertakings in the Planning Agreement shall be enforceable by the Council not only against the Owner and Guarantor but also against any successors in title to or assignees and any person claiming through or under it an interest or estate in the Lane as if it had been an original covenanting party in respect of the Land when the Planning Agreement was entered into.

4.2 The Council covenants with the Owner and the Guarantor to perform the obligations, covenants and undertakings on its part contained in the Planning Agreement.

5. REGISTRATION

5.1 This Confirmatory Deed is a local land charge and shall be registered as such by the Council.

6. COSTS

6.1 The Owner and Guarantor hereby covenant with the Council that it will before the date of this Deed pay the Council's reasonable Legal Costs in relation to this Confirmatory Deed.

7. RELEASE

7.1 It is hereby agreed that neither the Owner nor the Guarantor shall be liable for a breach of any of their obligations under this Confirmatory Deed and/or the Planning Agreement (save for antecedent breaches) after they shall have parted with all of their respective interests in the Land.

8 CONTRACT (RIGHTS OF THIRD PARTIES) ACT 1999

Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 no part of this Deed shall be enforceable by a third party who is not a party to the Deed

and for the avoidance of doubt the terms of this Deed may be varied by Deed between the parties and the Council without the consent of any such third party.

9 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

10 DELIVERY

This Deed is for the purposes of the Regulatory Reform (Execution of Deeds and Documents) Order 2005 a deed and for the avoidance of doubt the Deed shall be deemed not delivered despite being executed by the parties until it has been dated by the respective parties' appointed legal representatives or in the absence of one or more parties appointing a legal representative by the parties directly.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

THE COMMON SEAL OF)

SOUTHAMPTON CITY COUNCIL)

was affixed in the presence of:)

Authorised Signatory:

EXECUTED AS A DEED by)

TRANSEUROPEAN V (SOUTHAMPTON) LIMITED)

in the presence of:)

Director:

Director/Secretary:

EXECUTED AS A DEED by)

ROCKSPRING TRANSEUROPEAN PROPERTIES)

(GENERAL PARTNER) V LIMITED)

in the presence of:)

Director:

Director/Secretary:

SOUTHAMPTON CITY COUNCIL

and

TRANSEUROPEAN V (SOUTHAMPTON) LIMITED

and

**ROCKSPRING TRANSEUROPEAN PROPERTY
(GENERAL PARTNER) V LIMITED &
ROCKSPRING TRANSEUROPEAN PROPERTIES
LIMITED PARTNERSHIP V**

CONFIRMATORY DEED

Relating to the Development at Test Lane to the north side
of Gover Road, Redbridge, Southampton

Legal Services

Southampton & Fareham Legal Partnership

Southampton City Council

Civic Offices

Southampton

SO14 7LY

jp/EP06-01-00481

THE COMMON SEAL OF)
SOUTHAMPTON CITY COUNCIL)
was affixed in the presence of:)

Authorised Signatory:

EXECUTED AS A DEED by)
TRANSEUROPEAN V (SOUTHAMPTON) LIMITED)
in the presence of:)

Director:

Director/Secretary:

EXECUTED AS A DEED by)
ROCKSPRING TRANSEUROPEAN PROPERTIES)
(GENERAL PARTNER) V LIMITED)
in the presence of:)

Director:

Director/Secretary:

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Agenda Item 5

Appendix 2

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (EAST) - 27 October 2015
Planning Application Report of the Planning and Development Manager

Application address: Land at Test Lane, Southampton			
Proposed development: Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be Storage and Distribution Use (Class B8), Unit 2 to be Business Use (Class B1 c) and/or Storage and Distribution Use (Class B8) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.			
Application number	14/01911/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	N/A - Planning Performance Agreement	Ward	Redbridge
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr McEwing Cllr Pope Cllr Whitbread
Called in by:	All Ward Councillors	Reason:	Traffic, noise, impact on neighbours, ecology.

Applicant: Evander Properties Ltd	Agent: Michael Sparks Associates - Fao Mr Ashley Chambers
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the proposal in the context of the site allocation for industrial and warehousing development as set out in the Local Plan and the importance of the additional employment to be created by this development. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise but that this impact can be mitigated by Section 106 obligations and conditions. Ecology and flood risk issues have also been taken into account. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable, conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore

be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) and guidance in the NPPF (2012).

Appendix attached			
1	Development Plan Policies	2	Panel report dated 4 August 2015

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions and other obligations including Traffic Regulation Orders towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) to include extending the vehicle weight restriction, reducing the speed limit in Test Lane and other traffic calming measures.
- ii. Provision of an area of public open space before first occupation of the development and the necessary commuted maintenance sum.
- iii. Financial contribution as site specific mitigation measures to limit the impact on the adjoining local nature reserve.
- iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- vii. Commuter car parking survey and necessary mitigation post opening should the surveys identify an impact on residential streets.
- viii. Air Quality Mitigation measures.
- ix. Provision of public art in accordance with the Council's Public Art Strategy.

- x. Submission and implementation of a Construction Traffic Management Plan.
 - xi. Submission and implementation of a Lorry Routing Agreement.
 - xii. Submission and implementation of a Travel Plan.
2. In the event that the legal agreement is not completed within two months of the Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. Introduction

- 1.1 This application was heard at the Planning and Rights of Way Panel meeting on 4 August 2015. The Panel's decision was:

i) that the Panel confirmed the Habitats Regulation Assessment in Appendix 2 of the report; and

(ii) that the application be deferred in order that the applicant could engage with the Local Residents Association and Ward Councillors to address the following issues raised:-

a) traffic issues, in particular measures to limit the impact of traffic entering and exiting the site to and from the south;

b) the attenuation pond within the proposed public open space; and

c) the timescale for the provision of open space.

- 1.2 This report concentrates on the additional information provided since that previous meeting. It includes only the responses to consultation on these additional points. All the previous comments, the description of the site, planning history, relevant policy considerations and other planning matters are included within the 4 August report which is appended. There have been no relevant changes in policy since the application was considered in August.

2. Proposal

- 2.1 The additional information provided in response to the three issues raised by the Panel are as follows.

- 2.2 **a) traffic issues, in particular measures to limit the impact of traffic entering and exiting the site to and from the south.**

In response to this issue the applicant has submitted an additional drawing of the entrance to the site. This design incorporates central 'splitter islands' to prevent vehicles, particularly large vehicles from turning left out of the site down Test Lane. The geometry of the junction will be designed to prevent vehicles from attempting restricted movements. Large 'trief kerbs' are proposed on either side of the access/egress (as seen on roundabouts to prevent vehicles from mounting the kerbs). In addition it is proposed to add a chicane feature in Test Lane to calm traffic; a Traffic Regulation Order (TRO) (subject to public consultation) to reduce the speed limit on the full length of Test Lane; an amendment to the existing TRO to extend the vehicle weight restriction to roads to the south of the application site.

2.3 b) the attenuation pond within the proposed public open space.

The application has been amended to remove the proposal for an attenuation pond to be provided within the public open space. The replacement surface water attenuation arrangements involve additional underground tanks to be provided beneath the vehicle parking area within the proposed development site.

2.4 c) the timescale for the provision of open space.

In response to this issue, the applicant has confirmed that the open space will be provided before occupation of the first unit on the site with the possible exception of the full landscaping arrangements which may have to await the next available planting season.

2.5 It should be noted that the revised drawings also show a realignment of the acoustic fence on top of the bund between Units 1 and 3. This results in a small reduction in the size of the proposed public open space. When considered in August the size of the linear park was 4.43 acres (1.79 hectares). In the revised submission the park would be 4.25 acres (1.72 hectares). An additional planted bund is also proposed to run parallel with Gover Road.

3. Consultation Responses and Notification Representations

3.1 Following consideration of the application in August the applicant has met representatives of the residents association and ward Councillors on two occasions in August and September. The application was then amended on 16 September and further notification was made to those neighbours who had commented previously, Ward Councillors and relevant consultees (those relating to the three issues set out above).

3.2 At the time of writing the report **56** representations have been received from surrounding residents on these amended plans. The following is a summary of the points raised on the new/amended submission. It should be noted that all previous representations are recorded in Section 5 of the previous report (Appendix 2) and should be taken into account by members in deciding the application.

3.3 General comments

- Traffic Congestion.
- Increase in air pollution.
- Late night and day time disturbance.
- Large warehouse complex operating 24 hours a day, 7 days a week is out of keeping with the adjacent residential area.
- Will change the character of the area which is exclusively residential.
- Lighting will blight sleep for nearby residents.
- Flood risk issues.
- Parking on site is not sufficient for the number of workers which will overspill on to local roads.
- The introduction of parking permits or double yellow lines will not be a welcome solution.
- More traffic will use Westover Road.
- Council has a conflict of interest as landowner and planning authority.
- Local residents were not sufficiently involved in the emergence of the policy.
- Contrary to Policy MSA 19 in that it involves development on the southern part of the site.

Response

These comments were made previously and are addressed in the report to the 4 August Panel (Appendix 2).

3.4 Additional Comments

- **Although the residents association have been consulted, the developer declined an invitation to attend a general meeting with other residents who will be affected.**
- **It is unacceptable that the discussions have just focused on traffic controls, the linear park and the balancing pond.**
- **The removal of the attenuation pond with bigger tanks beneath the buildings could result in contaminated soil being used to create the bunds.**
- **The visual impact has not been addressed, the buildings will remain overpowering and unsightly.**
- **Gover Road should have a weight limit at Redbridge roundabout with cameras in place so that offenders can be caught and dealt with.**
- **There are too many unknowns with this application, the traffic measures need to be resolved before planning permission is granted.**
- **The traffic measures are insufficient, further mitigation is required such as weight/width restrictions at the entrance to Gover Road.**

Response

Following the Panel meeting on 4 August, the applicant has met with the residents association and with Ward Councillors as requested by the Panel. Amendments and additional information has been provided in response to the three reasons for deferral. Conditions 4, 5 and 6 will ensure that contaminated material will not be used to create the bunds. The traffic measures will be secured through the Section 106 agreement.

3.5 **Councillor Pope** - whilst there have been discussions at two meetings there remain a number of concerns. The Panel should clarify and commit the changes to the three issues as conditions. The Habitats Regulations Assessment should be re-considered. The applicants have not negotiated on issues that the Panel did not instruct them on. Objections remain on the following grounds:

- The commuted sum needs to be sufficient for the Council to manage the open space in perpetuity.
- Air quality.
- Noise especially at night.
- Height and location of building.
- General traffic impact.
- Water and ground pollution.
- Section 106 agreement should include local employment contributions.
- Local residents need to benefit directly from energy generated on site.
- The Section 106 agreement should be written with the involvement of Ward Councillors and brought back to Panel for agreement.

Response

Most of these comments were made previously and are addressed in the report to the 4 August Panel (Appendix 2). The Habitats Regulations Assessment (HRA) was confirmed in August. The changes made to the application do not require any changes to the HRA.

Consultation Responses

3.6 **SCC Highways** - It is the intention of the proposal to encourage traffic to enter the site from the north, turning left into the site, and turn right back out of the site, heading to the north and junction 1 of the M271. To address the concerns relating to traffic within the area, and risk of additional traffic, particularly lorries encroaching into the residential streets to the south of the site, the applicant has submitted a revised proposal to prevent vehicles from being able to turn left out of the site, and only be able to enter when approaching from the north. This takes the form of a layout which includes measures to attempt to force all traffic to use the designed paths. The design will certainly eliminate the opportunity for any lorries being able to turn left out of the site, and cars will too find this turn difficult and uncomfortable, but with manoeuvring, may be able to defy the design. It is not possible to make the layout any tighter to prevent this risk of rogue movements by car drivers without preventing other through traffic from operating normally, and restricting the through path. The design will be supported by signage both within the site, and outside of it.

3.7 Traffic Engineers have agreed that weight restriction signs can be erected at the end of Old Redbridge Lane at its junction with the Redbridge slip road, and also at the entrance to Gover Road from the Redbridge roundabout. Residents have asked if a width restriction could be included, but Traffic Engineers consider that this would not be appropriate. If a tight chicane were to be introduced on Test Lane, south of the development access, which would warrant a width restriction warning, this could prevent legitimate movements, but also increase lorry traffic in Gover Road, as this would be the only escape route for vehicles unable to pass the restriction. It is agreed that the lorry would have had to pass the

restriction signage at this stage, but some larger vehicles may well be legitimately in the area and be forced to use a route which residents wish to discourage.

3.8 **SCC Flood Risk** - No objections to the amended drainage arrangements as the proposal still incorporates peak flow and volume control.

3.9 **Hampshire and Isle of Wight Wildlife Trust** - Concerns relate to impact on the Lower Test Marshes through an increase in recreational disturbance and the potential mobilisation of contaminants. A compensation payment to mitigate recreational disturbance has been agreed but this should be made prior to the site becoming operational. The trust are disappointed that the pond has been removed as this could have increased the biodiversity of the park. The Trust seek assurance that the proposals will not impact the Lower Test Marshes Nature Reserve through the mobilisation of contaminants and pollutants from surface water run-off once the site is operational.

Response

These issues can be covered by conditions and through the Section 106 agreement.

4. Planning Consideration Key Issues

4.1 The key issues for consideration in the determination of this planning application are set out in Section 6 of the previous report in Appendix 2. This report confines itself to the three additional issues.

4.2 a) traffic issues, in particular measures to limit the impact of traffic entering and exiting the site to and from the south

Members attention is drawn to the comments of the Council's Highways Team in Paragraphs 3.6 and 3.7 of this report. On the issue of the access to and from the site, the applicant has considered the concerns of the residents carefully, and has provided a solution which is as robust in its design as it can be, considering all traffic movements which need to be catered for, and designed out. The measures proposed can be secured through the Section 106 agreement.

4.3 b) the attenuation pond within the proposed public open space

The removal of the attenuation pond previously proposed for the public open space meets the concerns expressed by local residents and members relating to safety and environmental issues. The Council's adviser on flood risk is satisfied that the additional on site attenuation tanks will not lead to an increase in flood risk as a result of this development.

4.4 c) the timescale for the provision of open space.

The applicants commitment to the early delivery of the public open space is welcomed as it will provide a new area of public open space and help to screen the new development. This can be secured through the Section 106 agreement. The reduction in the size of the park since the consideration in August is very minor. It has been caused by a realignment of the acoustic fence and bund which is needed for noise protection purposes. The area in question is quite a

steep bank so is unlikely to be a useable area of open space. The height of the fence and bund is similar to the eaves level of the building so it will be noticeable, although in the course of time the planting will help to screen it. The removal of the attenuation pond should mean that the whole of the linear park can be used throughout the year.

- 4.5 Officers consider that all other relevant planning matters were addressed in the report of 4 August (Appendix 2).

5. Summary

- 5.1 The previous report to the Panel considered the many material considerations in this case and, on balance, recommended approval. This report concentrates on the three issues for deferral of the application. Members need to consider both reports in reaching a decision. The recommended conditions and the heads of terms for the Section 106 agreement have been adapted to take account of the changes. The Habitats Regulation Assessment has already been confirmed and does not need to be re-considered.

8. Conclusion

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

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1 (a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(b), 4(vv), 5(c), 6(a), 7(a).

RP2 for 27/10/2015 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

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

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

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

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

04. APPROVAL CONDITION - Land Contamination investigation [Pre-Commencement]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A report of the findings of the additional assessment/investigation, characterising the land gas and groundwater regime and allowing for potential risks (as identified in phase 1) to be assessed.

2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment.

05. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

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

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

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

Reason:

To protect the amenities of the occupiers of existing nearby properties and to safeguard the special ecological value of the adjoining nature reserve.

09. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

10. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination:

Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

11. APPROVAL CONDITION - Lighting Scheme (Pre-Occupation Condition)

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason:

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

12. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended or any subsequent amending Order) the buildings hereby approved shall only be used for the purposes specified in the application, namely Storage and Distribution (Class B8) for Units 1 and 3 and either Business Use (Class B1(c) or (Class B8) for Unit 2.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and to comply with Policy MSA19 of the Local Plan.

13. APPROVAL CONDITION - Restriction on use (Performance Condition)

The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the development shall not be sub-divided or occupied by more than three businesses at any one time.

Reason:

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

14. APPROVAL CONDITION - Junction Details [Pre-Commencement Condition]

No development shall commence until details of the junction between the proposed service road and the highway have been approved in writing by the LPA and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans.

Reason:

To ensure a safe access to the site is achieved.

15. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)

The buildings hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason:

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

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

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

Reason:

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

17. APPROVAL CONDITION - Layout of Car Parking/ Servicing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and servicing facilities for the uses hereby approved shown on the approved plans shall be laid out and made available before the building to which the facilities relate is first occupied and thereafter retained solely for the use of the occupants and visitors to that building and for no other purpose.

REASON

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

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

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

19. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent 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).

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

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

Reason

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

21. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

22. APPROVAL CONDITION - No other windows or doors other than approved in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed in the southern elevations of Units 1 or 3.

Reason:

To protect the amenities of the adjoining properties.

23. APPROVAL CONDITION - Sustainable Urban Drainage (Pre-Commencement Condition)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the proposed SUDs arrangements are provided in a satisfactory manner.

24. APPROVAL CONDITION - Acoustic barriers (Pre-Occupation Condition)

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be in accordance with the approved plans. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be maintained in a good state of repair so as to remain fully effective.

Reason

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

25. APPROVAL CONDITION - Electric Car Charging Points (Pre-Occupation Condition)

No part of the development shall be occupied until electric car charging points have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained

thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of sustainability and air quality given the proximity to an Air Quality Management Area.

26. APPROVAL CONDITION - No open storage (Performance Condition)

No open storage or loading/unloading of vehicles shall take place within the yards of the buildings.

Reason

To protect the amenities of neighbouring residents.

27. APPROVAL CONDITION - Noise Mitigation Measures (Pre-Occupation Condition)

No part of the development shall be occupied until detailed noise mitigation measures, to include canopies above the loading dock and a scheme of management measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation and retained thereafter.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

28. APPROVAL CONDITION - Refrigerated Vehicles (Performance Condition)

Any refrigeration vehicles serving the site shall use electrical hook up facilities rather than diesel engines.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

29. APPROVAL CONDITION - Refrigeration Compressors (Performance Condition)

Any refrigeration equipment within the buildings shall utilise electric compressors and not diesel.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

30. APPROVAL CONDITION - Hedgerow removal (Pre-Commencement Condition)

No hedgerow shall be removed until details of arrangements for replacement of the hedgerow have been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved details.

Reason

In the interests of ecological mitigation.

31. 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:

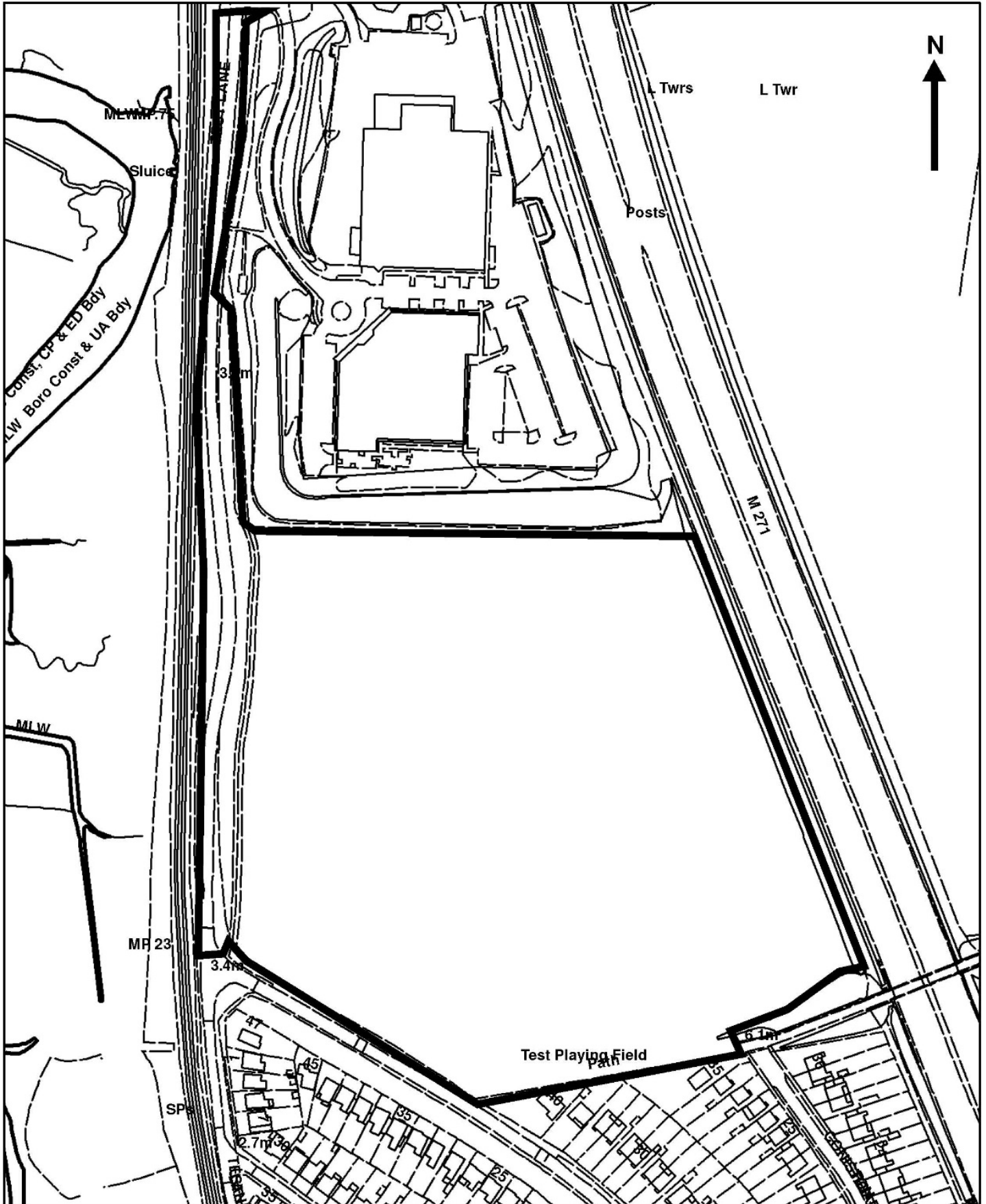
For the avoidance of doubt and in the interests of proper planning.

32. APPROVAL CONDITION – Night time operation (Pre-Occupation Condition)

Between 2300 and 0700 hours the development shall not operate or be used otherwise than in accordance with a Night Time Operation Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

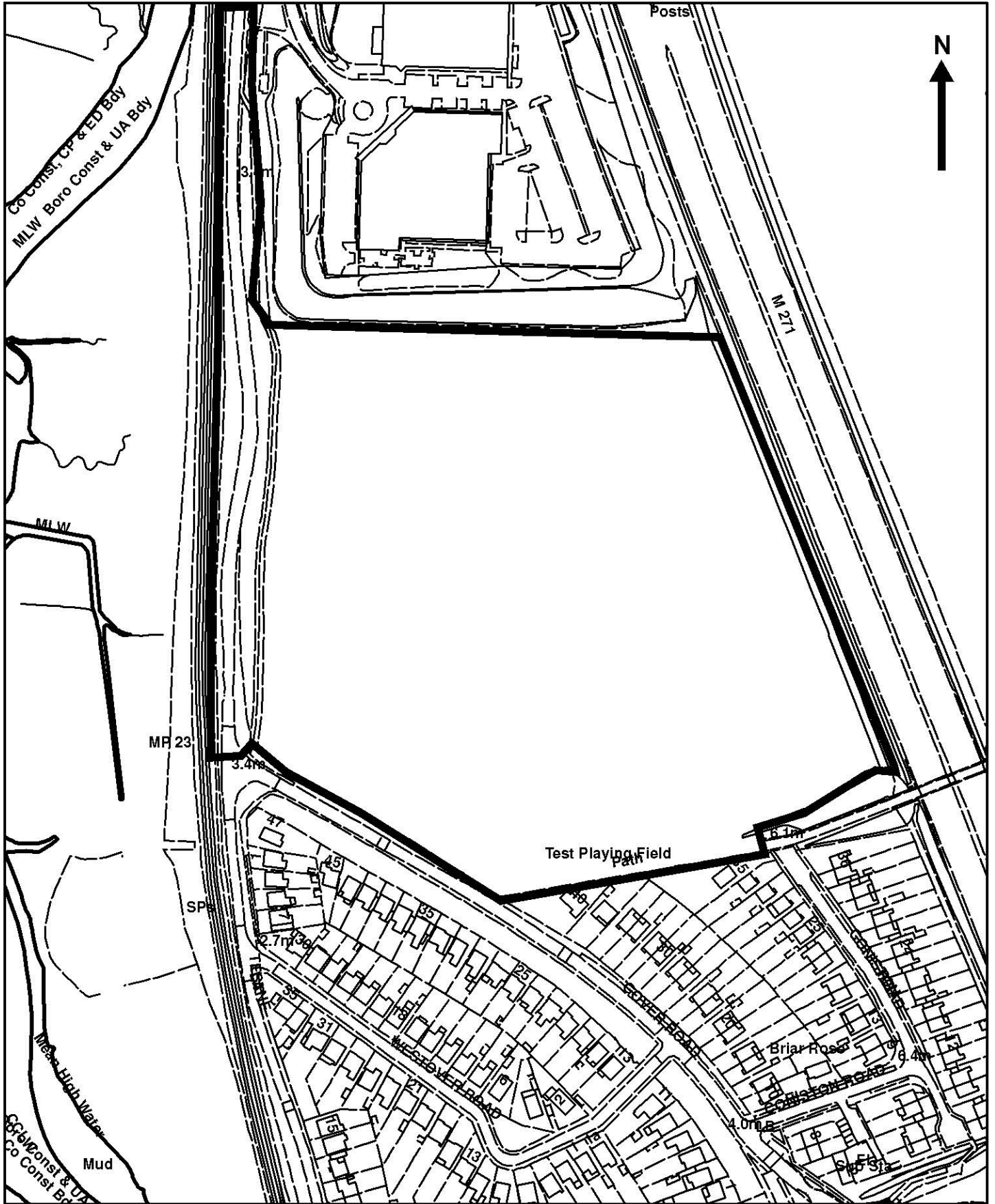
Reason

To ensure the occupiers of the building operate in a manner which would safeguard the amenities of adjoining residential occupiers.



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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 12 April 2016
Planning Application Report of the Planning and Development Manager**

Application address: 536-540 Portswood Road			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of two linked buildings of 5 and 6 storeys above basement to provide 199 units of student residential accommodation with associated communal living spaces, landscaping and parking.			
Application number	15/02401/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	11.03.2016	Ward	Swaythling
Reason for Panel Referral:	Request by Ward Member and five letters of objection have been received.	Ward Councillors	Cllr Mintoff Cllr Painton Cllr Vassillou
Referred by:	Councillor Mintoff	Reason:	Overdevelopment, loss of business, too many students in the area.

Applicant: Urban Study	Agent: Signet Planning
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning

service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, HE6, H1, H2, H7, H13 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS15, CS18, CS19, CS20, CS24, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment

Recommendation in Full

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

x. Submission and implementation of a Student Intake Management Plan to regulate arrangements at the beginning and end of the academic year.

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

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

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

1. The site and its context

1.1 The application site is approximately 0.24 hectares in area and is situated on the south-east side of Portswood Road at the junction with Mayfield Road and Thomas Lewis Way. The site comprises open yards and a series of single-storey and two-storey buildings used for a bathroom, swimming pool and plumbing supplies business (Pipescenes). The site is not within a conservation area and there are no trees on the site.

1.2 Public highway immediately adjoins the site on three sides with a landscape belt adjoining to the north. To the south is a 2-storey retail unit; to the north-west is the site of the former B and Q premises where buildings have recently been demolished to be replaced by a student residential development approved by the Panel in April 2015. On the opposite corner of Mayfield Road is a 4-storey block of flats (Cupid House) and adjoining 3-storey houses fronting Portswood Road.

2. Proposal

2.1 The application proposes redevelopment of the site to provide a total of 199 units (studio/bedsitting rooms) for student residential accommodation in two linked buildings of 5-storeys and 6-storeys above a basement car parking area. Block A at the Mayfield Road corner of the site would be 6-storeys above the basement level; Block B would be 5-storeys above basement level.

2.2 A new vehicular access will be formed from Portswood Road in a slightly different location than the existing access. Due to the slope of the land, it is possible to provide a basement car park of 17 spaces to be used by staff, visitors and disabled residents. A total of 100 cycle parking spaces will also be provided. The development will provide a range of communal facilities: cinema/function room, gym, laundry, group study/function room and other meeting and social spaces.

2.3 The proposed external materials would be a mix of red/brown brick and a mid

grey brick, fibre cement cladding, gold cladding, gold/bronze window frames and feature coloured glass with a railing detail to the balconies.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 The site has been in commercial/storage use for many years. In the 1980's and 1990's there were a series of planning permissions granted for redevelopment of the site to provide a 3-storey block for use as offices, showroom and light industrial purposes. None of these permissions were implemented and have now expired.
- 4.2 The recent planning permission for redevelopment of the former B and Q site on the opposite side of Portswood Road is also relevant to this application. That permission (reference 14/02108/FUL) was granted in November 2015 and was for redevelopment of the site with 3, 4, 5 and 6 storey buildings to provide purpose built student accommodation (comprising 525 bedrooms in 80 flats and 103 studio rooms), with associated communal living spaces, landscaping, cycle storage, parking, and independent cafe, with vehicle access retained from Mayfield Road. The proposal includes 25 car parking spaces. Work has commenced on this development.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (01.01.2016) and erecting a site notice (06.01.2016). At the time of writing the report **7** representations from surrounding residents and an objection from Councillor Mintoff have been received. The following is a summary of the points raised:
- 5.2 **There has already been a massive influx of students in the surrounding area. Within half a mile radius of this site there are already four student accommodation sites, including the massive 525 bedroom development on the former B and Q site. This inappropriate development would further add to the swamping of Swaythling by students. There are plenty of other sites**

closer to the University where student accommodation can be provided. There needs to be a better balance between students and family tenanted properties.

Response

The evidence submitted with this application does not support the contention that there is now over-provision of student accommodation across the city. Any strategic review of the location for student accommodation across the city will have to await the review of the Local Plan. There has been a significant increase in the amount of purpose built private sector student accommodation proposed in the last few years, much of which has not yet been completed. It is therefore too early to properly assess what impact this might have on the existing HMO stock.

- 5.3 This development, together with that of the adjoining B and Q site results in a loss of facilities for local people and employment opportunities.**

Response

Neither site is protected for employment purposes in the Local Plan. The application site is previously developed land and allocated for housing purposes. It is understood that the existing business on the site is relocating to a site near the M3 at Eastleigh.

- 5.4 The potential increase in traffic on Portswood Road. This section of road already has two traffic light controlled junctions which at times can become blocked by vehicles. Any additional junctions onto Portswood Road should take existing arrangements into consideration. The short access road connecting Thomas Lewis Way to Portswood Road frequently proves to be of insufficient length to accommodate the traffic which can back up on to Portswood Road/Thomas Lewis Way especially during busy periods. This situation could be alleviated by making the short access road two way in both directions, although this would not be possible in the future if it is approved to build right up to the southern boundary.**

Response

The Council's Highways Team consider the development to be acceptable in transport terms with no requirement for the type of highways improvements suggested.

- 5.5 If car parking is not sufficient what alternative parking arrangements are available and how will this impact on current schemes. The developer will not be able to control the number of student vehicles parked outside the site, these spots are relied on by local residents and will make parking more difficult.**

Response

The car parking issues are addressed later in this report.

- 5.6 Tall buildings facing each other would create a claustrophobic, narrow, canyon like effect and amplify traffic noise.**

Response

This proposal, together with that approved for the former B and Q site opposite

would result in 5 and 6-storey buildings on either side of the road which is certainly not typical for this area. However, neither development involves a continuous building form; there are a series of setbacks from the road frontage which would mitigate any 'canyon effect'.

- 5.7 **The proposal will result in further air quality issues in this area, additional noise and litter as students return home. It is also not clear whether the utilities of the area can cope with this level of development: water flow in the area is already a problem.**

Response

Thomas Lewis Way is a very busy road but this is not currently an Air Quality Management Area. This development will have limited car parking with the majority of movements likely to be by walking, cycling and public transport so it is unlikely to worsen air quality issues in the area. The Council's Environmental Health Team are satisfied with the air quality report submitted with this application. Portswood Road is a busy route leading to the district centre, it does not automatically follow that the use will result in more noise and litter. Although there appear to be some issues with drainage and water supply infrastructure in the area, Southern Water are satisfied that these issues can be addressed through conditions/informatives.

- 5.8 **Councillor Mintoff** - I wish to have this application determined by the Planning and Rights of Way Panel. I am objecting for the following reasons: the loss of the businesses which provide employment; the over development of the site; the detrimental impact on the balance of the neighbourhood - this area is being over-run by student accommodation.

Consultation Responses

- 5.9 **SCC Highways** - The proposed development takes its access from Portswood Road, a principal linking road from the Swaything area through to the city centre. Portswood Road is subject to a 30mph speed limit, and parking provision is intermittent along its length, with many areas being covered by double yellow lines due to the strategic nature of this road. Opposite this site is a further development site currently under construction to provide student accommodation. Behind the site is Thomas Lewis Way, a strategic traffic route with a 50mph speed limit, which links the M27 motorway to the city centre on an unmarked 4 lane carriageway. To the west of the site is Mayfield Road, which has traffic light controlled junctions with Portswood Road and Thomas Lewis Way. In principle, the proposed development is acceptable. However, more information is required with a few issues needing to be addressed, which can be dealt with by conditions.
- 5.10 The introduction of a vehicular access along Portswood Road is acceptable subject to sufficient sightlines being provided (which have not been shown on a plan) and the need to secure the sightlines with a TRO around the access. The green phase for the signal system for the car park should prioritise the traffic entering the site. Red phase should only be shown to entering traffic when there is a vehicle waiting to exit ' this can be achieved via some form of a sensor, details to be agreed. The transport statement mentions the Travel plan which had been conducted by the University. It is the objective of the University as well as the Council to encourage sustainable travel and reduce the need to travel by car. The parking spaces should be reserved only for visitors, servicing and for

the drop off/pick up at the start/end of term periods. With regards to the pedestrian/cycle ramp next to the ground floor refuse store, the gradient is not clear from the plans but it should not be more than 1:12 in accordance with RDG, part 9.

- 5.11 There are concerns regarding parking overspill as a result of this development. This is considered to be an amenity issue rather than highway safety and therefore will hold limited weight to the recommendation. Most of the on street parking within the area is covered by a residents parking zone. Considering the close proximity to the University of Southampton and the sustainable location of the site, the need to travel by car is considered low, and students will be deterred from bringing cars due to the lack of available parking. A review of on street parking within this area is to be conducted in the near future, and any necessary changes can be made subject to the outcome of this review.
- 5.12 **SCC Sustainability Team** – The proposed development intends to meet the policy requirements of meeting BREEAM Excellent. Passive and efficiency measures have been applied. The energy strategy proposes on site CHP (Combined heat and power), as well as 100m² of roof mounted PV (photovoltaic) panels. The CHP System will result in a CO₂ reduction of 22.8% from the efficient baseline, with an additional 2% from the PV. This will result in a reduction over the building regulations notional benchmark building of 10%. There appears to be little information regarding sustainable drainage systems - the flood risk assessment details a number of SUDs techniques which can be applied, but it had not been confirmed which will be used in this development. In addition, Policy CS20 requires rainwater harvesting and greywater recycling to be utilised where viable so it must be justified if these are not incorporated. No objections subject to conditions.
- 5.13 **SCC Heritage** – The site lies within Area 16 of the Local Areas of Archaeological Potential (Rest of Southampton). It sits directly opposite the late Medieval South Stoneham Farm, and is adjacent to the possible Roman Road between Clausentum and Winchester. Development is likely to damage archaeological deposits, and it would be necessary to commission an archaeological evaluation to determine the presence or absence, and importance of these deposits. Further work may be required, depending on the results of the evaluation. This may range from a Watching Brief on the construction to full-scale excavation. Demolition works below the ground slab would need to be controlled by an appropriately qualified archaeologist, and any soil investigations would also need to be (at least) monitored by an archaeologist. It would be advisable for the developer to commission the evaluation and soil investigations as one contract to minimise costs.
- 5.14 **SCC Environmental Health (Pollution & Safety)** - Following the submission of a revised air quality report there is no objection on air quality grounds. A condition will be needed on the specification of windows to control noise.
- 5.15 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses: Laundry (on site); Depot (on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to

the proposed end use, workers involved in construction and the wider environment. This department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. This can be covered by conditions.

- 5.16 **SCC Ecology** – The application site comprises four buildings, several shipping containers, hard standing, walls and small patches of ruderal vegetation. The area immediately around the site consists of busy roads, on three sides, and a linear strip of woodland, on the northern boundary, which runs along Thomas Lewis Way to Woodmill Road. The habitats present on the site have negligible biodiversity value. An ecological survey accompanying the planning application identifies low potential for foraging bats and nesting birds which confirms the low ecological value of the site. The area immediately around the site is also of low ecological value. The development is unlikely to directly impact the adjacent strip of woodland however, to ensure that any bat foraging activity is maintained, light spill from the building should be assessed to ensure that the woodland is not subjected to a higher level of artificial illumination than currently experienced.
- 5.17 The new building provides an opportunity to introduce ecological enhancements into the locality. The development on the former B&Q site included biodiverse green roofs, bat boxes and swift nesting boxes and I would like to see similar measures incorporated into this development. The proposed development is unlikely to have any direct ecological impacts. There is however, a risk of indirect impacts upon European and internationally designated sites along the Solent coast and in the New Forest. Provided appropriate mitigation measures to address these impacts can be secured I have no objection to the proposed development.
- 5.18 **BAA** – No objections.
- 5.19 **Natural England** – Object unless further information is provided. The application site is within 5.6 km of the Solent and Southampton Water Special Protection Area and will lead to a net increase in residential accommodation. Providing the level of contribution complies with the Council's policy and SPD, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and consequently would have no objection to this aspect of the application. In terms of the impact on New Forest sites, the application site is in close proximity to the New Forest SPA, Special Area of Conservation, Ramsar and SSSI sites. The documents provided with the application do not demonstrate that the requirements of the Habitats Regulations have been considered by the Council. Natural England therefore advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. The necessary information required for the HRA will relate to car parking provision and likely travel patterns to the New Forest.

Response

Additional information has been provided in response to these comments and the necessary Habitats Regulations Assessment undertaken. Natural England have been notified of these developments and any update will be reported to the meeting.

- 5.20 **Southern Water** – No objections but a number of issues need to be resolved which can be conditioned before the development can proceed. There are currently water mains and surface water sewers which cross the site. It might be possible to divert the surface water sewer so long as this would not result in unacceptable loss of hydraulic capacity and the work was carried out to the satisfaction of Southern Water. Initial investigations indicate that Southern Water can provide foul sewage disposal to service the development. Following initial investigations there is currently inadequate capacity in the local network to provide a water supply to service the development.

Response

This matter can be resolved outside of the planning process

6. Planning Consideration Key Issues

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

- The principle of this form of development.
- Design
- Transport issues
- Impact on neighbouring occupiers
- Section 106 process

6.2 Principle of Development

This site is allocated in the Local Plan for residential purposes. Public comments on the application have expressed a preference for either retaining a commercial use or developing the site for general needs family housing. Whilst these alternative uses might be acceptable, this application must be considered on its own merits against the relevant policy background. Student accommodation is a particular form of residential which is probably better suited to this site given the busy road to the rear and the limited scope for on-site amenity space.

- 6.3 The proposed student accommodation is a mixture of self-contained studio flats and ‘cluster flats’ where groups of students have individual study bedrooms and share a communal living space. The principle of this type of accommodation is supported by ‘saved’ Local Plan Policy H13 and is well suited for this site which is close to existing bus routes and within easy walking distance of the University of Southampton (approximately 900 metres from the main campus). Furthermore, the provision of purpose built student accommodation could reduce the pressure, in part, on the City’s existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council’s normal affordable housing requirements do not apply. The Core Strategy Policy relating to Housing Mix and Type (CS 16), specifically the family housing/HMO requirements, do not apply to purpose built student accommodation. The application is therefore considered to be policy compliant and acceptable in principle. Concern has been expressed about the level of new student accommodation being provided in this area. Research carried out as part of this application and other proposals show that the two universities together have an overall capacity of some 35,000 full-time students (2013/2014 academic year) whereas the purpose built accommodation is only approximately 10,000

student rooms. Although there is a significant amount of development in the pipeline, the research indicates there remains demand for well-located purpose built student accommodation within the city and student numbers are also likely to rise further: this proposal will contribute to meeting that need and may assist in freeing up shared housing in the suburbs for genuine family housing.

6.4 Scale and design of the development

There is no dominant architectural style in this area in terms of character and building height although the residential streets adjoining to the north are predominantly two-storeys in height. The exception to this is the relatively new 4-storey block of flats on the opposite corner of Mayfield Road. This building is set on higher ground relative to the application site; it therefore has the appearance of a taller building (5-storeys) relative to Portswood Road. The proposed building would be part 5-storeys and part 6-storeys. The impact of the 6-storey building is mitigated by its location which is at the lowest part of the site (south-west corner). This would be one of the tallest buildings on Portswood Road but given this is an 'island site' on sloping land and given the nature of the surroundings, it is not considered to be harmful. The overall height is very similar to that approved on the former B and Q site opposite.

6.5 The design of the scheme has evolved through the pre-application process. It is considered that the proposed architectural approach and the integrated landscape scheme has the potential to create a development of high standard design, subject to the use of good quality materials which can be controlled through conditions. A reasonable amount of shared open space will be provided with the scope for new tree planting.

6.6 Transportation Issues

Highways officers are satisfied with the proposed vehicular access, which is in a similar position to the existing. The development does incorporate sufficient parking to meet the needs of staff members, disabled residents and visitors. 12 parking spaces may be available to rent with priority given to those with mobility issues. Local residents are understandably concerned that the limited car parking provision for the student accommodation would result in overspill into adjoining streets. However, this site is served by public transport, being on the Unilink bus route and is within convenient walking distance of the Highfield Campus where it is anticipated many of the student residents will attend. The availability of car parking is a key determinant in the choice of mode of travel. Local and national policies aim to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. Students will be discouraged from bringing a car to the city and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the S.106 legal agreement, the proposal is considered to be acceptable given this location. Issues associated with refuse management and the dropping off and collection of students at the beginning and end of the University term can be controlled through the Section 106 agreement.

6.7 Impact on residential amenity

As this is an 'island site' with public highway on three sides and a landscaped

area on the other side, there would be limited impact on the amenities of neighbouring residents, the nearest of which are on the opposite side of Portswood Road. A purpose built development of this nature will include 24 hour on site management controls which should limit any adverse impact on local amenity.

6.8 Section 106 Mitigation

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

7. Summary

- 7.1 The application site is currently occupied for employment use but is allocated in the Local Plan for residential development; student accommodation is a specialist form of housing so the use is acceptable in principle. There is demand for additional purpose built student accommodation in the city and this site is close to the University of Southampton. This would be a high density development but the scale and form of the development is considered to be acceptable for this site. The proposal is considered to be acceptable in terms of design and neighbouring amenity, highway safety and parking.

8. Conclusion

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

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

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

RP2 for 12/04/2016 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition - Physical works

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

Reason:

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

02. Details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

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

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

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

- v. a landscape management scheme
- vi. measures for dealing with Japanese Knotweed.

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

04. Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning

authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

05. Reuse of uncontaminated soils [Performance Condition]

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

06. Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

07. Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

08. Archaeological evaluation [Pre-Commencement Condition]

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

Reason:

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

09. Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To inform and update the assessment of the threat to the archaeological deposits.

10. Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason:

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

11. Archaeological evaluation work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

12. Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission, apart from demolition of the existing buildings, shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

13. Diversion of sewers (Pre-Commencement Condition)

No development shall commence, apart from demolition of the existing buildings, until details of measures to be undertaken to divert/protect the public water supply mains and sewers has been submitted to and approved in writing by the Local Planning Authority in conjunction with Southern Water. The development shall subsequently be carried out in accordance with these approved measures.

Reason

In order to protect Southern Water apparatus

14. Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

15. No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

16. Construction Environment Management Plan (Pre-Commencement Condition)

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

Reason:

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

17. Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

18. Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the

buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

19. Ecological Mitigation Statement [Pre-Commencement Condition]

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

Reason

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

20. Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity.

21. BREEAM Standards (Pre-Commencement Condition)

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

REASON:

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

22. BREEAM Standards (Pre-Occupation Condition)

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

REASON:

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

23. Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent, apart from demolition of the existing buildings. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

24. Storage / Removal of Refuse Material [Pre-Occupation Condition]

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

Reason:

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

25. Layout of Car Parking/Servicing (Pre-Occupation Condition)

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

REASON

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

26. Details of cycle parking (Pre-Occupation Condition)

Notwithstanding what is shown on the approved drawings, the development hereby approved shall not be first occupied until cycle facilities for both visitors and residents have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle facilities shall subsequently be retained on site.

REASON

To ensure satisfactory provision of cycle facilities for visitors to the site.

27. Safety and security (Pre-Commencement Condition)

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

Reason

In the interests of safety and security.

28. External materials and window detail (Performance Condition)

The external materials of the buildings hereby approved shall be brickwork for the areas shown as such on the approved drawings. The windows shall be constructed with reveals in the manner shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the development achieves the quality of design demonstrated in the application and supporting information.

29. Provision and retention of facilities (Performance Condition)

The ancillary facilities for the student accommodation as shown on the approved plans, to include the cinema, study spaces, gym and amenity areas shall be provided before the residential accommodation to which the facilities relate is first occupied and retained thereafter for the duration of the use of the building as student accommodation.

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

30. Sustainable Drainage (Pre-Occupation Condition).

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and

- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

31. Noise Mitigation Measures (Pre-Commencement Condition)

No development shall commence, apart from demolition of the existing buildings, until details of noise mitigation measures to safeguard future residents from noise from the adjoining roads has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved measures have been installed as approved and subsequently retained thereafter.

Reason

To safeguard the amenities of future occupiers given the location adjoining a busy road.

32. Vehicular Access Arrangements (Pre-Commencement Condition)

No development shall commence, apart from demolition of the existing buildings, until details of the vehicular access arrangements to include the gradient of the access ramp and traffic signal measures have been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved measures.

Reason

To ensure suitable access arrangements are provided in the interests of highway safety.

33. 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Habitats Regulations Assessment (HRA)

Application reference:	15/02401/FUL
Application address:	536-540 Portswood Road, Southampton
Application description:	Redevelopment of the site. Demolition of the existing buildings and erection of two linked buildings of 5 and 6 storeys above basement to provide 199 units of student residential accommodation with associated communal living spaces, landscaping and parking.
HRA completion date:	22/03/2016

HRA completed by:	
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk	Richard Plume Major Projects Co-ordinator Southampton City Council Richard.plume@southampton.gov.uk

Summary
<p>The project being assessed would lead to the provision of student halls of residence with a total of 199 bedspaces located approximately 1.8km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 8.5km from the New Forest SPA/Ramsar site.</p> <p>The site is currently used as a showroom and storage site by a company selling bathrooms, showers, swimming pools and hot tubs. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

Section 1 - details of the plan or project	
<p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> ▪ New Forest Special Protection Area (SPA) ▪ New Forest Ramsar site ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar Site
Is the project or plan directly connected	No – the development consists of new student

with or necessary to the management of the site (provide details)?	accommodation which is neither connected to, nor necessary for, the management of any European site.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m² of office development and 550,000m² of manufacturing or distribution floorspace across the South Hampshire area between 2011 and 2026.</p> <p>Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of 536-540 Portswood Road is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The proposed development is located 1.8km to the north east of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site whilst the New Forest SPA and New Forest Ramsar site are approximately 8.5km to the south.

A full list of the qualifying features for each site is provided at the end of this report. The

development could have implications for these sites which could be permanent arising from the operational phase of the development.

The ecology report, 'Preliminary Ecological Appraisal' ECOSA (Dec 2015) submitted in support of the planning application acknowledged the potential for recreational impacts upon the Solent and Southampton Water SPA/Ramsar site but did not consider impacts on the New Forest sites. Subsequent to this, further information supplied by the applicant and detailed in a briefing note, 'Further Information In Relation to New Forest Sites' ECOSA (Feb 2016), addressed potential recreational impacts upon the New Forest sites.

The following mitigation measures, which are set out in the briefing note, have been proposed as part of the development:

- Information on public transport plus pedestrian and cycle route maps will be provided;
- The development will incorporate 100 secure cycle parking spaces;
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- A restrictive tenancy barring students from keeping dogs
- A contribution to the Solent Recreation Mitigation Partnership of £3671

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to the provision of a total of 199 bedspaces for students located approximately 1.8km from Solent and Southampton SPA/Ramsar site and 8.5km from the New Forest SPA/Ramsar site.

The site is currently used as a showroom and storage site by a company selling bathrooms, showers, swimming pools and hot tubs. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at

<http://publications.naturalengland.org.uk/category/6528471664689152> .

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION PHASE EFFECTS

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

PERMANENT, OPERATIONAL EFFECTS.

New Forest SPA/Ramsar site

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

The application site is located 8.5km from the nearest part of the New Forest SPA and Ramsar site in terms of linear distance and as such, students resident in the proposed development would fall into the category of non-local day visitors.

Characteristics of visitors to the New Forest

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.
(Source:www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners, in family groups and many with dogs. Whilst students may fall within the first two of the above bullet points they are unlikely to have dogs or visit as part

of a family group.

Occurrence of students

The peak period for visitor numbers in the New Forest National Park is the summer, Sharp, J., Lowen, J. and Liley, D. (2008), which also coincides with the critical breeding period of woodlark, nightjar and Dartford Warbler which are features of interest of the New Forest SPA. Although students would be able to remain in occupation within their accommodation throughout the year (tenancies would be for a complete year) many, particularly undergraduates, will vacate their accommodation and return home over the summer period.

There is no direct evidence of the extent to which students contribute to visitor numbers to the New Forest National Park. However, the characteristics of typical visitors to the New Forest are consistent with an analysis of visitors to the North York Moors National Park in 2002 which showed that skilled manual workers, poor retired couples, young single parents and students were more likely to use the local Moorsbus Network but were poorly represented in surveys at car parks (Countryside Recreation News April 2002, "Missing Persons - who doesn't visit the people's parks". Bill Breaker).

It would therefore be reasonable to conclude that there are likely to be very low numbers of students visiting the New Forest, particularly during the sensitive summer period.

Car ownership and accessibility

Data gathered as part of the visitor survey undertaken by Footprint Ecology in 2008 clearly indicated that the majority of visitors travel to the New Forest by car. The proposed development will have just 17 parking places which include two disabled places and three for staff use. The remaining 12 will be available for students to rent. In addition, there is very limited uncontrolled parking available within the vicinity of the site with all suitable parking areas being residential permitted schemes. A restrictive tenancy would be used to prevent any parties other than those renting a space from being able to bring any vehicle other than a cycle on to site. On this basis the development can reasonably be described as virtually car free.

Car parking on the campuses of both universities is very limited. Southampton Solent University (SSU) does not have any on campus parking whilst the University of Southampton (UoS) is seeking to further reduce levels of car use from the current 4.6% down to 4.2% by 2015 (UoS Travel Plan)

Students will therefore be expected to travel around Southampton on foot, bicycle and public transport. To support this the development will provide:

- A Travel Plan Coordinator;
- Pedestrian route information, cycle route maps and public transport information;
- 100 cycle parking spaces
- A restrictive tenancy barring students from bringing their own cars. Breaching this clause will result in termination of the tenancy.

The Framework Travel Plan indicates that there are 3 bus services passing within 150 metres of the site, including Uni-link buses, which enable easy travel to both universities. The site is therefore highly accessible to residing students.

The high level of accessibility and the restrictive tenancies therefore mean that it is very unlikely that the residents have access to cars.

Dogs

One of the primary issues associated with ground nesting bird disturbance and recreation is dog walking. The residents at the site will not be permitted to keep pets and therefore, there will be no increase in the disturbance to nesting birds due to dog walking as a result of the development.

Recreation options for students

Students at both universities have extensive opportunities to access sports and recreational facilities and are positively encouraged to make use of these. Details of the University of Southampton facilities can be found at the following web address: http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf . Southampton Solent University has two major sports centres in the city centre, extensive playing fields at Test Park Sportsground, Fitness Centres and access to a range of local sports clubs and recreational facilities (details available on SSU) website <http://www.solent.ac.uk/sport/facilities/facilities-home.aspx>).

In addition, Southampton benefits from an extensive network of common land, green corridors, city and district parks and local green spaces, which provide opportunities for quiet recreation of the type available to visitors to the New Forest. In particular, there are three semi-natural open spaces within easy walking distance (<2km) and two within cycling distance (<4km) of the development site:

Riverside Park	650m
Daisy Dip	1km
Southampton Common	1.3km
Itchen Valley County Park	3.9km
Lakeside Country Park	2.75km

Southampton Common, a 125 hectare natural green space in the heart of the city, is only 20 minutes walking distance from the application site. Just to the north of the Common lie the Outdoor Sports Centre, Southampton City Golf Course, and the Alpine Snow Centre which provide opportunities for organised and informal recreation activities. Outside the city centre are the Greenways, a series wooded stream corridors which connect a number of open spaces. The four most significant of these, Lordswood, Lordsdale, Shoreburs and Weston, are within easy cycling distance of the development site and provide extended opportunities for walking and connections into the wider countryside.

The waterfront of the River Itchen is a 10 minute walk to the north east of the site and allows access to the Itchen Way which runs in a northerly direction along the Itchen Navigation to Winchester. The general accessibility of the site to a wide range of services gives residents the opportunity to walk on a regular basis.

The road network close to the application site is suitable for cycling. The Southampton Cycle Map indicates that there are quiet routes on the western site of Portswood Road providing access to the University of Southampton's Highfield campus whilst Portswood Road is a medium traffic

route that provides access to the Southampton Solent University's city centre sites. These routes link the development site with Southampton Common (10 min) and the National Cycle Route 23 which passes through Southampton. It is reasonable to expect that students will make use of the many leisure activities and commercial centres of Southampton.

The availability of good quality and accessible open space described above, combined with sport and recreation facilities at both universities, reduces the likelihood that students would travel to the New Forest for recreational purposes.

Visiting the New Forest National Park using public transport

The linear distance to New Forest SPA/Ramsar site is approximately 8.5km however, by road the distance is somewhat longer. The shortest route, using the Hythe Ferry, is 11.2km whilst the closest section when travelling purely by road is approximately 13km. It is unlikely, therefore, that visits made on foot or by bicycle will be a frequent occurrence.

Should students choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Direct travel from the development site is not possible. The first stage of a visit requires a journey to Southampton Central Station or the bus interchange in the city centre. Bus services into the city centre are frequent however, train travel requires a 10min walk to Swaythling or St Denys station from where there are just two direct trains an hour.

Travelling onward from Southampton city centre, the destinations for train and bus services are the urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

Table 1 Train services from Southampton Central to New Forest Locations

Destination	Service frequency (outside of peak hours)	Journey time
Ashurst	1 service per hour	10 mins
Beaulieu Road	6 services between 0900- 1800	14 mins
Lyndhurst	No service	
Brockenhurst	4 services per hour	16 mins
Lymington	2 services per hour (change at Brockenhurst)	20 mins
Burley	No service	

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed halls of residence the process is complicated and likely to be costly. It is therefore reasonable to conclude that there are only likely to be a very small number of visits as a consequence.

Conclusions

The evidence provided suggests that students comprise a small proportion of visitor to the New

Forest and that, as a visitor destination, the New Forest is most attractive to dog walkers and/or families that have access to a car.

Students resident within the new accommodation will not be permitted to keep dogs and will not be present with their families. In addition, the development will be designed in such a way as to stop students bringing their cars with them. Finally, the wide range of recreation and sports facilities available to students are closer to the development and easier and cheaper to access than the New Forest. As a consequence, it is very unlikely that students will make trips to the New Forest designated sites and will not therefore contribute to increased recreational disturbance,

Solent and Southampton Water SPA/Ramsar site

In 2008 the Council adopted the Solent Disturbance Mitigation Project in collaboration with other Councils within the Partnership for Urban South Hampshire in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA. This enables financial contributions to be made by developers to fund appropriate mitigation measures.

The proposed student accommodation will result in a net increase in the population of the city and thus lead to significant impacts on the Solent and Southampton Water SPA. However, due to the characteristics of this type of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead¹. As such, it is considered that the level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing.

Assuming a typical 3 bedroomed house can accommodate 5 students, for the purposes of providing SPA mitigation, five study bedrooms will therefore be considered a unit of residential accommodation.

The calculation to establish the level of the mitigation package required is as follows:

$$\frac{S}{5} \times \frac{174}{2}$$

S = number of study bedrooms

In this development 12 parking spaces will be available to students to rent therefore 12 of the rooms will incur the full charge whilst the remaining 187 incur 50% of the charge as follows:

$$\frac{12}{5} \times \frac{174}{2} = 2.4 \times 174 = \text{£}417.6$$

$$\frac{187}{5} \times \frac{174}{2} = 37.4 \times 87 = \text{£}3253.8$$

The total contribution is £417.6 + £3253.8 = £3671.4

It is considered that, subject to a level of mitigation, which has been calculated as £3671, being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

¹ See paragraph 3.15 of the Solent Disturbance and Mitigation Project Phase II bird disturbance fieldwork

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

Conclusions

The following conclusions can be drawn from the evidence provided:

- Residents of the new accommodation will not have access to cars.
- The availability of open space, sport and recreation facilities at both universities reduces the likelihood that students would travel to the New Forest for recreational purposes.
- Evidence suggests that low car and dog ownership amongst students contributes to the relatively low proportion of students in the make-up of visitor numbers to the New Forest.
- Access to New Forest locations by students living at the proposed development would be complicated and costly especially when compared to the availability of alternative recreational activities.

The following mitigation measures have been proposed as part of the development:

- 17 parking spaces, including 2 for disabled persons and 3 for staff, will be provided within the proposed development;
- Information on public transport plus pedestrian and cycle route maps will be provided;
- The development will incorporate 100 secure cycle parking spaces;
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- A restrictive tenancy barring students from keeping dogs
- A contribution to the Solent Recreation Mitigation Partnership of £3671

As such, visitor pressure on European and other protected sites in the New Forest arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

European Site Qualifying Features

The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*

- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

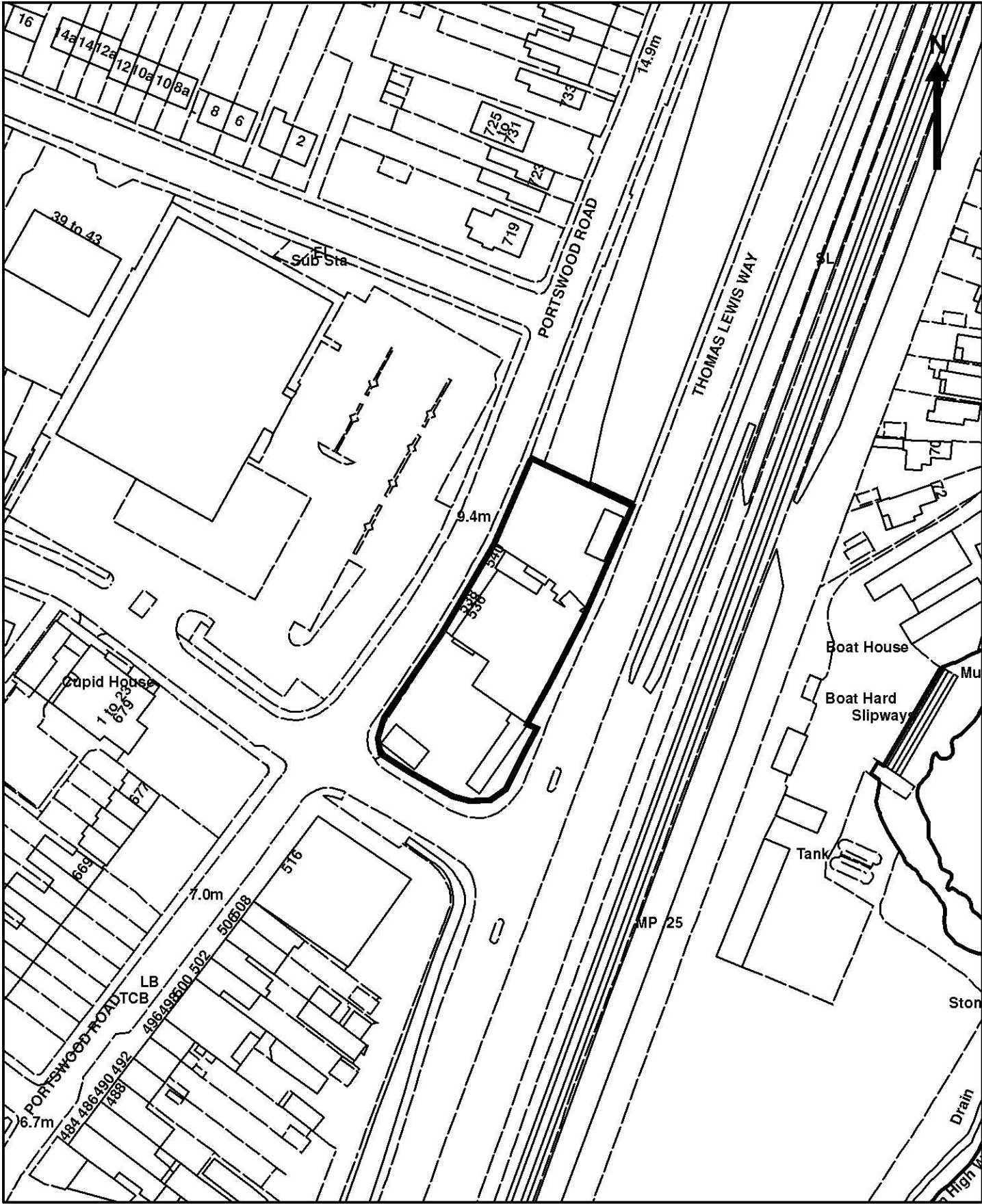
The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

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Agenda Item 6
15/02401/FUL

Appendix 2



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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 12 April 2016
Planning Application Report of the Planning and Development Manager**

Application address: Capital House and adjoining land, including Royal Oak Public House, Houndwell Place			
Proposed development: Alterations and conversion of Capital House to provide purpose built student accommodation; demolition of the Royal Oak Public House, and erection of 4 and 5-storey buildings to provide student townhouses (total accommodation 156 units comprising 423 bedspaces) with associated facilities and parking; a 2-storey commercial unit (260 square metres, Classes A1, A2, A3, A4 or A5); an extension of East Street to provide a new pedestrian access to Evans Street.			
Application number	16/00196/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	11.05.2016	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objections	Ward Councillors	Councillor Bogle Councillor Noon Councillor Tucker
Called in by:	N/A	Reason:	N/A

Applicant: Kier (Southampton) Development Limited	Agent: Maddox and Associates Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and

Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP9, SDP10, SDP13, HE5, H2, H7, H13 of the City of Southampton Local Plan Review (Amended 2015), CS4, CS5, CS9, CS13, CS14, CS15, CS18, CS19, CS20, CS24, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP2, AP9, AP16 and AP24 of the City Centre Action Plan (March 2015).

Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment

Recommendation in Full

1. That the Panel confirm the Habitats Regulations Assessment in Appendix 2 to this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) to include
 - a) cycle route,
 - b) pavement widening and
 - c) provision of the pedestrian route, including temporary arrangements during building works.
 - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
 - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vi. Provision of Public Art in accordance with the Council's Public Art Strategy.

vii Measures to mitigate the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

viii. Submission and implementation of a Travel Plan.

ix. Submission and implementation of a Waste Management Plan.

x. Submission and implementation of a Student Intake Management Plan to regulate arrangements at the beginning and end of the academic year.

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

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

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

1. The site and its context

1.1 The application site is some 0.37 hectares in area and comprises a vacant 13-storey office building, Capital House, the 2-storey Royal Oak Public House building, and adjoining land which was part of the former East Street Shopping Centre. However, the majority of the former shopping centre is not subject of this application. The application site is not within a conservation area but is a Secondary Shopping Frontage within the Primary Shopping Area of the city centre as defined in the Local Plan.

- 1.2 The immediate surroundings are predominantly commercial in character with the Debenhams store and other retail uses adjoining to the west in East Street. Hoglands Park to the north forms part of the Central Parks which are designated as parks and gardens of special historic interest. Adjoining to the east, on the opposite side of Evans Street is a 6-storey Halls of Residence block for Southampton Solent University. To the south-east is the locally listed Central Hall, used as a place of worship and community centre.

2. Proposal

- 2.1 The application proposes a total of 156 student housing units, 423 bedspaces, by conversion of Capital House and in new buildings to the east and south. It is likely that the development will be carried out in two phases, with the conversion of Capital House as the initial phase. The conversion would provide 145 units (30 cluster flats and 115 studios = 295 bed spaces). The new buildings would be 11 four-storey town houses (10 and 12 bedroom houses), providing a total of 128 bed spaces. The lower floors of Capital House, and of the town houses facing south would provide communal facilities: cycle and refuse storage, a launderette, communal social spaces, a gym, management offices and a cinema.
- 2.2 In the south-west part of the site a separate 2-storey commercial building is proposed of 260 square metres (Use Classes A1, A2, A3, A4 or A5). Part of the application includes a new pedestrian route linking East Street with Evans Street which would be 6 to 7 metres wide. The development includes car parking for 5 vehicles off St George's Street, which is the service road at the side of Capital House. A new pedestrian link would also be provided between St George's Street and East Street.
- 2.3 The proposed external materials will be brickwork for the town houses with powder coated aluminium windows and a standing seam metal roof. The windows to Capital House will be replaced with double glazed units. The concrete cladding to the building will be repaired and retained and the external staircase on the southern elevation will be retained as a means of escape, extended to ground level, and enclosed with perforated metal panels.
- 2.4 As part of the off-site highways works, the pavement in Evans Street would be widened and a cycleway put in with the carriageway in Evans Street reduced in width but with two northbound lanes maintained. A new formalised pedestrian crossing will be put in across Evans Street as per the previous planning permission. This will replace the temporary crossing which was installed across Evans Street when the pedestrian subway was closed. The geometry of the junction of Houndwell Place and Evans Street will be changed and the pavement widened.
- 2.5 The vacant site to the south which was formerly part of the East Street Shopping Centre does not form part of the application and there are currently no planning applications on that site.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 Policies in the adopted City Centre Action Plan are also relevant to this application. Policy AP 24 applies to the site of the East Street Shopping Centre and Queens Buildings (Debenhams). The policy supports retail-led mixed use developments at East Street Shopping Centre and Queens Buildings. Residential, hotel and office uses will be supported above the ground floor. The policy states that a superstore will be supported on the East Street Shopping Centre site.

4. Relevant Planning History

- 4.1 In March 2013 planning permission was granted for redevelopment of the East Street Shopping Centre and car park as a new foodstore (5,534 square metres gross floorspace) with car parking on upper levels, including works of demolition, retention of Capital House and the Royal Oak Public House; new vehicular access arrangements, including construction of a new roundabout on Evans Street, highway and public realm improvements, including creation of a new pedestrian link between East Street and Evans Street, landscaping and associated works. This permission included alterations to the public highway in Evans Street (reference 12/01355/FUL).
- 4.2 In June 2013, planning permission was granted for an amended application to the previous approval in March 2013. The main changes were to the highway arrangements in Evans Street which were to remain largely unaltered. (Reference 13/00415/FUL).
- 4.3 Both of the above permissions were to accommodate a Morrisons foodstore. Demolition of the former East Street Shopping Centre has taken place, with the exception of part of the concrete ramp which led up to the roof top car park. The site owner subsequently went into administration and Morrisons announced that they would not be proceeding with the store.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (19.02.2016) and erecting a

site notice (19.02.2016). At the time of writing the report **4** representations have been received from surrounding residents and businesses. The following is a summary of the points raised:

- 5.2 **There is a large amount of student accommodation being built at present, the building would be better renovated for those on the Council's Housing Waiting List.**

Response

There has been a significant increase in demand for purpose built city centre student accommodation in the past few years. This issue is addressed in more detail later in this report. The site is privately owned and therefore not available for Council housing.

- 5.3 **Concerned over the maintenance of the boundary to Challis Court to stop people using the path as a short cut to the development. Concern about late night noise and rubbish arising from students.**

Response

The application site does not include the land to the south which directly adjoins Challis Court. Any issues relating to maintenance of the boundary to Challis Court will need to be addressed as part of a future application for that site. This is a busy city centre location where students and other residents live close together. There is no planning reason to suggest that these uses are incompatible.

- 5.4 **Associated British Ports (ABP) - ABP takes a keen interest in proposals alongside Evans Street (A33) as the road forms part of the identified secondary access to and from the international gateway Port of Southampton. ABP does not object to the principle of the development but does object to the works to and along Evans Street. These works appear to include substantial widening of the footpath between the site and Evans Street with the provision of a new on-carriageway cycle lane going northbound within the existing width of the carriageway. The highway works along Evans Street approved under the previous permission (reference 13/00415/FUL) do not include an on-carriageway cycleway and there is not sufficient space for the provision of such a cycleway.**

- 5.5 Whilst the application does retain two lanes running north, which ABP welcomes, these lanes would be significantly narrowed adjacent to Capital House to provide the cycleway. No justification for these alterations appears to have been given. The narrowing of these lanes to approximately 3 metres each, compares to some 3.5 metres approved under the previous permission and 4 metres as currently. The A33 is a key road that makes up one of the main access road corridors to and from the Eastern Docks and this is recognised in the Council's Development Plan.

- 5.6 Core Strategy Policies CS9 and CS18 are clear that development should not prejudice access to the Port along the key road corridors and that the Council will promote and facilitate the growth of the Port. The proposals could not be said to accord with the relevant policies of the development plan. However, it is likely that with some relatively minor amendments the proposal could be made acceptable. Without these changes ABP objects to the application in its current form.

Response

The application drawings indicate changes to the public highway in Evans Street including the possible provision of a cycleway on the west side of Evans Street. These drawings show that the carriageway will retain two lanes in both directions. As these works are solely on the public highway they are indicative at this stage and will have to go through a formal approval process under a Section 278 (Highways Act) agreement. They are, however, necessary to make the development acceptable.

- 5.7 **Southampton Commons and Parks Protection Society (SCAPPS)** - objects to the development. The application site faces onto Hoglands Park, one of the city's Central Parks, included grade II* on the register of parks and gardens of historic significance/interest. That high grading reflects the national importance of this group of urban public parks which retain the layout, character and much of the appearance of early municipal parks; they were created and laid-out in the 1850's and 60's immediately following Parliament giving municipal authorities the statutory power to provide public parks.
- 5.8 The development would result in 420 active young persons living next to Hoglands Park. The applicant acknowledges inadequate provision of on-site outdoor amenity space, explaining that the adjacent Central Parks provide for active recreation and relaxation. SCAPPS objects to failure to discuss and contribute to mitigation works in the Park adjacent to the application site to provide for the additional use consequent on the development proposed. The City Council has proposed provision of picnic benches in Hoglands Park adjacent to the application site; the application should by section 106 agreement contribute to provision of improved facilities for relaxation in Hoglands close to the application site and the opening of a new entrance to the Park from Houndwell Place giving access from Capital House to the picnic area. SCAPPS rejects the applicant's argument that such provision should be funded from CIL. The additional use of the Park is a direct consequence of the proposed use and the application should therefore include mitigation measures.
- 5.9 The applicant has failed to identify/acknowledge the consequent increase in pedestrian flows on the St Mary's Place footway from the Houndwell Place junction to the entrance to the diagonal path across Hoglands Park leading to Southampton Solent University's main campus. The applicant should provide fresh data on projected pedestrian flows and proposals to mitigate the problem of congestion on this stretch of footway.
- 5.10 Visual impact viewed from the Park: SCAPPS expresses concern at the poor visual relationship between the existing block and the proposed 4 storey block facing Evans Street. Viewed from the Park, there is an uneasy, restless relationship between the 'saw-tooth' roofline of the new Evans Street block and the clean lines of Capital House. Removal of the multi-storey car park and proposed demolition of the pub shows the clean lines of Capital House with its strong vertical and horizontal visual emphasis. SCAPPS would like to see the associated new development enhancing, not detracting, from those visual qualities. In brief, the proposed new block facing Evans Street is too visually dominant in views from Hoglands. There is an uneasy visual relationship between the two buildings; the extension of the 3 storey set-back screen 'base' of Capital

House across the end of the new block is a suitable design solution trying to give a satisfactory visual relationship between two blocks which do not meet at a right-angle, but its effect is spoiled by the Evans Street block protruding above that screen, visually highlighting the awkward angle between the two blocks, and made worse by the jagged roofline of a succession of gable ends facing Evans Street.

Response

Funding for improvements to the city's open spaces falls within the CIL funding regime. In design terms, the immediate juxtaposition of buildings of different age and style is characteristic of many cities and there is no reason to oppose the application on these grounds.

Consultation Responses

- 5.11 **SCC Highways** - The site is located on the corner of Evans Street and Houndwell Place, and has St Georges Street running to the rear of the site. Evans Street is a principal A class dual carriageway highway, carrying city and port traffic. Houndwell Place is a link to the inner city network, with marked pay and display car parking on the south side, and gives access for parking and servicing within the city centre. Bus services run along Houndwell Place, providing access from the east of the city. The junction of these two roads is a give way T junction with Evans Street having the principal flow. St Georges Street to the rear serves mainly as rear access to surrounding properties, and does accommodate 4 on street pay and display parking spaces. The principle of the development is acceptable, the biggest impact the proposal will have on the surrounding network will be at the point of occupation of the development at the beginning of the academic year. No parking is provided for student use, and local roads are subject to parking restrictions which helps to reinforce a student zero car policy. Five parking spaces are provided on site which will need to be managed for student intake times.
- 5.12 The level of parking provided needs to be proved adequate with the support of a student intake management plan which can describe how and when students will be advised to arrive, and where long stay parking can be found within the near vicinity once personal belongings have been delivered. The planning statement which accompanies this application states that students would be prohibited from bringing cars to site as part of their tenancy agreement. It has been agreed, that with adequate justification, that long stay secure covered cycle parking can be provided on a 1:3 basis. Long stay cycle parking shown appears to fall a long way short of this, and conditions will be required to cover for both short and long stay cycle parking. The refuse bin provision appears to fall short of the required level to permit weekly collection, and it is presumed that the managing company will have multiple collections per week. A management plan will be required to explain how refuse will be managed on site, to avoid any overspill, and how the end of year peak in refuse will be suitably managed.
- 5.13 The pedestrian route shown running from East Street to Evans Street provides a welcome and necessary link, and is around 6m wide at its narrowest point. Due to the height of the buildings either side this will have an effect of closing this space down, therefore its final design and lighting must be carefully considered. This will be finalised through a highways agreement as it would be anticipated that this area would be adopted as public highway at a future date. The entire area around

the building will need to be paved to an agreed standard using approved materials, and, along with the pedestrian crossing will be provided via a highways agreement.

- 5.14 **SCC Sustainability Team** – No objections to the application. The town-houses require a BREEAM Assessment with an Excellent rating, a pre-assessment has been submitted which indicates that they can achieve this. In addition a 15% improvement on Building Regulations CO2 emissions will be required. Capital House is not required to have a BREEAM assessment as it is an existing building. The retail unit is a separate building, will be serviced separately, and has a floor area less than 500m², as such it will not be required to have a BREEAM assessment nor to meet a CO2 target. Capital House will be required to deliver a 15% saving on regulated CO2 emissions. The baseline is to be regarded as the fabric and services standard which will be required to meet Building Regulations Part L2B 2013, with a residential occupancy pattern. The CO2 target can be achieved through a combination of energy efficiency/fabric and servicing improvements and low and zero carbon technologies (LZCs). It is proposed that on site CHP will be utilised along with PV on the town houses. There is no objection to phasing the conditions.
- 5.15 **SCC Heritage** – The site lies within Local Area of Archaeological Potential 8, in a zone of known medieval and post medieval extra-mural occupation. Previous evaluations on the site have demonstrated that there is regionally and nationally significant archaeology within the site, including the remains of the Wolff Cannon Foundry. The impact of the development (including new services, landscaping and tree planting) will be to damage and destroy these remains, and the site will require full archaeological excavation prior to development starting.
- 5.16 **SCC Environmental Health (Pollution & Safety)** - The Air Quality report is satisfactory and no conditions are required for this part of the application. A condition will be required to mitigate noise issues due to the proximity to Evans Street.
- 5.17 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses - printing Works (on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, the site should be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. This can be covered by planning conditions.
- 5.18 **SCC Ecology** – The application site has negligible biodiversity value and I have no objection to the proposed development. The Preliminary Ecological Appraisal Report makes a number of suggestions for biodiversity enhancements which I support. The application site lies approximately 870m to the west of a section of the Solent and Southampton Water Special Protection Area (SPA) and Solent and Southampton Water Ramsar site and 4.9km north of New Forest SPA and The New Forest Ramsar site. A Habitats Regulations Assessment document accompanying the application highlights the possibility of adverse impacts upon

the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar site as a consequence of recreational activity arising from the development. Mitigation in the form of a reduced contribution to the Solent Recreation Mitigation Project's (SRMP) Interim Scheme of Mitigation is proposed. The report also highlights the possibility of recreational impacts upon the New Forest SPA and The New Forest Ramsar site. A number of mitigation measures, including a bar on students bringing their cars to the development and on keeping dogs, are proposed to minimise any impact. These measures are appropriate however, in addition, new residents will also need to be provided with suitable information to enable them to locate the semi-natural greenspaces mentioned in the report. Provided the above mitigation measures can be secured there will not be any adverse impacts on European designated sites.

Response

These issues are addressed in the Habitats Regulations Assessment in Appendix 2 to this report.

- 5.19 **SCC (Flood Risk Officer)** – In relation to the proposed management of surface water on the site I have no major concerns. The proposed development introduces a reduction in impermeable area on the site compared to existing which will provide a reduction in the peak flow rate and volume of runoff from the site. It is proposed to provide attenuation storage through the use of underground geo-cellular storage units within the courtyard area to accommodate the 1 in 100 rainfall event plus an allowance for climate change. The landscape plan also shows the use of permeable paving within the courtyard area. Further details on the SuDS scheme which will be required are:
- Final detailed design of the drainage system
 - Requirements for the long term operation of SuDS including construction, structural integrity of the proposed system and its maintenance.

This can be secured through a planning condition.

- 5.20 **Environment Agency** - No objections. The site now lies within Flood Zone 1.
- 5.21 **Southern Water** – No objections subject to conditions relating to diversion of existing sewers and provision of new drainage arrangements. Following initial investigations Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure.
- 5.22 **Natural England** - No objections subject to contributions being sought. The application site is within 5.6 km of the Solent and Southampton Water Special Protection Area and will lead to a net increase in residential accommodation. Providing the level of contribution complies with the Council's policy and SPD, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and consequently would have no objection to this aspect of the application. In terms of the impact on New Forest sites, Natural England notes that the Council, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of the

information provided, Natural England concurs with this view.

6. Planning Consideration Key Issues

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

- The principle of this form of development.
- Design
- Transport issues
- Section 106 process

6.2 Principle of Development

The application site forms part of the former East Street Shopping Centre, although the majority of the former centre is the vacant site adjoining to the south. Capital House is now a vacant office building and it has not been fully occupied for many years. This is not one of the protected office locations within the city centre. Policy AP 24 of the recently adopted City Centre Action Plan allocates the whole of the former shopping centre and Queens Buildings (the Debenhams store) for a retail led mixed use development. The full text of this policy is as follows:

Retail-led mixed use developments will be supported at East Street Shopping Centre and Queens Buildings including retail (A1), food and drink, residential, hotel and office uses will be supported above the ground floor. A superstore will be supported on the East Street Shopping Centre.

Development will be permitted provided that:

(i) Proposed uses are in accordance with the retail policy on primary and secondary retail frontages (Policy AP 5).

(ii) Active frontages are provided alongside main routes

(iii) Improved links are created through the East Street Shopping Centre redevelopment to St Marys to include an at-grade crossing across Kingsway/Evans Street.

(iv) The setting of the Grade II* registered park is respected and enhanced.

(v) It achieves an appropriate degree of safety in respect of flood risk.

The application site represents only a small part of the area covered by this site specific policy and it is not practical or realistic to expect all these policy aspirations to be met on this part of the site. The reference to a 'superstore' is promotional rather than a requirement. Furthermore, the remaining part of the former shopping centre, which adjoins to the south, is capable of accommodating a retail use, albeit not of the same scale as the supermarket previously proposed on behalf of Morrisons. The uses proposed here, residential and Class A uses are in accordance with the policy. The other design related issues are considered later in this report. The proposal will result in the demolition of the Royal Oak pub on the corner of Houndwell Place. This is not considered to be a community

facility covered by Core Strategy Policy CS3. Furthermore, a replacement commercial building is proposed in East Street which would be used for any of the A Use Classes and therefore could be a replacement food and drink establishment.

- 6.3 The proposed student accommodation is a mixture of self-contained studio flats and ‘cluster flats’/ townhouses, where groups of students have individual study bedrooms and share a communal living space. The principle of this type of accommodation is supported by ‘saved’ Local Plan Policy H13 and is well suited for this site which is close to existing bus routes and within easy walking distance of Solent University (approximately 600 metres from the main campus). Furthermore, the provision of purpose built student accommodation could reduce the pressure, in part, on the City’s existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council’s normal affordable housing requirements do not apply. The Core Strategy Policy relating to Housing Mix and Type (CS 16), specifically the family housing/HMO requirements, do not apply to purpose built student accommodation. The application is therefore considered to be policy compliant and acceptable in principle. Concern has been expressed about the level of new student accommodation being provided in this area. Research carried out as part of this application and other proposals show that the two universities together have an overall capacity of some 35,000 full-time students (2013/2014 academic year) whereas the purpose built accommodation is only approximately 10,000 student rooms. Although there is a significant amount of development in the pipeline, the research indicates there remains demand for well-located purpose built student accommodation within the city and student numbers are also likely to rise further: this proposal will contribute to meeting that need and may assist in freeing up shared housing in the suburbs for genuine family housing.

6.4 Design

The proposed development will be in two phases: the initial conversion of Capital House as Phase 1 and the new build townhouses as Phase 2. In terms of the conversion of Capital House, limited changes are proposed which will retain the character of the building. The facade will be cleaned and upgraded rather than over-clad. The horizontal proportioned glazing to Capital House would be replaced with a mixture of clear and opaque glazing panels. The lower floors of the building have been exposed following the recent demolition of the shopping centre and roof top car park: this will be restored with a new glazed external facade. The west elevation of the building will be enhanced through the provision of additional glazing to the lower part of the building and the removal of a concrete terraced feature. In design terms one of the most notable features of the existing building is the concrete external staircase on the south elevation. The geometry of this open staircase stands out against the skyline when viewed from both the east and west. Although the staircase will be retained the geometrical outline of the staircase will be diminished as it will be enclosed. This is regrettable but it is a requirement of the Building Regulations to provide a weather protected means of escape in case of fire. The applicant is considering an external lighting scheme to highlight the geometry of the staircase as part of their public art contribution.

- 6.5 The new build town houses will fringe the development with a perimeter block approach which is supported. It is regrettable that these properties do not have a

front door to the street in the manner of traditional houses. This is a result of safety and security considerations with the operator wishing to ensure all access is via the internal courtyard. However, the buildings would have windows fronting the street which would provide better surveillance of the public realm than is currently the case. There are no immediately adjoining residential neighbours who would be directly affected by these proposals.

6.5 Transportation Issues

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

6.6 A key urban design and transport consideration has been the re-establishment of an east-west pedestrian route across the site in a similar alignment to that approved as part of the Morrisons development. This will be an important way of re-connecting the East Street Shopping Area with St Mary's. The detailed design of this space, possibly incorporating tree planting and street furniture, will be secured as part of the Section 106 agreement.

6.7 Section 106 matters

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

Regulations 2010 (as amended) once the Section 106 agreement completes. A more detailed assessment of the impact of the development in this regard is included in the HRA within Appendix 2 to this report.

7. Summary

7.1 The application site is currently vacant and in poor condition: redevelopment for an alternative use is acceptable in principle and complies with relevant policies of the City Centre Action Plan. There is demand for additional purpose built student accommodation in the city and this site is close to Solent University. This would be a high density development but the scale and form of the development is considered to be acceptable for this site. The proposal is considered to be acceptable in terms of design and neighbouring amenity, highway safety and parking. The proposal would provide regeneration benefits to this end of the city centre. The impact on traffic serving the Port of Southampton can be addressed in detail as part of the Section 278 process but this proposal should not result in any significant impact on traffic capacity.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

RP2 for 12/04/2016 PROW Panel

PLANNING CONDITIONS

1 Full Permission Timing Condition - Physical works

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form, no development shall take place apart from site preparation (including demolition), groundworks and conversion of Capital House, unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the

proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

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

Notwithstanding the submitted details, no development shall take place apart from site preparation (including demolition), groundworks and conversion of Capital House, until a detailed landscaping scheme and implementation timetable has been submitted to and approved, which includes:

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

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

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

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

Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

5 Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the Townhouse phase of the development.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

6 Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings

and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

7 Construction Environment Management Plan (Pre-Commencement Condition)

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

Reason:

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

8 Wheel Cleaning Facilities [Performance Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

9 Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

10 BREEAM Standards (commercial development) [Pre-Commencement Condition]

Before the Townhouse phase of the development commences, written documentary evidence demonstrating that the development will achieve a minimum Excellent rating using the BREEAM 2014 New Construction (NC) Multi-residential assessment scheme, in

the form of a summary of the design stage assessment, summarising the credits targeted and matching the submission by the assessor to BRE, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the Local Planning Authority.

Reason:

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

11 BREEAM Standards (commercial development) [performance condition]

Within 6 months of the Townhouse phase of the development first becoming occupied, written documentary evidence proving that the development has achieved a minimum Excellent rating using the BREEAM 2014 New Construction (NC) Multi-residential assessment scheme, in the form of a post construction (final) certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the Local Planning Authority.

Reason:

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

12 Energy (Pre-Occupation Condition)

Written documentary evidence demonstrating that the conversion of Capital House will at minimum achieve a reduction in CO2 emissions of 15% over Part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. As Capital House involves the conversion of an existing office building to student accommodation, the base case can be determined with reference to the limiting values in Building Regulations Part L 2B 2013. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the Capital House phase of the development hereby granted consent and retained thereafter.

Reason:

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

13. Energy (Pre-Occupation Condition)

Written documentary evidence demonstrating that the Townhouse phase of the development will at minimum achieve a reduction in CO2 emissions of 15% over Part L 2013 of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the Townhouse phase of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

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

14. Sustainability statement implementation [Pre-Occupation Condition]

Prior to the first occupation of Capital House as hereby granted consent, written documentary evidence proving that this phase of the development has implemented the approved sustainability measures as contained within the Energy & Sustainability Statement (AECOM) dated Feb 2016 shall be submitted to the Local Planning Authority for its approval. The measures address water use, materials, waste management, transport, biodiversity and sustainable construction. It is acknowledged that the landscaping improvements benefitting Capital House will not be completed until the Townhouse phase of the development is complete. Technologies that meet the agreed specifications must be retained thereafter.

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).

15. Sustainability statement implementation [Pre-Occupation Condition]

Prior to the first occupation of the Townhouses hereby granted consent, written documentary evidence proving that the Townhouse phase of the development has implemented the approved sustainability measures as contained within the Energy & Sustainability Statement (AECOM) dated Feb 2016 shall be submitted to the Local Planning Authority for its approval. The measures address water use, materials, waste management, transport, biodiversity and sustainable construction. Technologies that meet the agreed specifications must be retained thereafter.

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).

16. Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

17. Piling (Pre-Commencement)

No development shall take place apart from site preparation (including demolition), groundworks and conversion of Capital House until a piling/foundation design and method statement has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the agreed details.

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

18. Safety and security (Pre-Commencement Condition)

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

Reason

In the interests of safety and security.

19. Layout of Car Parking/Servicing (Pre-Occupation Condition)

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

REASON

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

20 Storage / Removal of Refuse Material [Pre-Occupation Condition]

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

Reason:

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

21. Ecological Mitigation Statement [Pre-Commencement Condition]

No development shall take place apart from site preparation (including demolition), groundworks and conversion of Capital House until the developer submits a programme of habitat and species mitigation and enhancement measures, as set out in the Ecology Report submitted with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before the Townhouse phase of the development takes place.

Reason

To safeguard protected species under the Wildlife and Countryside Act 1981 (as

amended) in the interests of preserving and enhancing biodiversity.

22. Details of a Management Plan [Pre-Occupation Condition]

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

Reason:

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

23. Provision and retention of facilities (Performance Condition)

The ancillary facilities for the student accommodation as shown on the approved plans, to include the cinema, study spaces, gym and amenity areas shall be provided before the residential accommodation to which the facilities relate is first occupied and retained thereafter for the duration of the use of the building as student accommodation.

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

24. Sustainable Drainage (Pre-Occupation Condition).

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

25. Noise Mitigation Measures (Pre-Commencement Condition)

No development shall take place apart from site preparation (including demolition), groundworks and conversion of Capital House until details of noise mitigation measures to

safeguard future residents from noise from the adjoining roads has been submitted to and approved in writing by the Local Planning Authority. The townhouses shall not be first occupied until the approved measures have been installed as approved.

Reason

To safeguard the amenities of future occupiers given the location adjoining a busy road.

26. Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

27. Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

28. Visitor cycle parking (Performance Condition)

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

Reason: To encourage cycling as an alternative form of transport.

29. Hours of Use (Performance)

The Class A3/A4/A5 use hereby approved shall not operate outside the hours of 0700 to midnight on any day.

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

30. Extract Ventilation (Pre-Commencement)

No development of the proposed Class A3/A4/A5 use shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings before this part of the development first comes into occupation.

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

31. Habitats Regulations Mitigation Measures (Performance)

The development hereby approved shall not be first occupied until the mitigation measures identified in the 'Habitats Regulations Assessment: East Street Student Accommodation' document from Aecom dated January 2016 have been implemented as set out in the document.

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

32. 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.

POLICY CONTEXTCore Strategy - (as amended 2015)

CS1	City Centre Approach
CS2	Major Development Quarter
CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS9	Port of Southampton
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE5	Parks and Gardens of Special Historic Interest
H2	Previously Developed Land
H3	Special Housing Need
H5	Conversion to residential Use
H7	The Residential Environment
H13	New Student Accommodation
REI7	Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 1	New office development
AP 2	Existing offices
AP 5	Supporting existing retail areas
AP 6	Extension of the Primary Shopping Area
AP 7	Convenience retail
AP 8	The Night time economy
AP 9	Housing supply
AP 14	Renewable or low carbon energy plants; and the District Energy Network
AP 15	Flood resilience
AP 16	Design
AP 18	Transport and movement
AP 24	East Street Shopping Centre and Queens Buildings (Debenhams)

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Habitats Regulations Assessment (HRA)

Application reference:	16/00196/FUL
Application address:	Capital House and adjoining Land, including Royal Oak Public House, Houndwell Place Southampton
Application description:	Alterations and conversion of Capital House to provide purpose built student accommodation; demolition of the Royal Oak Public House, and erection of 4 and 5-storey buildings to provide student townhouses (total accommodation 156 units comprising 423 bedspaces) with associated facilities and parking; a 2-storey commercial unit (260 square metres, Classes A1, A2, A3, A4 or A5); an extension of East Street to provide a new pedestrian access to Evans Street (affects a public right of way).
HRA completion date:	22/03/2016

HRA completed by:	
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk	Richard Plume Major Projects Co-ordinator Southampton City Council Richard.plume@southampton.gov.uk

Summary
<p>The project being assessed would lead to the provision of student halls of residence with a total of 423 bedspaces located approximately 0.9km from the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site and approximately 4.8km from the New Forest SPA and Ramsar site.</p> <p>The application site was previously occupied by a multi-storey car park however, this was demolished approximately five years ago and the only remaining buildings are Capital House and The Royal Oak Public House. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

Section 1 - details of the plan or project	
<p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> ▪ New Forest Special Protection Area (SPA) ▪ New Forest Ramsar site ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar Site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development consists of new student accommodation which is neither connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m² of office development and 550,000m² of manufacturing or distribution floorspace across the South Hampshire area between 2011 and 2026.</p> <p>Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed re-development of Capital House and the Royal Oak Public House is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The proposed development is located 0.9km to the east of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site whilst the New Forest SPA and New Forest Ramsar site are approximately 4.8km to the south west.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.

The submitted document 'Habitats Regulations Assessment: East Street Student Accommodation', AECOM, January 2016 reviewed the potential for impacts upon a number of European sites. It concluded that no likely significant effects would arise from the construction phase but that recreational pressure, arising from the operational phase, could adversely impact the New Forest SPA and Ramsar site and the Solent and Southampton Water SPA and Ramsar sites.

The following mitigation measures, which are set out in the 'Habitats Regulations Assessment: East Street Student Accommodation, AECOM, January 2016, have been proposed as part of the development:

- No parking spaces, apart from 1 for disabled students and 4 for staff and visitors, will be provided within the proposed development.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- Information on public transport plus pedestrian and cycle route maps will be provided.
- The development will incorporate 140 secure cycle parking spaces
- A covenant prohibiting dog ownership within the development.
- A contribution to the Solent Recreation Mitigation Project which has been calculated as £7360.

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to the provision of a total of 423 bedspaces for students located approximately 0.9km from Solent and Southampton SPA/Ramsar site and 4.8km from the New Forest SPA/Ramsar site.

The application site was previously occupied by a multi-storey car park however, this was demolished approximately five years ago and the only remaining buildings are Capital House and The Royal Oak Public House. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton SPA/Ramsar site.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152> .

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION PHASE EFFECTS

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

PERMANENT, OPERATIONAL EFFECTS.

New Forest SPA/Ramsar site

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

The application site is located 4.8km from the nearest part of the New Forest SPA and Ramsar

site in terms of linear distance and as such, students resident in the proposed development would fall into the category of local day visitors.

Characteristics of visitors to the New Forest

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.
(Source:www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners, in family groups and many with dogs. Whilst students may fall within the first two of the above bullet points, they are unlikely to have dogs or visit as part of a family group.

Occurrence of students

The peak period for visitor numbers in the New Forest National Park is the summer, Sharp, J., Lowen, J. and Liley, D. (2008), which also coincides with the critical breeding period of woodlark, nightjar and Dartford Warbler which are features of interest of the New Forest SPA. It is anticipated that students will be provided with 41 week tenancies which means that the accommodation will be vacant over the summer period.

There is no direct evidence of the extent to which students contribute to visitor numbers to the New Forest National Park. However, the characteristics of typical visitors to the New Forest are consistent with an analysis of visitors to the North York Moors National Park in 2002 which showed that skilled manual workers, poor retired couples, young single parents and students were more likely to use the local Moorsbus Network but were poorly represented in surveys at car parks (Countryside Recreation News April 2002, "Missing Persons - who doesn't visit the people's parks". Bill Breaker).

It would therefore be reasonable to conclude that there are likely to be very low numbers of students visiting the New Forest, particularly during the sensitive summer period.

Car ownership and accessibility

Data gathered as part of the visitor survey undertaken by Footprint Ecology in 2008 clearly indicated that the majority of visitors travel to the New Forest by car. The proposed scheme (see drawing SK021) will provide five parking spaces (one disabled), intended for use by staff and visitors (i.e. maintenance contractors) to the student accommodation. They would not be for use by students except at the start and end of the tenancy for moving in and out. The parking spaces would be secured by lockable bollards to ensure they are not misused by students or members of the public. On this basis the development can reasonably be described as car free.

Car parking on the campuses of both universities is very limited. Solent Southampton University (SSU) does not have any on campus parking whilst the University of Southampton (UoS) is

seeking to further reduce levels of car use from the current 4.6% down to 4.2% by 2015 (UoS Travel Plan)

Students will therefore be expected to travel around Southampton on foot, bicycle and public transport. To support this the development will provide:

- A Travel Plan Coordinator;
- Pedestrian route information, cycle route maps and public transport information;
- 140 secure cycle parking spaces and a free cycle rental scheme within the student accommodation;
- A restrictive tenancy barring students from bringing their own cars. Breaching this clause will result in termination of the tenancy.

The site is located in the city centre and is therefore highly accessible by public transport, bicycle and on foot. The development will include a number of improvements to local highways, set out in section 3.4.2 of the Framework Travel Plan, which are designed to assist pedestrians and cyclists.

There are also 15 bus services passing within 170 metres of the site providing links to Southampton Solent University and surrounding residential areas. Stops for buses to the University of Southampton are located approximately 500m and 570m from the accommodation. The site is therefore highly accessible to residing students whilst the surrounding roads are both pedestrian and cycle friendly.

The high level of accessibility and the restrictive tenancies mean that it is very unlikely that the residents have access to cars.

Recreation options for students

Students at both universities have extensive opportunities to access sports and recreational facilities and are positively encouraged to make use of these. Details of the UoS facilities can be found at the following web address:

http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf . Solent University has two major sports centres in the city centre, extensive playing fields at Test Park Sportsground, Fitness Centres and access to a range of local sports clubs and recreational facilities (details available on SSU website <http://www.solent.ac.uk/sport/facilities/facilities-home.aspx>).

In addition, Southampton benefits from an extensive network of common land, green corridors, city and district parks and local green spaces, which provide opportunities for quiet recreation of the type available to visitors to the New Forest. In particular, the Central Parks are located on the northern side of Houndwell Place whilst Southampton Common, a 125 hectare natural green space in the heart of the city, is only 15 minutes cycling distance from the application site. Just to the north of the Common lie the Outdoor Sports Centre, Southampton City Golf Course, and the Alpine Snow Centre which provide opportunities for organised and informal recreation activities. Outside the city centre are the Greenways, a series wooded stream corridors which connect a number of open spaces. Two of these, Shoreburs (3.1km) and Weston, are within easy cycling distance of the development site and provide extended opportunities for walking and connections into the wider countryside. A further semi-natural greenspace, Peartree Green, lies 2.8km to the east and provides good views of the River Itchen and landmarks in the city centre.

The availability of good quality and accessible open space described above, combined with sport and recreation facilities at both universities, reduces the likelihood that students will travel to the New Forest for recreational purposes.

Visiting the New Forest National Park using public transport

The linear distance to the New Forest SPA/Ramsar site is approximately 4.8km however, by road the distance is somewhat longer. The shortest route, using the Hythe Ferry, is 7km whilst the closest section when travelling purely by road is approximately 11.8km. It is unlikely, therefore, that visits made on foot or by bicycle will be a frequent occurrence.

Should students choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Direct travel from the development site is not possible. Travelling from Southampton city centre, the destinations for train and bus services are the urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

Table 1 Train services from Southampton Central to New Forest Locations

Destination	Service frequency (outside of peak hours)	Journey time
Ashurst	1 service per hour	10 mins
Beaulieu Road	6 services between 0900- 1800	14 mins
Lyndhurst	No service	
Brockenhurst	4 services per hour	16 mins
Lymington	2 services per hour (change at Brockenhurst)	20 mins
Burley	No service	

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed halls of residence the process is complicated and likely to be costly. It is therefore reasonable to conclude that there are only likely to be a very small number of visits as a consequence.

Conclusions

The evidence provided suggests that students comprise a small proportion of visitor to the New Forest and that, as a visitor destination, the New Forest is most attractive to dog walkers and/or families that have access to a car.

Students resident within the new accommodation will not be permitted to keep dogs and will not be present with their families. In addition, the development will be designed in such a way as to stop students bringing their cars with them. Finally, the wide range of recreation and sports facilities available to students are closer to the development and easier and cheaper to access than the New Forest. As a consequence, it is very unlikely that students will make trips to the

New Forest designated sites and will not therefore contribute to increased recreational disturbance,

Solent and Southampton Water SPA/Ramsar site

In 2008 the Council adopted the Solent Disturbance Mitigation Project in collaboration with other Councils within the Partnership for Urban South Hampshire in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA. This enables financial contributions to be made by developers to fund appropriate mitigation measures.

The proposed student accommodation will result in a net increase in the population of the city and thus lead to significant impacts on the Solent and Southampton Water SPA. However, due to the characteristics of this type of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead¹. As such, it is considered that the level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing.

Assuming a typical 3 bedroomed house can accommodate 5 students, for the purposes of providing SPA mitigation, five study bedrooms will therefore be considered a unit of residential accommodation.

The calculation to establish the level of the mitigation package required is as follows:

$$\frac{S}{5} \times \frac{174}{2}$$

S = number of study bedrooms

$$\frac{423}{5} \times \frac{174}{2} = 84.6 \times 87 = \text{£}7360.2$$

It is considered that, subject to a level of mitigation, which has been calculated as £7360 being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

¹ See paragraph 3.15 of the Solent Disturbance and Mitigation Project Phase II bird disturbance fieldwork

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

Conclusions

The following conclusions can be drawn from the evidence provided:

- Residents of the new accommodation will not have access to cars.
- The availability of open space, sport and recreation facilities at both universities reduces the likelihood that students would travel to the New Forest for recreational purposes.
- Evidence suggests that low car and dog ownership amongst students contributes to the relatively low proportion of students in the make-up of visitor numbers to the New Forest.

- Access to New Forest locations by students living at the proposed development would be complicated and costly especially when compared to the availability of alternative recreational activities.

The following mitigation measures have been proposed as part of the development:

- No parking spaces, apart from 4 for disabled students, will be provided within the proposed development.
- Information public transport and pedestrian and cycle route maps will be provided.
- The development will incorporate 140 secure cycle parking spaces and a free cycle rental scheme within the accommodation.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- A covenant prohibiting the keeping of dogs will be placed on the accommodation.
- A contribution of £7360 to the Solent Recreation Mitigation Project

As such, visitor pressure on European and other protected sites in the New Forest arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

References

ADL Highway Engineering Ltd, Framework Travel Plan, Proposed Student Accommodation, East Street, Southampton, February 2016

AECOM, Habitats Regulations Assessment: East Street Student Accommodation, January 2016

European Site Qualifying Features

The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*

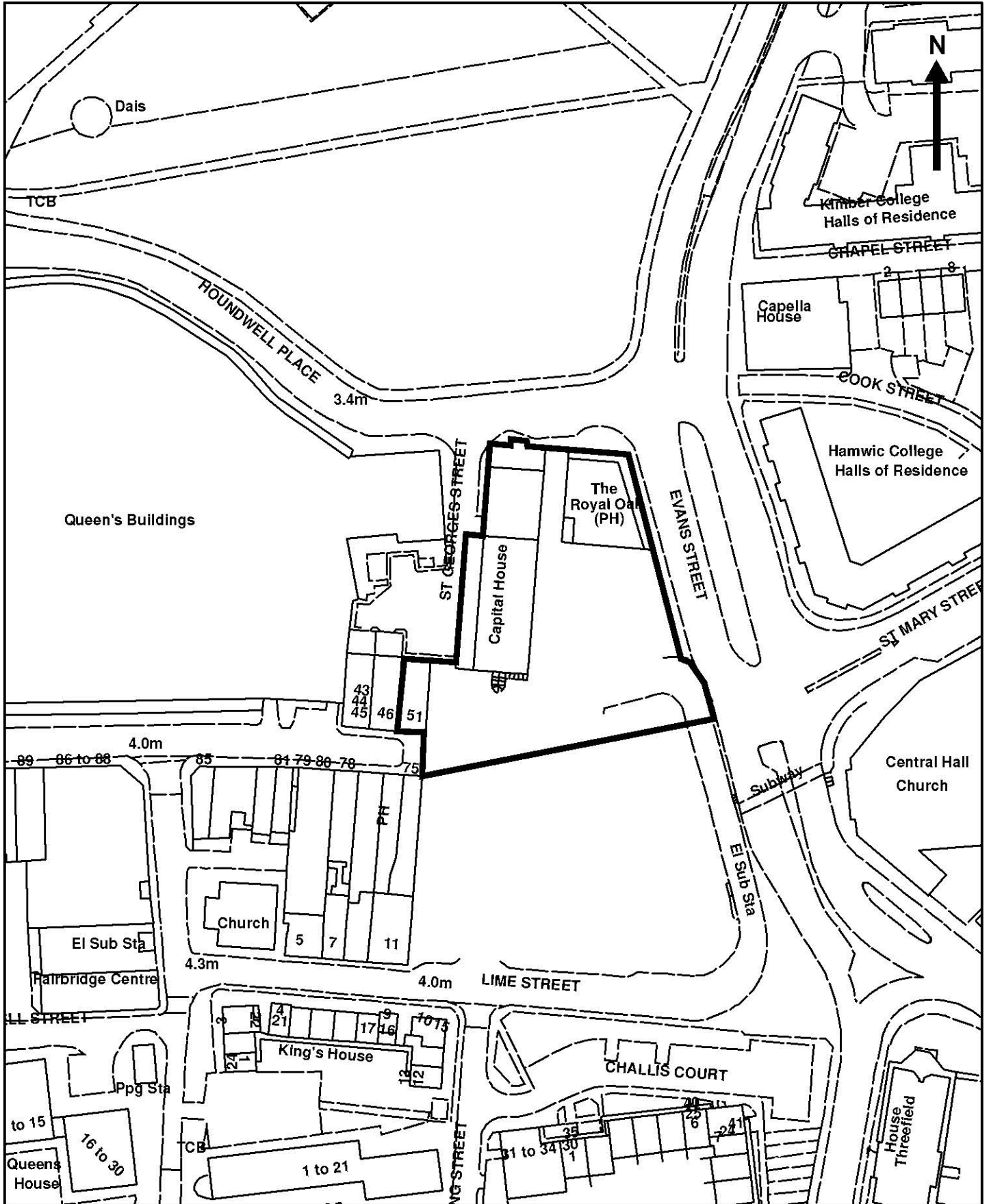
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way (East) Panel 12th April 2016
Planning Application Report of the Planning and Development Manager**

Application address: Springwell School Hinkler Road SO19 6DH			
Proposed development: a) 15/02412/R3CFL. Phase 1 expansion of Springwell School, erection of a single-storey school building. b) 15/02444/OUT. Phase 2 expansion of Springwell School consisting of two x two storey blocks and a multi-use games area (MUGA) providing additional teaching, health, sports and community facilities for children with special educational needs (Outline application seeking approval for layout and access - affects a public right of way).			
Application number	a)15/02412/R3CFL b)15/02444/OUT	Application type	FUL and OUT
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	17/03/2016	Ward	Bitterne
Reason for Panel Referral:	Departure from the Development Plan (loss of public open space)	Ward Councillors	Cllr Lloyd Cllr Jordan Cllr Letts

Applicant: Southampton City Council	Agent: Capita
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Recommendation Summary	15/02412/R3CFL and 15/02444/OUT Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. Overall, the exceptional educational need and positive regenerative opportunities associated with the development and its 'proposed dual use' are considered to outweigh the dis-benefit of the loss of public open space or gaining support from Sport England. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory

Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP19, SDP22, NE4 and CLT3 of the City of Southampton Local Plan Review (Amended 2015) and CS11, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies

Recommendation in full for both applications 15/02412/R3CFL and 15/02444/OUT:

1. Subject to the receipt of an on-site public open space retention phasing plan (to include means of enclosure) and the current objection to the scheme from SCC Open Spaces Team and Ecologist being withdrawn refer the application to the National Planning Casework Unit (NCPU) in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 following objection from Sport England. In the event that these objections from the SCC Open Spaces Team and Ecologist are not removed delegate to the Planning and Development Manager (P&DM) to refuse the application – should this prove necessary - due to the proposed loss of open space.
2. In the event that the NPCU confirm that the Secretary of State does not wish to 'call in' the application and that the matter can be determined by the Local Planning Authority then delegate to the Planning and Development Manager to grant planning permission for both 15/02412/R3CFL and 15/02444/OUT subject to the completion of an Internal Undertaking to secure the following planning obligations:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - iv. Open Space and Playing Field Loss Mitigation in line with policy CLT3 of the City of Southampton Local Plan Review (as amended 2015), policy CS21 of the adopted

LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);

- v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. Submission and implementation within a specified timescale of a Travel Plan;
 - vii. Secure the Community Use Agreement; and,
 - viii. The design, landscaping and formation of a green corridor and permissive route linking Hinkler Road with Byron Road and Donkey Common as shown on the proposals plan. The delivery of this corridor to be linked to the first occupation of any development.
3. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the above requirements and/or conditions as necessary.

Background

This type of application is known as a ‘Regulation 3’ application and relates to proposals made by the Local Authority for development that it wishes to undertake as part of its remit as a public sector service provider.

The Planning and Rights of Way Panel are being asked to consider two recommendations for linked development at Springwell School. The first application for Phase 1 is fully detailed. The second application provides limited detail (outline application) and will form a wider phase of the school expansion.

Springwell School works with children with moderate and severe learning difficulties, and with children with other needs, such as Autistic Spectrum Disorder where teacher to pupil ratios are higher. It has a primary age range of 4-11 years. The school operates with eight children per classroom and one staff member for every two pupils. Currently the school comprises of eight classrooms providing education for 64 pupils. The school currently employs 125 staff and has 55 car parking spaces on site.

The following table provides a breakdown of the changes in numbers of pupils, staff and car parking spaces that will result as a consequence of the two separate phases of the development:

	Currently	Phase 1	Phase 2
Classrooms	8	14 (6)	24 (16)
Pupils	64	112 (48)	192 (128)
Staff	125	161 (36)	221 (96)
Car Parking Spaces	55	66 (11)	117 (62)

NB: Numbers in brackets indicate the additional number over the current numbers of classrooms, pupils, staff and car parking spaces.

Pupil intake at Springwell School has been rising in recent years and there has been, and continues to be pressure on numbers in the reception year. The school has taken additional pupils since September 2012.

An initial public consultation was held following publication of the School Organisation Plan towards the end of 2014 which concluded with Councils cabinet approving the recommendations for expansion March 2015.

An option appraisal study was initially commissioned by the Council's Education Team in April 2015 to investigate the options for expanding Springwell Special educational needs. This included options for expanding the school on its current site and an alternative site (former Eastpoint centre) which has since become unavailable.

As the application has received an objection from Sport England it will need to be referred to the National Planning Casework Unit before planning permission could be issued and would be 'called in' for further scrutiny by the Secretary of State.

1 The site and its context

- 1.1 The site is in educational use and is located in the east side of Southampton approximately 4.5 miles from the city centre.
- 1.2 Springwell School occupies a site which is located on a corner between Hinkler Road and Bursledon Road. To the south east the site is bordered by, and accessed from, Hinkler Road; and to the north west the site borders Donkey Common. The site of the proposed school expansion is located directly to the north east of the existing school. The site is currently covered grassed and part of it has been set out as a playing field. The site is open for the public to access and dog walking is a popular use of the site. There is a public right of way that runs across the northern part of the site and which is formed by a formal concrete footpath. The footpath links Donkey Common with the residential development of Bryron Road that forms the north east boundary of the site.
- 1.3 The boundary of the site with Hinkler Road, and to the residential properties to the north east, is dominated by mature trees and shrubs. To the north west the boundary of the site with Donkey Common is formed by a woodland strip dominated by large mature trees. The trees within the site boundary and Donkey Common are for the purposes of planning control afforded the same protection as trees covered by Tree Preservation Orders because both sites are owned by Southampton City Council. The boundaries of the two schools with the proposed site are mostly formed by weldmesh fencing to a height of 2m.
- 1.4 Between the existing Springwell School site to the south west and the application site there is a steep change in levels. The site itself that is the subject of the phased development also includes a change of levels although it is less severe than the change between the existing school and the location of the new school buildings.

2 Proposal

- 2.1 Linked applications have been submitted seeking full and outline planning permission for a new learning and teaching block with a net gain of some

930sq.m of additional floorspace (LPA ref: 15/02412/R3CFL) within Phase 1 and 3912sq.m of additional floor space (LPA ref: 15/02444/OUT) for Phase 2. These applications can be summarised as follows:

- 2.2 a) 15/02412/R3CFL.
As part of the first phase of the development a single storey building is proposed that would comprise of six new class rooms along with a school hall, associated hygiene facilities, a staff room, reception, dining/activity space and a therapy room. The phase one development will take the total number of pupils at the school from 64 to 112 and staff from 125 to 161. The proposal also involves the addition of a ramped access from the original school up to the new building along with minor alterations to the means of enclosure between the two.
- 2.3 As a consequence of Phase 1 of the project an additional 24 class based staff with a further 12 support, site and ancillary staff will be employed by the school therefore resulting in a total of 161 staff attending the site.
- 2.4 The car parking area will also be reconfigured so that up to 11 additional car parking spaces will be provided taking the potential total to 66. The proposal involves reconfiguration of both the car parking layout and traffic circulation route through the site so that traffic congestion is eased on Hinkler Road.
- 2.5 The building would be single storey and seeks to ensure that a large amount of daylight is received to each of the class rooms. The maximum height of the building proposed will be 8m. Whilst the design is contemporary in appearance the main elevations would be constructed of brick in order to complement the existing school building as well as development in the surrounding area.
- 2.6 The building would be positioned close to the south west boundary of the site so that it is near to the boundary with the existing school buildings and to aid linkages and movement between the two.
- 2.7 Other works involved during Phase 1 include adaptations to the existing school courtyard to provide outdoor space for early years classes which will increase from 1 to 3.
- 2.8 b) 15/02444/OUT.
The proposed works associated with the second phase of the development involve two new buildings and an extension to the car park and access road. 62 new car parking spaces will be provided within Phase 2. Details of layout and access are provided at this stage with details of appearance, scale and landscaping reserved.
- 2.9 A total of 16 new class rooms with associated hygiene facilities are proposed to be accommodated by Phase 2 along with a hydrotherapy pool measuring 15m x 9m with associated changing facilities, specialist teaching spaces for art, food technology and information technology, new main dining, kitchen and hall spaces, school reception, staffrooms and Multi Use Games Area (MUGA).
- 2.10 With Phase 2 of the development an additional 40 class based staff and approximately 20 support, site and ancillary staff will attend the site. As a consequence of both phases of the development there would be a total of 221 staff at the school.

- 2.11 Phase 2 of the development will also change the road layout within the site with the aim of improving the flow of traffic through the site thus reducing congestion caused by traffic backing up from the access/exit during peak traffic hours. It is however likely to be at the Reserved Matters stage when the details of the road layout are finalised.
- 2.12 The proposal identifies that the accommodation within Phase 2 will have the potential to be opened up for community use for children with special needs outside of the school day and this could include use of the pool, outdoor games area, hall and health care rooms by local community and health groups.
- 2.13 During Phase 2 the school hall formed during Phase 1 will be converted to two classrooms with associated hygiene facilities. A new school hall will be constructed within the Phase 2 development.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at *Appendix 1*.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The application site is not allocated in the current development plan, although the existing public open space is designated under Local Plan Policy CLT3. Core Strategy Policy CS21 supports Policy CLT3 and seeks to protect existing playing fields from inappropriate development. A presumption of no net loss of open space now exists and this application has been assessed as being a departure from the development plan on this basis.
- 3.5 LDF Core Strategy Policy CS11 supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours.
- 3.6 The City Council’s Planning Policy Team recognise the strong national and local policy position for maintaining, protecting and providing for replacement open space and that proposals to develop open space will not normally be permitted. It also highlights the importance of providing additional school places, for which there is an acute need in Southampton. Therefore in this instance, the merits of the proposed expansion of Springwell School which caters for those with complex learning difficulties is considered to override the continued protection of the existing open space which would otherwise be protected. This view is further

strengthened when considering Paragraph 72 of the NPPF and the Government's Policy Statement – planning for schools development.

- 3.7 The above view is dependent on the case officer being satisfied that strong justification has been provided to selecting the open space as the preferred site through the options appraisal – this being the key planning issue. The response from Sport England as a statutory consultee in determining the proposal against their Playing Fields Policy will also help towards determining whether this proposal would be acceptable in principle as an exception to the Council's strong policy position for protecting existing open space.

4 Relevant Planning History

- 4.1 On the 6th January 2006 planning permission was granted for the erection of a new school building on the site comprising of a single storey school building with new pedestrian and vehicular access and associated car parking (05/00260/R3CFL).
- 4.2 Planning history shows that the school has gained permission for two additional classroom buildings on the existing site since it was originally constructed. In September 2012 permission was granted for the installation of a temporary modular classroom building (12/01107/R3CFL) and in February 2013 permission was again granted for another single storey classroom building.
- 4.3 In February 2013 an extension to the front of the school was approved. The extension has improved the school's reception and has provided a new meeting room for staff.

5 Consultation Responses and Notification Representations

- 5.1 The Council's Education Department have undertaken a public consultation exercise on proposals to expand Springwell School in advance of the submission of this planning application. The submitted application details that the consultation exercise was carried out in order to comply with national legislation with respect to the expansion of educational establishments and to seek local opinion ahead of a formal application.
- 5.2 A public consultation meeting was also held by the school on 28 October 2015 following the distribution of information leaflets and invitations to residents in the immediate vicinity, local schools, churches and interested community organisations. The consultation meeting was also advertised through the school network.
- 5.3 Following the receipt of the planning applications a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement for both applications (01/01/2016 and 15/01/2015) and erecting site notices for both applications (06/01/2016, 15/01/2016).
- 5.4 a) **15/02412/R3CFL**. Phase 1 expansion of Springwell School. At the time of writing the report **3** representations have been received from surrounding residents.

b) 15/02444/OUT. Phase 2 expansion of Springwell School (Outline application seeking approval for layout and access. At the time of writing the report 6 representations have been received from surrounding residents.

The following is a summary of the points raised:

5.5 Opposition to the loss of public open space including the access through from Hinkler Road to Donkey Common and Byron Road (raised as an objection to both applications).

RESPONSE:

- The loss of public open space is a material planning consideration that will need to be balanced and judged against other material considerations, in particular the merits of the scheme. The access through the site from Hinkler Road to Donkey Common and Byron Road is informal and is only achieved through a hole in the fence which defines the Hinkler Road boundary. The applicant is however aware of the concern raised by local residents and amended plans have been submitted to include a formal link through for pedestrians from Hinkler Road to Donkey Common and Byron Road along the eastern boundary of the site. The purpose of the pedestrian link is also to help mitigate the impact of the loss of the public open space and can be secured through the above Internal Undertaking.

5.6 Overdevelopment (raised as an objection to both applications).

RESPONSE:

- The City is experiencing growth in demand for school places. The need associated with the expansion of the school and the needs of the pupils means that there is a demand for teaching buildings with a large floor area. In addition the MUGA is needed to help offset the loss of the public open space.

5.7 The Councils failure to consult widely or contact local residents directly (raised as an objection to both applications).

RESPONSE:

- The Council (as local Planning Authority) have complied with its statutory obligations regarding public consultation when considering the application; the Council have erected a site notice and placed an advertisement in a local newspaper. Furthermore local and neighbouring land owners have been directly notified by post. The Council (as applicant) undertook its own pre-application consultation as set out above.

5.8 Additional parking and traffic associated with the school run and after school clubs harm neighbouring amenity by blocking drive ways and footpaths; and by creating high levels of traffic congestion. Road safety and shortage/loss of car parking are also raised as concerns (raised as an objection to both applications).

RESPONSE:

- Amendments to the layout of the parking on site are proposed with the aim of reducing the tail back onto Hinkler Road when vehicles are entering the site. The second phase of the development will lead to a further change to the road layout within the site and will result in a new exit onto Hinkler Road being formed. The existing site entrance/exit will then become an entrance to the site only. The purpose of the new site layout is to take traffic that is leaving the site further away from the junction of Hinkler Road and Bursledon Road. The

project will lead to funding input to the school travel plan to enable the school to engage with staff, pupils, parents and neighbours, to address this issue by encouraging sustainable travel to school. The Highways Team will review the need for more Traffic Regulation Orders associated with the site as a consequence of the development but do not object to this application.

5.9 Noise from pupils inside the school building (raised as an objection to both applications).

RESPONSE:

- School operations will inevitably result in noise being generated. The school is however aware of this impact and operate to reduce the impact as much as possible. Teachers manage classrooms and pupils within the site to ensure that noise generated is not unreasonable given the nature of the education use. Hours of use at the school (for education and community use) will be limited by condition to ensure that the impact of noise is not during anti-social hours.

5.10 Opposition to the MUGA due to concerns regarding noise generation (raised as an objection to both applications).

RESPONSE:

- Owing to the frequency of the use of the MUGA and the times of the day when it will be used it is not judged that the noise generated from it will be significantly harmful. In addition the site which is the subject of this planning application is currently an open field so the use of the land for sport is not new to this location. The site has previously been laid out as a sports pitch in the past with no restriction in respect of hours of use. The use of planning conditions will ensure that the MUGA is not used at times when noise generated from people using it (including use by the community outside of school hours) will be unreasonable given the urban context and nearby residential properties. Details of hours /lighting can be controlled by condition.

5.11 Effect on Wildlife (raised as an objection to both applications).

RESPONSE:

- Negotiation between the applicant and the Public Open Spaces team/Planning Ecologist is ongoing and it is anticipated that the objection raised owing to the loss of the public open space and impact on wildlife will in the near future be removed once mitigation measures are agreed and secured through the internal undertaking. There will also need to be an ecology specific mitigation and enhancement plan agreed as part of the current development. A planning condition is recommended and an update will be required at the meeting.

5.12 Loss of light/overlooking (raised as an objection to both applications).

RESPONSE:

- Due to the proposed position and height of the buildings on the site relative to neighbouring residential properties; and due to the height and density of the vegetation including mature trees on the boundary with the nearest residential properties significant overshadowing and/or overlooking of neighbouring gardens and habitable room windows will not occur.

5.13 Too near/affecting boundary (raised as an objection to both applications).

RESPONSE:

- There is no reason to assume that the position of the buildings will cause harm

to neighbouring occupiers or damage neighbouring buildings owing to their position relative to the boundary of the site.

5.14 **Poor design** (raised as an objection to both applications).

RESPONSE:

- Design will be a reserved matter for later consideration in respect of the outline scheme (15/02444/OUT). The building design regarding the full application reflects the contemporary design of the existing school buildings. The design is modest and functional, meeting the needs and specifications of the staff and pupils of the school. The design is judged to be acceptable in its context.

5.15 **Affect on Trees.**

RESPONSE:

- No objection has been raised by the Council's Tree Officer subject to the imposition of recommended conditions.

5.16 **Impact of construction noise.**

RESPONSE:

- A construction environment management plan will be required to control the development, this will address parking for contractor's vehicles and plant equipment and seek to reduce the impact of construction. Hours of construction will be controlled by a planning condition.

5.17 **Impact on local view.**

RESPONSE:

- Views across this site are not a material planning consideration.

5.18 **Consultation Responses**

5.19 **SCC Highways** - The proposed new exit point onto Hinkler Road is an advantage to emerging vehicles from the site as it is distanced from the traffic signals with Bursledon Road. Additional car parking will benefit staff and pupil drop off, but the school will need to work closely with the School Travel Plan Officer to improve the sustainable travel modes, particularly by staff. It is appreciated that the children can travel reasonable distances in some instances, and also some have a need to be dropped as close to the school as possible.

15/02412/R3CFL:

No objection subject to recommended conditions.

- Car parking and access shall be surfaced and marked out prior to occupation of the extended building in accordance with the phasing.
- Construction management plan, construction traffic will need to avoid clashing with school start and finish times. The plan must also include phasing to identify how car parking will be affected during construction including realignment of the existing car park.
- Refuse management plan.
- Cycle parking facilities.
- Wheel cleaning.

Section 106 obligations

- Contribution towards school travel plan work and providing supporting measures to ensure safe and sustainable travel to school.

- Site specific highways contributions.
- Highways Condition Survey.

5.20 15/02444/OUT:

No objection subject to recommended conditions.

- Car parking and access shall be surfaced and marked out prior to occupation of the extended building in accordance with the phasing.
- Construction management plan, construction traffic will need to avoid clashing with school start and finish times. The plan must also include phasing to identify how car parking will be affected during construction including realignment of the existing car park.
- Refuse management plan.
- Cycle parking facilities.
- Wheel Cleaning.
- New access/exit from the site - sightlines.

Section 106 obligations

- Contribution towards school travel plan work and providing supporting measures to ensure safe and sustainable travel to school.
- Site specific highways contributions.
- Highways Condition Survey.

Advisory: Balfour Beatty will need to be consulted on a road opening licence for the new access and any associated works on the public highway.

5.21 **SCC Trees –**

15/02412/R3CFL: The position of the building proposed by Phase 1 will not effect any trees. Construction access does however have the potential to harm trees on the site boundary with Hinkler Road and trees will be removed when the car park is realigned. Conditions are recommended to prevent harm to significant and visually prominent mature trees which have public amenity value.

- Tree survey plan
- No storage under tree canopy
- Retention of trees
- Arboricultural Method Statement
- Arboricultural Protection Measures

5.22 15/02444/OUT: The position of the buildings proposed by Phase 2 will not affect any trees. The location of the roadways and parking do however have the potential to harm trees on the site boundary with Hinkler Road. Conditions are recommended to prevent harm to significant and visually prominent mature trees which have public amenity value.

- Tree survey plan
- No storage under tree canopy
- Retention of trees
- Arboricultural Method Statement to include construction method statement for all hardsurfacing including retaining walls, access road and car parking spaces within all root protection areas
- Arboricultural Protection Measures

5.23 **SCC Sustainability Team – Sustainable design strategies and principles**

embedded in the two schemes include maximising the potential for natural ventilation and lighting. The submitted Building research Establishment Accreditation Methodology (BREEAM) pre-assessment demonstrates how BREEAM Excellent can be achieved. It is also noted that rainwater harvesting and solar panels (photovoltaic) are proposed to be used to help achieve BREEAM Excellent. No objection is raised subject to the imposition of recommended conditions:

- BREEAM Standards - (pre-commencement and performance)
- Energy

5.24 **SCC Flooding** - In principle the surface water drainage strategy is acceptable however further details on the sustainable drainage scheme will be required. No objection is raised subject to recommended condition.

- Sustainable Drainage

5.25 **SCC Environmental Health (Pollution & Safety)** - Having originally requested an acoustic survey in relation to the MUGA and also asking for the MUGA to be sited further from neighbouring residential buildings, on reflection it has been confirmed that an acoustic report would not be necessary and that a management plan would be more appropriate to include any noise mitigation measures.

- Construction Environment Management Plan
- Construction hours
- Management plan - MUGA including hours of use, control/details of lighting

5.26 **SCC Environmental Health (Contaminated Land)** - No objection subject to the following conditions:

- Land Contamination investigation and remediation (Pre-Commencement & Occupation)
- Use of uncontaminated soils and fill (Performance)
- Unsuspected Contamination (Performance)

5.27 **SCC Ecology** – Holding Objection.

The planning application is accompanied by an ecology report which concludes that the habitats present are of low ecological value. However, this assessment does not take into account the fact that, in the context of Southampton, this is a relatively large area of grassland and that there are negligible opportunities to re-provide such habitat elsewhere within the city. In such circumstances more comprehensive ecological mitigations measures should be included within the planning application. A holding objection is raised until additional information is provided.

5.28 **RESPONSE** - A site meeting has been held following the receipt of the consultation response with the aim of addressing this issue. Ongoing work and discussions are taking place at the time of writing this report. The recommendation listed above is to delegate the decision to approve the planning application subject to the objection being removed. Furthermore the Panel will be updated should additional information be received prior to the meeting.

5.29 **SCC Open Spaces** – Holding Objection.

The land in question was provided to mitigate the loss of open space upon which

the current school buildings were built. It is listed as protected open space within the Local Plan and its loss would be contrary to Core Strategy policy CS 21. Loss of such land will reduce recreational capacity and place additional pressure on remaining open spaces. It is also likely to increase the quantity of mitigation required in respect of mitigating recreational impacts, arising from new housing development, on European sites within the New Forest. A holding objection is raised until additional information is provided.

5.30 RESPONSE – The response listed above in paragraph 5.30 is also relevant as a response to the objection from the Open Spaces Team.

5.31 **SCC City Design** - No objection.

5.32 **SCC Heritage and Conservation** - The 1940's aerial photographs of the area show extensive gravel workings on the site of the proposed development. These are likely to have destroyed any archaeological remains therefore no archaeological conditions are required.

5.33 **Sport England** – Objection.

It is understood that the site forms part of, or constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

5.34 Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'

5.35 Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

5.36 Both Phase 1 and Phase 2 of the scheme would be located on land that has previously provided a football pitch as can be seen from aerial imagery.

5.37 The proposed development would result in the loss of playing field and inability to use the playing field for sport. No replacement playing field is being proposed as part of this development, therefore the scheme cannot be considered in light of any of Sport England's policy exceptions, not the exceptions set out in Paragraph 74 of the NPPF.

5.38 Southampton City Council is currently undertaking a playing pitch strategy and until its findings have been published, the LPA could not be satisfied that this playing field is identified as being surplus to requirements.

5.39 In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

5.40 Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town

and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

- 5.41 **Southern Water** – no objection subject to recommended conditions and informatives.
- 5.42 **City of Southampton Society** - We are disappointed at the further loss of green space in the City. We are surprised at the lack of interest shown by head teachers in the potential for sports and recreation that a properly cared for open space for the children in their care (and for their neighbours) would offer.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development (open space/education);
 - ii. Open space and ecology;
 - iii. Design & sustainability;
 - iv. Residential amenity;
 - v. Highways and parking;
 - vi. Trees; and
 - vii. Mitigation.
- i. Principle of development (open space/education):
- 6.2 Springwell School caters for children with complex learning difficulties. The pupil numbers at the existing school currently exceeds the capacity of the main school buildings and demand for school places is set to increase in the future. The development plan for Southampton confirms that Southampton has an ambition to make sure that all young people have the opportunity of a good education. The assessment must therefore determine whether or not the principle of the development is acceptable given that the proposed site for the new school buildings will be upon land that is protected as existing open space under Saved Policy CLT 3 of the Amended Local Plan Review and which also has the potential to be used as a playing field and thus the proposal has received an objection from Sport England.
- 1.Open Space
- 6.3 The site subject to this planning application is protected as existing open space under Saved Policy CLT 3 of the Amended Local Plan Review. This states that development will not be permitted which would result in the loss of the areas of public and private open space listed in Appendix 5. The open space subject to this proposal is listed as Sholing Common in Appendix 5 although part of this was developed when Springwell School was built.
- 6.4 Core Strategy Policy CS 21 applies to the proposal whereby it is stated that the Council will retain the quantity and improve the quality and accessibility of the city's diverse and multi-functional open spaces.
- 6.5 It will also be important to consider the proposal against NPPF Paragraph 74 whereby it is stated that;

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

6.6 Core Strategy Policy CS 11 states that the development of inspirational, high quality and related facilities which encourage community use of their facilities will be promoted. It is further noted in the policy background/justification text that the presumption to safeguard education establishments extends to development on playing fields which are protected under national policy.

6.7 It is noted from the Design and Access Statement that the pitch has not been in use as a playing field within the last 5 years. Letters have also been provided by both Springwell School and Thornhill Primary School as evidence to support this and the site is not fenced off for this use meaning that full public access is afforded currently across the land. Information has also previously been provided to demonstrate that there are no suitable alternative sites for accommodating the extension (e.g. the nearby Eastpoint Centre).

6.8 As part of the planning application the applicant has as part of Phase Two proposed a MUGA to provide an on-site sporting facility to mitigate the loss of the open space, the use of the MUGA will also form part of the community use agreement secured by the above recommendation. Provision of the MUGA and control through the community use agreement is however not sufficient to overcome the objection from the Open Spaces Team and the Planning Ecologist and therefore the undertaking will secure further mitigation measures. The Councils Education Department, at the time of writing the report, are putting together a package of further mitigation measures to enable the Open Spaces Team and the Planning Ecologist to reconsider their objection. The measures that are currently being proposed are detailed in paragraphs 6.18 – 6.20 below. Officers will provide an update to Panel members at the meeting.

2. Education

6.9 The proposal needs to be considered against Paragraph 72 of the NPPF whereby it is stated that:

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.*

- 6.10 The Government Policy Statement – *planning for schools development* also demonstrates the Government’s commitment to support the development of state-funded schools and their delivery through the planning system.

Principle of Development (conclusion)

- 6.11 In conclusion, clearly there is a fine balance between the need to protect existing open space/maintain no net loss against the acute need to provide for additional school places, this being reflected in recent updates to national policy. Taking account of the comments made by the Council’s Planning Policy Team consideration has been given to the options appraisal carried out by the applicant.
- 6.12 The first stage of the option appraisal was to identify potential sites for a new school. This initial assessment identified two potential sites the first being the area of land adjacent to Springwell School and the second being the old Eastpoint Centre site.
- 6.13 The conclusion of the options appraisal report confirms that the old Eastpoint Centre site is not appropriate for two reasons: firstly the site is not available and secondly the site is not appropriate for the needs of the school.
- 6.14 The old Eastpoint Centre is currently leased to a private company with an option to buy. Whilst the building has now been abandoned, and although Southampton City Council are in the process of re-acquiring the building, the building is not currently available and it cannot be determined when the building would become available for the potential conversion to a school. Therefore the timescales do not fit in with the client requirement of completion dates for the two phases.
- 6.15 Notwithstanding the timeframes involved the former Eastpoint building is not currently considered suitable for refurbishment into a special needs school as the building is arranged on a multiple levels, is larger than required, with no one area lending itself easily to demolition, classrooms need to be located on the upper floors, which does not fit with the schools strict needs for primary aged children with special needs
- 6.16 The land adjacent to Springwell School was agreed to be the most viable because of the adjacency to the existing school, enabling the two buildings to operate as one Key Stage One building, and the other a Key Stage Two building. The land is within the ownership of Southampton City Council Education Department. The location provides an education ‘cluster’ comprising primary school and Sure Start Centre.
- 6.17 Having considered the options appraisal along with the recommendation from the Councils Planning Policy Team, objections to the scheme raised by Sport England and the holding objection raised by the Councils Open Spaces Team on balance the development of land adjacent to the existing school is supported in principle. Significant weight has been attributed to the need to support schools development as required by the Governments Policy Statement – *planning for schools development* and paragraph 72 of the NPPF. Furthermore the special nature of the School, its need for closer linkages and the position of the MUGA to support all weather outdoor activity are material in reaching a conclusion to support education expansion ahead of open space retention. In addition it is anticipated that the ongoing negotiation with the Open Spaces Team and the

Council's Planning Ecologist will result in the removal of their holding objections prior to the determination of this application. This recommendation is made on the basis that these holding objections can be resolved.

ii. Open Space and Ecology

6.18 Holding objections have been received by the Council's Open Spaces Team and the Council's Planning Ecologist as detailed in section 5 above. In order to overcome the objections raised an onsite meeting has been held following which ongoing discussions between council departments is taking place with the aim of addressing these two concerns.

6.19 The discussions have centred on:

- The formation of a 'green corridor' leading from Hinkler Road to Donkey Common and Byron Road. The corridor would replace the informal route across the playing field that currently exists;
- Financial contributions to improve the Shorburs Greenway involving improvements to the access to the eastern end at its junction with Bursledon Road, to include 1. Installation of steps near pedestrian junction of Bursledon Road and the retail park; 2. Extend the existing 1.5m wide hoggin path through the trees; 3. General improvements including tidying and clearing the area (including removal of old chain link fence); and 4. Additional planting of 4 no. pine trees; and,
- Financial contributions to improve the quality of sporting facilities at Hinkler Green.

6.20 It is anticipated that the Open Spaces Team and the Planning and Ecologist will withdraw their objections once they are satisfied that the mitigation measures required are correct and can be secured. As such the Panel are being asked to delegate the decision to the Planning and Development Manager to grant planning permission for both phases provided that the holding objections are removed (also subject to the other requirements set out above in the 'recommendation in full').

iii. Design and sustainability

6.21 The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. The teaching buildings will mostly be single storey however the building proposed as part of Phase 2 located towards the Hinkler Road end of the site, containing the reception, staff accommodation, school hall and other facilities available for public hire will be two storey in scale.

6.22 The footprint of the buildings, along with the space required for the MUGA will occupy a considerable amount of the site. The external design of the second phase will be considered with the Reserved Matters application should outline permission be granted. The design of the Phase 1 building has been formed with the aim of maximising natural ventilation, natural lighting and seeks to allow freedom of movement between inside and outside spaces which is necessary to ensure that the educational environment for the children attending the school is optimised for maximum gain and minimal disturbance.

- 6.23 The proposed Phase 1 building design is acceptable in planning terms. The chosen palette of materials is supported and will be controlled by condition.
- 6.24 The design of the Phase 2 buildings cannot be considered at present given that the outline application seeks approval for layout and access only. The design of the layout however is considered acceptable.
- 6.25 The adopted LDF Core Strategy Policy CS20 commits the Council to securing sustainable development. The applicant proposes to meet BREEAM 'Excellent' standard which is required by Core Strategy Policy CS20. The development will therefore be policy compliant; planning conditions are recommended to ensure that 'Excellent' is achieved.

iv. Residential Amenity

- 6.26 The impact of the development on neighbouring residential amenity forms the bulk of the representation received as a consequence of the consultation undertaken with local residents. In combination 9 letters of objection have been received showing the strength of feeling in the local area. The school has undertaken a public consultation exercise prior to the submission of the application in order to engage with the local community with the aim of preventing a large amount of objections to the proposal. The response to the points raised in section 5 above demonstrate that whilst there is an impact on local residents it is considered that in planning terms the impact is acceptable and allows the development to be recommended for approval. The new buildings have been located centrally within the site to avoid any conflict with existing neighbouring boundaries.
- 6.27 It is also worth highlighting that loss of the public open space/playing field has been raised by local residents and whilst it is regrettable that the development will lead to loss of the field the MUGA will be made available for the public outside of the school hours, this will be secured through the community use agreement as part of the Section 106 legal agreement. This does not overcome concerns raised by dog walkers who currently use the land and who wouldn't have access to the MUGA.
- 6.28 Residents have also objected to the loss of the informal route through the site from Hinkler Road through to Donkey Common and Byron Road. It is expected that there might be a formal route formed as part of this application however amended plans/further information on this point have not at the time of writing the report been submitted to the Planning Department and the recommendation is made on the basis that this will be forthcoming.
- 6.29 Local residents raise a wide range of impacts including traffic generation and associated parking and congestion problems, visual impact concern due to the scale and position of the building leading to loss of light through increased shading and privacy. Lighting from the school building itself has also been raised as a concern along with noise from classrooms and the MUGA. The response to these concerns (as detailed above) identify that whilst Officers appreciate that development will have an impact in planning terms the impact is justified and is acceptable. The benefits of the proposal outweigh the negative and conditions have been recommended where appropriate and mitigate the impact.

6.30 Noise impact can be managed by the school staff. Lighting can be managed by the addition of a planning condition. As such it is judged that no significant privacy and/or amenity issues will arise as a consequence of the development. The application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v).

v. Highways and Parking

6.31 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The level of proposed car parking should be governed by the Council's revised maximum parking standards (2011), which support a maximum number of 1.5 spaces per classroom for this area of accessibility. Phase 1 would result in a total of 66 car parking spaces for 14 classrooms and phase 2 would result in 117 car parking spaces for a total of 24 classrooms and whilst this exceeds the guidance the Highways Team have not objected to the proposed level of car parking. Officers also appreciate that the school has a higher than normal staffing levels and therefore the proposed car parking levels are acceptable.

6.32 It makes sense to intensify educational use on this site that is at the heart of its local community, with good accessibility to the public transport network, encouraging healthier lifestyles by walking and cycling. The ongoing implementation of the Travel Plan will encourage the use of non-car modes and car sharing. The proposed redevelopment of this school is acceptable in highway safety terms.

6.33 An update to the school travel plan, which will include measures to reduce the likelihood of staff arriving by car and parents arriving and collecting children by car will be secured through the internal undertaking. Cycle parking will also be required through planning condition.

6.34 An investigation into the potential need for a traffic regulation order to make changes to parking restrictions around the site, and for yellow school markings to be provided at the new entrance point not already covered will be under taken and secured through the undertaking.

6.35 Highways safety will be protected by ensuring that the recommended planning conditions are added to secure appropriate sight lines where a new access into the site is formed.

6.36 Both phases of the development seek to reduce congestion on the local highway by providing more space on site for vehicles to manoeuvre and by reducing pressure on the existing entrance to the site and the traffic light controlled junction of Hinkler Road and Bursledon Road by moving traffic exiting the site further to the east.

vi. Trees

6.37 The footprint of the building of Phase 1 will not impact the trees on the eastern and southern boundaries of the site, therefore the tree team do not object to the placement of the building. The construction of the school will require an access route to be formed from Hinkler Road and this will involve the removal of selected

trees on the southern boundary. The area identified for the construction access runs through an area of low quality trees and will leave the prominent trees in situ. The road used for construction access, once Phase 1 of the development is complete, will become a formal vehicular exit from the site. Planning conditions have been requested to ensure that no significant harm to large mature trees on the site will occur. Where trees will need to be removed to facilitate the realignment of the existing car parking area trees will need to be replaced at a ratio of 2 for 1, this is specified in the landscaping condition.

6.38 Relevant conditions will need to be applied to ensure that the development does not harm protected trees on site. There are no tree objections to the application.

vii. Mitigation.

The recommendation for planning approval is dependent upon the applicants entering into an Internal Undertaking to secure appropriate mitigation to make the scheme acceptable, this is achieved through an Internal Undertaking because the land is owned by Southampton City Council.

As a means of overcoming the objection from the Open Spaces Team and the Council's Planning Ecologist the Unilateral Undertaking will secure the formation of the permissive route and 'green corridor' linking Hinkler Road with Byron Road and Donkey Common as shown on the proposals plan along with financial contributions to improve the Shorburs Greenway for recreational use by the public and improvements to the quality of sporting facilities at Hinkler Green.

The Unilateral Undertaking will also ensure that the site is capable of being used outside of School hours by the wider community through the community use agreement and contributions will be secured to ensure that the School travel plan is updated to encourage other forms of travel instead of private cars.

The proposed public realm improvements include provisions for highways improvements to assist pedestrian and cyclist safety and satisfy the site specific highway improvements for the scheme. The legal agreement will secure the final details of this proposal.

The Internal Undertaking will also secure the submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer, a Training & Employment Management Plan committing to adopting local labour and employment initiatives, and the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved.

With the above mitigation package the development is considered to comply with the development plan.

7 Summary

7.1 There is a significant need for the proposed new school buildings. All material planning considerations have been taken into account when assessing the merits of this planning application. Whilst it is regrettable that public open space will be lost, and Sport England object to the loss of the open space that can be used as a playing field, on balance (and following the anticipated removal of the holding

objections from the Councils Open Spaces Team and Planning Ecologist) it is considered that the scheme is acceptable due to the urgent requirements for additional school places of this nature in this location and given the community 'dual use' potential.

- 7.2 Failure to deliver the project would represent the loss of an important opportunity for the City Council, the school and most importantly its pupils. This is a significant material consideration in this case.
- 7.3 The development is not policy compliant as it results in the loss of public open space and a potential sports pitch. However, for the reasons outlined in this report the application is recommended for approval subject to the attached planning conditions and the successful completion of an internal undertaking.

8 Conclusion

- 8.1 The Local Authority is under a statutory duty to ensure that there are sufficient school places in the city, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. The application allows Southampton to in part achieve its obligations and the positive outcome of the development is judged to outweigh the negative impact regarding the loss of public open space which includes the potential to be used as a sports pitch.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1a-d, 2b-d, 4f, 4vv, 6a, c, d, i, 7a, 8a, 9a-b

MP3 for 12/04/16 PROW Panel

PLANNING CONDITIONS

a) 15/02412/R3CFL, Phase 1.

1.Full permission timing condition (Performance Condition)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

2.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.

3. Use restriction (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the buildings shall only be used for educational purposes with ancillary facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To define the consent having regard to the need for classroom spaces across the city, level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

4. Operation restriction (Pre-Occupation Condition)

The school premises hereby approved shall be operated on a "dual use" basis in accordance with further details that shall be agreed in writing with the Local Planning Authority prior to first occupation. These details shall include the proposed hours of use, the on-site management of the community uses and a pricing policy (if applicable). The site shall be closed and vacated of all persons enrolled on educational courses or accessing the building through the community use agreement between the hours of 22:00 and 07:00 on a daily basis.

Reason: To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

5. Hours of work for demolition / clearance / construction (Performance Condition)

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

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

Saturdays 09:30 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

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

6. Details of building materials to be used (Pre External Elevations)

Notwithstanding the details shown on the approved drawings no works shall commence on the construction of the external elevations of the buildings hereby approved until a schedule of materials and finishes (including samples and full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

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

7. Construction plan (Performance Condition)

No work shall be carried out on site unless and until provision is available within the site, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development; and the parking of contractor's vehicles. Such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason: To protect the amenities of neighbours and the wider environment and to avoid congestion, reduce conflicts at the start and end of the school day and safeguard public safety in the local neighbourhood.

8. Construction environment management plan (Pre-Commencement Condition)

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

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

9. Wheel cleaning facilities (Pre-Use Condition)

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

10. Tree survey plan (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice.

11. Tree retention and safeguarding (Pre-Commencement Condition)

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

12. No storage under tree canopy (Performance Condition)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

13. Retention of trees (Performance Condition)

For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

14. Arboricultural method statement (Pre-Commencement Condition)

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 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 construction of any hard surfaces (road ways, footpaths and car parking spaces) and retaining walls required where they impinge on tree roots
4. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
5. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
6. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

In consultation with the Councils Tree Team where necessary the layout of the hard surfaced areas including access road, footpaths, car parking spaces and retaining walls will be amended to avoid harmful impact on trees.

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

15. Arboricultural protection measures (Pre-Commencement Condition)

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

1. Induction and personnel awareness of arboricultural matters
2. Identification of individual responsibilities and key personnel
3. Statement of delegated powers
4. Timing and methods of site visiting and record keeping, including updates
5. Procedures for dealing with variations and incidents.

Reason: To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees

16. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement Condition)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

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.

17. BREEAM standards (Pre-Commencement Condition)

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

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

18. BREEAM standards (Performance Condition)

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

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

19. Energy (Pre-Occupation Condition)

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

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

20. Sustainable drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

21. Land contamination investigation and remediation (Pre-Commencement & Occupation Condition)

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

22. Use of uncontaminated soils and fill (Performance Condition)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

23. Unsuspected contamination (Performance Condition)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

24. External equipment/plant (Pre-Occupation Condition)

Notwithstanding the submitted plans hereby approved that show indicative external plant equipment there shall be no external plant, condenser/air conditioning units or similar equipment erected on the approved building without the prior written approval of the Local Planning Authority. These details shall include design and acoustic information to enable

an assessment of the impact of the equipment to be undertaken. Any agreed external equipment shall be implemented and retained only in accordance with the approved details.

Reason: In the interests of visual and neighbour amenity.

25. Ecological mitigation statement (Pre-Commencement Condition)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme.

Reason: In the interests of preserving and enhancing biodiversity.

26. Lighting (Pre-Occupation Condition)

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of any external lighting scheme. The installation must be maintained in accordance with the agreed written scheme.

Reason:

In the interests of protecting residents of Burgess Road and users and habitat of the Southampton Common from excessive lighting and in the interests of site security.

27. Cycle parking (Additional)

A further (minimum) 8 covered and secure cycle parking spaces shall be provided on site - in a location to be agreed with the LPA – prior to the first occupation of the building hereby approved. The approved cycle parking shall be retained as agreed.

Reason:

To encourage cycling as an alternative mode of travel to the private car.

28. Foul and surface water sewerage disposal (Pre-Commencement Condition).

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

29. Lockers & showers (Pre-Occupation Condition)

Linked to the requirements of the Travel Plan further details of shower facilities and secure lockers for use by staff/student cyclists shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the building hereby approved. The agreed showers and lockers shall be available prior to the first occupation of the building and retained thereafter.

Reason: To encourage cycling as an alternative mode of travel to the private car.

30. Refuse management plan (Pre-Occupation Condition)

Prior to the first occupation of the building hereby approved the applicant shall submit a 'Refuse and Servicing Management Plan' (RSMP) for approval by the LPA. The agreed RSMP shall include details of how the building, will be serviced. The approved RSMP shall be in place prior to the first use of the building hereby approved and implemented as agreed thereafter, unless otherwise agreed in writing by the LPA.

Reason: In the interests of highways safety, good planning and to ensure appropriate provision is made for refuse created by the development hereby approved.

31. Piling (Pre-Commencement Condition)

Before the development commences (excluding any demolition and initial site set up phase) details of any piling requirements for the building hereby approved (including a piling/foundation design and method statement as appropriate) shall be submitted to and agreed in writing by the Local Planning Authority. The construction phase shall be implemented in accordance with the agreed details.

Reason: In the interests of protecting nearby residents and users of the nearby public open space at Donkey Common.

32. Sightlines specification (Pre-commencement Condition)

Prior to the commencement of the development details the sightlines proposed for the access for construction traffic shall be submitted to and agreed in writing by the local planning authority. The approved sightlines shall be provided before the access proposed to be used for construction traffic is first used.

Reason: To provide safe access to the development and to prevent congestion on the highway.

33. Car Parking and internal vehicular road. [Pre-Occupation Condition]

Prior to the occupation of the development the hereby approved car parking and internal road layout shall be made available for use. Once provided the car parking and road layout will be retained.

Reason: To provide safe access to the development and to prevent congestion on the highway.

b) 15/02444/OUT, Phase 2

1.Outline Permission Timing Condition (Performance Condition)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the Layout of buildings and other external ancillary areas and the means of Access (vehicular and pedestrian) into the site and the buildings is approved subject to the following:

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:

- the Appearance and architectural design specifying the external materials to be used;
- the Scale of the buildings indicating massing and building bulk and;
- the Landscaping of the site specifying both the hard, soft treatments and means of enclosures with ongoing management

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

2.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.

3. Use Restriction (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the buildings shall only be used for educational purposes with ancillary facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To define the consent having regard to the need for classroom spaces across the city, level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

4. Operation restriction (Pre-Occupation Condition)

The school premises hereby approved shall be operated on a "dual use" basis in accordance with further details that shall be agreed in writing with the Local Planning Authority prior to first occupation. These details shall include the proposed hours of use, the on-site management of the community uses (including the Multi Use Games Area) and a pricing policy (if applicable). The site shall be closed and vacated of all persons enrolled on educational courses or accessing the building through the community use agreement between the hours of 22:00 and 07:00 on a daily basis.

Reason: To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

5. Hours of work for Demolition / Clearance / Construction (Performance Condition)

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

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

Saturdays 09:30 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

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

6. Details of building materials to be used (Pre-External Elevations)

Notwithstanding the details shown on the approved drawings no works shall commence on the construction of the external elevations of the buildings hereby approved until a schedule of materials and finishes (including samples and full details of the manufacturers,

types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

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

7. Construction Plan (Performance Condition)

No work shall be carried out on site unless and until provision is available within the site, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development; and the parking of contractor's vehicles. Such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason: To protect the amenities of neighbours and the wider environment and to avoid congestion, reduce conflicts at the start and end of the school day and safeguard public safety in the local neighbourhood.

8. Construction environment management plan (Pre-Commencement Condition)

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

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

9. Wheel Cleaning Facilities (Pre-Use Condition)

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

10. Tree survey plan (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice.

11. Tree Retention and Safeguarding (Pre-Commencement Condition)

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the

development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

12. No storage under tree canopy (Performance Condition)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

13. Retention of trees (Performance Condition)

For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

14. Arboricultural Method Statement (Pre-Commencement Condition)

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 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 construction of hard surfaces (road ways footpaths and car parking spaces) and retaining walls where they impinge on tree roots
4. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
5. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
6. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

In consultation with the Councils Tree Team where necessary the layout of the hard surfaced areas including access road, footpaths, car parking spaces and retaining walls will be amended to avoid harmful impact on trees.

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

15. Arboricultural Protection Measures (Pre-Commencement Condition)

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

1. Induction and personnel awareness of arboricultural matters
2. Identification of individual responsibilities and key personnel
3. Statement of delegated powers
4. Timing and methods of site visiting and record keeping, including updates
5. Procedures for dealing with variations and incidents.

Reason: To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees

16. BREEAM Standards (Pre-Commencement Condition)

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

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

17. BREEAM Standards (Performance Condition)

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

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

18. Energy (Pre-Occupation Condition)

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

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

19. Sustainable Drainage (Pre-Commencement Condition).

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

20. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

21. Use of uncontaminated soils and fill (Performance Condition)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

22. Unsuspected Contamination (Performance Condition)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

23. External Equipment/Plant (Pre-Occupation Condition)

Notwithstanding the submitted plans hereby approved that show indicative external plant equipment there shall be no external plant, condenser/air conditioning units or similar equipment erected on the approved building without the prior written approval of the Local Planning Authority. These details shall include design and acoustic information to enable an assessment of the impact of the equipment to be undertaken. Any agreed external equipment shall be implemented and retained only in accordance with the approved details.

Reason: In the interests of visual and neighbour amenity.

24. Ecological Mitigation Statement (Pre-Commencement Condition)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme.

Reason: In the interests of preserving and enhancing biodiversity.

25. Lighting (Pre-Occupation Condition)

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of any external lighting scheme. The installation must be maintained in accordance with the agreed written scheme.

Reason:

In the interests of protecting residents of Burgess Road and users and habitat of the Southampton Common from excessive lighting and in the interests of site security.

26. Cycle Parking (Additional) (Pre-Occupation Condition)

A further (minimum) 12 covered and secure cycle parking spaces shall be provided on site - in a location to be agreed with the LPA – prior to the first occupation of the building hereby approved. The approved cycle parking shall be retained as agreed.

Reason:

To encourage cycling as an alternative mode of travel to the private car.

27. Foul and surface water sewerage disposal (Pre-Commencement Condition).

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

28. Lockers & Showers (Pre-Occupation)

Linked to the requirements of the Travel Plan further details of shower facilities and secure lockers for use by staff/student cyclists shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the building hereby approved. The agreed showers and lockers shall be available prior to the first occupation of the building and retained thereafter.

Reason: To encourage cycling as an alternative mode of travel to the private car.

29. Refuse Management Plan (Pre-Occupation Condition)

Prior to the first occupation of the building hereby approved the applicant shall submit a 'Refuse and Servicing Management Plan' (RSMP) for approval by the LPA. The agreed RSMP shall include details of how the building, will be serviced. The approved RSMP shall be in place prior to the first use of the building hereby approved and implemented as agreed thereafter, unless otherwise agreed in writing by the LPA.

Reason: In the interests of highways safety, good planning and to ensure appropriate provision is made for refuse created by the development hereby approved.

30. Piling (Pre-Commencement Condition)

Before the development commences (excluding any demolition and initial site set up phase) details of any piling requirements for the building hereby approved (including a piling/foundation design and method statement as appropriate) shall be submitted to and agreed in writing by the Local Planning Authority. The construction phase shall be implemented in accordance with the agreed details.

Reason: In the interests of protecting nearby residents and users of the nearby public open space at Donkey Common.

31. Sightlines specification (Performance Condition)

Prior to the commencement of the development the sightlines approved under planning permission 15/02412/R3CFL (pre-commencement conditions) shall be provided on site.

Following the commencement of the development and whilst the school buildings are occupied the approved sightlines must be maintained in perpetuity.

Reason: To provide safe access to the development and to prevent congestion on the highway.

33. Car Parking and internal vehicular road. [Pre-Occupation Condition]

Prior to the occupation of the development the hereby approved car parking, road layout and new vehicular access from Hinkler Road shall be made available for use. Once provided the car parking, road layout and new vehicular access from Hinkler Road will be made available for use whilst the buildings are in use.

Reason: To provide safe access to the development and to prevent congestion on the highway.

35. Multi Use Games Area (MUGA). [Pre-Occupation Condition]

Prior to the occupation of the development the hereby approved the design, management, means of enclosure and lighting for the MUGA shall be submitted to and approved in writing by the Local Planning Authority. The occupation of the development shall not occur until the MUGA is constructed and managed in accordance with the agreed details and the MUGA will be used in accordance with the agreed details whilst the development hereby approved is occupied.

Reason: To provide on-site mitigation for the proposed loss of playing field associated with the development approved.

POLICY CONTEXT

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban design principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable energy
SDP16	Noise
SDP17	Lighting
SDP19	Public Safety Zone
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected Species
CLT3	Protection of Open Spaces
TI2	Vehicular access

City of Southampton Core Strategy - (January 2010)

CS11	An Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)
Government's Policy Statement – planning for schools development. (August 2011)



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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 12th April 2016
Planning Application Report of the Planning and Development Manager**

Application address: University of Southampton, Salisbury Road, Southampton			
Proposed developments: Landscaping and traffic calming measures to Salisbury Road, including alterations to vehicular access and utilities following proposed stopping up of Salisbury Road as public highway.			
Application number	15/02461/FUL	Applications type	FUL
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	Planning Performance Agreement	Ward	Portswood
Reason for Panel Referral:	More than 5 letters of objection have been received	Ward Councillors	Cllr M Claisse Cllr L Norris Cllr P O'Neill
Referred by:	N/A	Reason:	N/A

Applicant: University Of Southampton	Agent: Turnberry Planning Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed public realm enhancements have been considered by the Council's Planning and Rights of Way Panel (12th April 2016) where the merits of the proposals on the setting of the Common and the impact upon highway safety (for all users) have all been assessed as acceptable. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies – CS11, CS13, CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by policies SDP1,

SDP4, SDP5, SDP7, SDP8, SDP9, SDP12, SDP13, SDP15, SDP16, SDP17, SDP22, NE4, HE5 and L7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. The delivery of a scheme of hard and soft landscaping and highway works for the enhancement of Salisbury Road for all users, including pedestrians and cyclists, possibly through a s.278 depending upon the outcome of the 'Stopping Up' procedure, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013). These works to include all land up to the boundary with the Common; with the improvements between the red line application site and the Common either being undertaken by the applicant or by the Council following a financial contribution. To include a contribution (if required) to cover the cost of any necessary Traffic Regulation Orders;
 - ii. In the event that the 'Stopping Up' of Salisbury Road is successful it shall be retained as a permissive route with full access for pedestrians and cyclists retained as such. Any administrative costs incurred by the City Council as a consequence of the 'Stopping Up' procedures – particularly in the event that an Inquiry is required - shall be borne by the applicant.
2. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

Background

In March the Planning and Rights of Way Panel were asked to consider two recommendations for linked development at the University of Southampton's main Highfield campus.

The first application (LPA ref: 15/02460/FUL) was for a new learning and teaching building of 6,628sq.m with associated public realm and landscape improvements around the building, including works to the public highway of Salisbury Road that would require the approval of the Council's Highways Department (under s.278 agreements). The Panel

resolved to grant planning permission for this new teaching building subject to the completion of a S.106 legal agreement.

Unfortunately, the second application (LPA ref: 15/02461/FUL) was deferred at the meeting as interested third parties had not been correctly invited to attend the meeting. This application is now ready for a Panel determination and comprises the associated public realm and landscape improvements around the building, including works to the public highway of Salisbury Road. These works are currently shown the same as those under 15/02460/FUL however, if successful at the Planning stage, the applicant would then apply to 'Stop Up' the public highway thereby taking on the responsibility for Salisbury Road whilst retaining it as an important public link between the Campus and the Common. The University are keen to implement a different specification to the one the Council would impose upon them should the Council retain the ongoing maintenance. This is likely to be a higher specification.

Salisbury Road is presently a carriageway, maintainable at the public expense, so unless the development on the highway is carried out by or with the permission of the Council as highway authority, then doing so would be unlawful. To overcome this, the highway would have to be stopped up under Part X of the Town and Country Planning Act 1990. The process enables the stopping up of a highway, if it is considered necessary to enable the development. However, the fact that Salisbury Road is a carriageway is significant as it means the applicant must apply to the Secretary of State (the National Planning Casework team) to consider and determine the application. The process for 'Stopping Up' the highway is separate from Planning, and the Panel is not being asked to consider the merits of transferring Salisbury Road to the University through this process. There will be the opportunity for public comment on this when the University formally apply for the Stopping Up. The Panel are, however, being asked to determine the proposed physical public realm works shown on the submitted drawings.

The reason that there are two linked applications is that the University did not want the progress of the new teaching block – that could, subject to planning permission, be implemented and occupied without stopping up Salisbury Road – to be held up by the 'Stopping Up' process. This approach enables the University to erect and occupy their new teaching block and implement a public realm scheme either (i) to adoptable standards through the s.106/278 process outlined above or (ii) to a different specification following a successful 'Stopping Up' process. Either option will retain access for all users of Salisbury Road between the Campus and the Common.

1.0 The site and its context

- 1.1 This planning application relate to Salisbury Road between University Road and the Common at the University of Southampton's main Highfield campus. There are no immediate residential neighbours; the nearest are located on the northern side of Burgess Road some 120 metres away.
- 1.2 Salisbury Road itself is adopted highway land within the University of Southampton campus. This road currently connects University Road with the Southampton Common and then extends southwards and links into Chamberlain Road. It is primarily used for access, servicing and deliveries and is limited to 20mph, marked with double yellow lines on both sides and has a dedicated two-way cycle lane marked within its width.

The site is partly covered by the Southampton (University Road No.2) Tree Preservation Order (2002). In total there are some 62 trees on site (15 of which

1.3 are covered by the TPO).

2.0 Proposal

2.1 The proposed works to Salisbury Road include a narrowing of the carriageway, improving the priority given to pedestrians (particularly those crossing to the east of the existing Zepler building, additional soft landscaping (including tree planting) and a resurfacing to link the Road to the external spaces to the south of the Mountbatten building and those proposed to compliment to the proposed building. These public realm improvements require planning permission. If successful, the University will then apply to the Secretary of State to 'stop up' Salisbury Road as public highway. This process is separate from the planning application process and there will be an opportunity for public comment on this issue at that stage. The effect of stopping up Salisbury Road is that the road will no longer be maintained by the Council, the University will be able to implement a public realm scheme outside of that which the Council would normally be looking to adopt. The procedure retains access to and from Southampton Common from University Road by all users (including pedestrians and cyclists) as the road would be retained as a permissive route. The University have confirmed that it is not their intention to seek a closer of Salisbury Road to the public, and the above recommendation includes a S.106 requirement to retain access as proposed.

2.2 This application follows a similar proposal for the stopping up and enhancement of Salisbury Road in 2007 (LPA ref: 07/00513/FUL). Whilst a permission was granted, following a Panel determination, the University did not implement their permission and it has now lapsed.

2.3 The alterations to Salisbury Road - and the proposed footprint of the building approved at the March planning panel - involve the removal of 33 trees, including 4 covered by a TPO. Only 2 of these trees are 'B' Category; *'trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years'*. No category 'A' trees are to be lost. The two existing Lime Trees, a significant feature of the landscape, have been retained and are used as a focus for the building footprint. A 2:1 tree replacement programme is proposed across the wider campus and can be secured with the attached planning condition.

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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The application site is located within the defined University Campus and Policy L7 is, therefore, relevant. The main campus is also safeguarded under LDF Core Strategy Policy CS11, which states that *'the development of new inspirational, high quality education and related facilities which encourage community use of their facilities will be promoted...'*

3.3 At the national level the National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to

ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 06/01262/FUL – Approved by Planning Panel 10.10.2008
Redevelopment of the site to provide a new four-storey laboratory and office building with ancillary accommodation and link to adjoining Zepler Building to replace former research facility at Building 53 (Mountbatten Complex).
- 4.2 07/00513/FUL – Approved by Planning Panel 06.11.2007
Installation of hard and soft landscaping to create informal open space following the stopping up of Salisbury Road - Description amended following submission of amended plans.
- 4.3 15/02460/FUL – Resolution to Grant Planning Permission subject to s.106
Demolition of existing building and erection of a new part 4-storey and part 7-storey building to provide a new teaching and learning centre comprising lecture theatres, seminar rooms, teaching and learning spaces and a cafe with associated landscape, infrastructure and other works.

5.0 Consultation Responses and Notification Representations

- 5.1 The University undertook their own pre-application public engagement prior to the formal submission of their planning application. This involved two exhibitions, as the scheme evolved, that took place on 20/21 October and 8/9 December 2015.
- 5.2 Following the receipt of the planning applications a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (15/01/2016) and erecting a site notice for both applications (12/01/2016).
- 5.3 At the time of writing the report **9 representations** have been received from surrounding residents and local amenity/residents' groups including the Southampton Cycling Campaign. The following is a summary of the points raised:
- 5.4
- Stopping up Salisbury Road will reduce access to cyclists and pedestrians who use this important link to and from the Common. A permissive route is not sufficient as this will lead to the route being closed. The proposed narrowing will and tree planting affect the freeflow of cyclists along Salisbury Road.

Response:

The proposed stopping up of Salisbury Road requires further permissions following the grant of planning permission. A favourable decision to the proposed physical development would not prejudice any party wishing to object at the formal stopping up stage. There are, however, no objections from the Council's Highways Officer to the stopping up of Salisbury Road, and its retention as a permissive route through the s.106 (as recommended) will retain public access in perpetuity. The proposed physical changes follow detailed design discussions with SCC Highways officers and the principle of undertaking these improvement works were approved by the Planning Panel when they considered the application for the new teaching block and associated works under LPA ref: 15/02460/FUL.

- 5.5 **Highfield Residents Association (HRA)** – Objection raised to linked applications. The HRA recognises the benefits that the University brings to the City and locality and wishes to support its aim to become one of the world’s leading academic institutions. However the HRA objects to the current application in its present form for the following reasons:
- A. The proposal would inevitably substantially add to the University’s capacity to further increase student numbers and there should therefore be a corresponding guaranteed increase in student accommodation in accordance with SCC LP Policy H13;
 - B. There is no recognition of the historic and landscape importance of the nearby Common when such a development might be expected to provide some ‘planning gain’ environmental improvements, in particular to the western end of Salisbury Road and that entrance to The Common (in accordance with LP Policies SDP8 and HE5);
 - C. There is inadequate analysis of and measures to encourage sustainable transport potential within the campus and links to pedestrian and cycle routes outside the campus (contrary to the requirements of LP policy SDP 4).
- 5.6 **Southampton Common And Parks Protection Society (SCAPPS)** – Objection SCAPPS made representations at the public pre-application consultation. In consequence, the applicant includes an ‘illustrative view’ of the proposed development from the west end of Salisbury Road where pedestrians & cyclists can enter The Common to link through to Lovers Walk. With benefit of that information, SCAPPS does not raise concern about visual impact of the proposed building as viewed from The Common.
- 5.7 SCAPPS is however concerned, & objects, to the inadequacy of that part of the application relating to altering layout & appearance of Salisbury Road in that no provision is included to improve the entrance to The Common. SCAPPS recognises this might involve work outside the application site boundary; the applicant should, in preparing the application, have discussed & negotiated with the City Council on & off-site works to secure improvement in the appearance of this important link, used by the public as well as students & staff from the University, from the Highfield Campus to Lovers Walk & hence on in one direction to Avenue Campus & in the other direction to student accommodation in Glen Eyre Road.
- 5.8 The application perpetuates an unfortunately long-established attitude of the University that its boundary with The Common is an unimportant rear to buildings, unseen & unimportant. The University has made considerable effort successfully to transform its appearance for those arriving by car on University Road. No similar care is taken for those approaching the Highfield Campus on foot or cycling. Both University & City Council want to encourage an increasing proportion of journeys by means other than car. Lovers Walk is an important principle pedestrian & cycle access route to Highfield Campus.
- 5.9 SCAPPS would encourage the University to have greater concern for the appearance of its boundary with The Common, & the appearance & ‘fitness for purpose’ of its access points from Highfield Campus to the Lovers Walk path on The Common. One of these is within the application site boundary, at the end of Salisbury Road, & the application should include proposals for significant improvement in layout & appearance of the path through to Lovers Walk & for adjoining stretches of the boundary. The application site defined in the application plans is arbitrary; there is no reason why improvements along this boundary should not have been included in this application. Both sides of the Salisbury Road

entrance to The Common look unsightly, in poor condition & poorly maintained. The application should be accompanied by landscaping proposals agreed with Parks Team to improve the appearance along this boundary, including if necessary works on City Council owned land.

5.10 SCAPPS notes the intention to seek de-adoption of Salisbury Road. SCAPPS will require a binding undertaking that there will be continuing public highway rights & that, as stated in the Planning Design & Access Statement, 'public access from The Common would be unaffected'.

5.11 Response

Since this objection was raised the University have agreed to extend the physical works affecting Salisbury Road up to the boundary with The Common. The above s.106 recommendation will secure these additional works.

5.12 **Consultation Responses (to both 15/02460/FUL and 15/02461/FUL)**

5.13 **SCC Highways – No objection**

Southampton University have submitted two planning applications, one for the construction of a new teaching and learning centre on the site known as Gower South, and the second application is complimentary to the first involving works to Salisbury Road should the application for its stopping up as public highway be successful.

5.14 My highway comments as follows refer to both applications, but do not tie the outcome of one application to the successful outcome of the other.

5.15 The site of the proposed new teaching and learning facility is currently a car park, identified as the Upper Nuffield West car park, and also is occupied by building 58a, a post graduate learning facility containing 2 seminar areas. The car park to be lost accommodates the existing visitor allocation for this campus, and has 36 spaces. Visitor car parking will be replaced in an adjacent car park, and spaces lost to these changes will be almost completely replaced around the neighbouring campus by reconfiguring the layout of existing car parks, increasing their capacity.

5.16 There is no intention to increase parking numbers as the development proposed is to improve the learning facilities provided by the University, rather than to accommodate for an increase in student numbers or staff numbers. There is a possibility that by providing an enhanced facility, this could become more attractive to students in the future, swaying their choice to come to this University, but that is something the University will have to address through their own robust Travel Plan, and is not something to give serious consideration to at this stage. The Travel Plan restricts the University to a set number of parking spaces, and therefore this is an internal management issue.

5.17 The new building will accommodate up to a maximum of 1,500 students, and will provide lecture theatres, seminar rooms, computer rooms, break out learning space and a café. The setting of this building is important, and it is positioned on a principle pedestrian desire line linking from Burgess Road through the campus to main hubs such as the Nuffield Theatre, the bus hub, sports and fitness complex, and all main learning facilities.

5.18 The new building sits on the crossroads of the principle pedestrian desire line, the exit for the campus bus hub, and Salisbury Road, a wide straight section of public

highway which provides access to car parking and servicing areas for the campus, and carries an important strategic cycleway route from the Common to the west, to the main campus and Swaythling to the east, and provides the exit route for buses from the adjacent hub. It is the aspiration of the University, through the second planning application, to enhance the public realm area around this new building and the neighbouring buildings to the west, whilst creating a more attractive, but primarily safer environment for all the different modes to interact in a safe and naturally controlled environment, created by the high quality design of this space. To achieve this end, it would be necessary to stop up the public highway rights over the section of Salisbury Road from immediately west of the junction of the bus exit route, to the point that the road finishes adjacent to the Common. This is because the combination of materials to be used are not likely to conform to adoptable standards, and therefore will create a maintenance issue if the area remained as publicly maintained highway. Via the Section 106 process, there will be a legal obligation for the provision of unfettered access for all, to ensure that the cycle and pedestrian linkages are not lost, as this would be detrimental to the ambitions of sustainable travel and loss of convenient routes. Motorised traffic using this section of road is University generated.

5.19 I raise no objection to either application, subject to the following:

- The design detail of the public realm area shall be agreed prior to commencement of that particular planning consent. City Design, the Architects Panel, and myself are still unconvinced about the introduction of clear delineation of an effective kerbline as shown on the submitted plans, and are of the opinion that the vehicle route should be created more subtly with street trees and furniture to ensure a more inclusive design which naturally creates better traffic calming.
- In the absence of the failure of the stopping up of the highway application, prior to occupation of the new Gower South Teaching and Learning facility a scheme of works on Salisbury Road, to be undertaken through a Section 278 Agreement, shall be agreed and the works completed within 6 months of the occupation of the building.
- That via the legal agreement for the stopping up proposal there shall be unhindered public access through the site throughout the year, allowing free flow of cyclists and pedestrians particularly, but also to allow motorists of all vehicles who have inadvertently taken the wrong route to get to a suitable on site turning point where they can then exit the site in a forward gear.
- Long stay cycle parking facilities shall be agreed prior to commencement of the Gower South building.
- Short stay cycle parking facilities shall be agreed and installed prior to occupation of the building. This is likely to be decided as part of the public realm scheme, and detail may be subject to the outcome of the stopping up process.
- Refuse storage detail to be agreed and a Refuse Management Plan provided to understand how waste from the café and main facility will be managed.
- A servicing management plan will be required to understand how the cafe and main building will be serviced.

- The public realm works, whether done as a Section 278 Agreement, or via the public realm scheme following the stopping up of this section of Salisbury Road shall form the site specific element of this scheme. Confirmation is required if a TRO is required for any reason on the remaining section of Salisbury Road.

5.20 Response:

The requirements of SCC Highways have been met either through the s.106 requirements or the planning conditions attached to this report. The issue raised about whether or not Salisbury Road should be finished with a raised or flush kerbline (similar to that used at Guildhall Square) can be resolved following a safety audit and the clearance of the relevant planning condition/s.106 requirements.

5.21 **SCC City Design Group Leader** – No objection

I'm generally happy with the proposals, the only observations I have are

- From my point of view it would be far better if we didn't have the flush kerb delineation for the Salisbury Road section and what I presume is a loading bay, so that the space is read as a genuinely shared surface as once a kerb is used, even a flush kerb, this defines the vehicle and pedestrian territories. It may also be worth considering an additional 'pinch point' to the west end of Salisbury Road, not just at the east end
- It would've been a nice touch to have continued the paving design on (at least along the northern footpath) to meet the pedestrian entrance from Lover's Walk
- It's a shame that the space between buildings 2 and 4 is not to be landscaped other than a statement that it is to be "refreshed". When the new building is in place this will become an important link/desire line from the botanical gardens. It would also be worth considering (levels permitting) a connecting stretch of footpath within the botanical gardens to avoid the predictable worn grass as a new desire line from the students union and other faculty buildings to the south west will be formed by the new building.

5.22 **SCC Tree Team** – No objection

The tree survey gives a clear indication of the implication on the tree population which in summary is the loss of 4 trees under TPO on arboricultural grounds and the loss of 33 trees (some of which are in groups), three shrubs and a section of hedge to the proposal. The policy on tree replacements for the city is clear:

- Any TPO tree lost is to be replaced on a one-for-one basis
- Any tree lost to development is to be replaced on a two-for-one basis.

This means replacement planting in the region of 4 trees for the TPO requirement and 66 trees for the development.

5.23 The landscaping plan (reference LD-PLN 001) supplied, which is illustrative, shows far fewer trees than we would require to mitigate. The legend on the landscape plan indicates trees in hard landscaping to be 35-40cm girth. This is very large stock. I suggest this is reconsidered: current thinking indicates large tree transplants are harder to establish, especially in hard landscaping, than smaller stock. There are potential stability issues. Planning conditions are recommended. I would guide the tree selection towards a wide range of species with a view to future sustainability with a good percentage to be native or of high ecological benefit and to include evergreen or semi-evergreen species. If sufficient room is not available at the proposal location, alternative local sites under University ownership can be considered. In principle I have no objection to the proposal if suitable numbers and species are agreed.

5.24 **SCC Heritage** – No objection

The site will need to be archaeologically evaluated (the recent watching brief on the engineering bore holes and test pits do not constitute evaluation). Planning conditions are recommended.

5.25 **SCC Ecology** – No objection

The application site consists of a building, hard-standing, amenity grassland, trees and shrubs. An ecology report accompanying the application confirms that these habitats are of negligible-to-low ecological. In addition, apart from nesting birds, there is no habitat suitable for protected species. The nearest statutorily designated site, the Southampton Common Site of Special Scientific Interest (SSSI), is located approximately 525m from the western end of Salisbury Road and is too distant to be affected by the proposed development.

5.26 The nearest non-statutory site, the Southampton Common Site of Importance for Nature Conservation (SINC) is located adjacent to the development site. This SINC is designated for ancient semi-natural woodland, improved grasslands and its value to the local community. It is also known to support a range of protected species.

5.27 The ecology report recommends the inclusion of native and/or ornamental species with recognised biodiversity value within the landscaping scheme, which I support. In particular, I would like to see any replacement amenity grassland include native wildflower species that are tolerant of mowing. To secure the suggested enhancements I would like a biodiversity mitigation and enhancement plan to be secured by a planning condition. The proposed development is unlikely to have any adverse impacts on local biodiversity and I therefore have no objection. Planning conditions recommended.

6.0 Planning Consideration Key Issues

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

- i. Design & Impact upon the Southampton Common
- ii. Highways
- iii. S.106 Mitigation Measures

6.2 Design & Impact upon the Southampton Common

6.3 LDF Core Strategy Policy CS13 seeks to secure high-quality, architecturally-led development, and with the recent developments across the University campus it is considered that the applicants have the same aspiration.

6.4 The proposed landscape design, both around the approved building and along Salisbury Road, is of a high quality and will link the development to the Mountbatten building's frontage thereby enhancing the setting of this part of the University Campus. Whilst the loss of 4 trees under TPO, on arboricultural grounds, and the loss of 33 trees (some of which are in groups) is regrettable this loss can be mitigated by the 2:1 replacement to be secured with the attached planning condition. The trees affected have been surveyed and are predominantly of limited value meaning that their loss to development is appropriate, in this instance, as part of the wider landscape scheme. The Tree Officer agrees. The extent of the works have been extended through the proposed s.106 up to road's boundary with The Common. The application is considered to accord with the requirements of adopted Local Plan policies SDP1, SDP7, SDP9 and SDP12. The issue raised by HRA and

SCAPPS about the physical changes to Salisbury Road are considered under the Highways section of this report (below).

6.5 Highways

6.6 SCAPPS and the HRA have commented that the University should look beyond their boundary and improve access to the Campus from further afield. This may be a future aspiration of the University but is not a strict policy requirement for development contained with policies L7 or CS11.

6.7 The improvements to Salisbury Road are considered to offset its downgrading as an adopted right of way. More importantly, perhaps, the work proposed to Salisbury Road are designed specifically to improve highway safety and offer pedestrians and cyclists greater priority, particularly at the point adjacent to the Zepler building where footfall crossing into and out of the main campus is highest. SCAPPS and the HRA are critical of the proposed physical works to Salisbury Road suggesting that the scheme does not go far enough. The point is well made but this, in itself, does not make the current proposals harmful. Improvements to Lover's Walk, including to its junction with Salisbury Road, are proposed under a separate application by the Council (LPA ref: 15/02327/R3CFL – subject to objection) and any works affecting the Common require additional consents to planning permission, which could delay the delivery of the University's project. They have proposed a scheme of works within their control (dependent upon the outcome of the stopping up process to which the Council's Highways Team raise no objection in principle), and that can be delivered. The Council now has a duty to determine whether or not those works are acceptable.

6.8 In short, the proposed enhancements to Salisbury Road will benefit the setting of both the approved and existing buildings, they will enhance the appearance of the road and improve highway safety. There are no highway safety objections to the scheme, with or without the formal 'stopping up' proposed, and the application is considered to address the development plan policies pursuant to highway safety, accessibility and sustainable travel. A similar scheme of public realm enhancements were approved by the Council in 2007 (LPA ref: 07/00513/FUL) and circumstances, in respect of this part of the project, remain largely the same.

6.9 S.106 Mitigation Measures

6.10 The recommendation for planning approval is dependent upon the applicants entering into a s.106 legal agreement to secure appropriate mitigation to make the scheme acceptable. The proposed public realm improvements include provisions for improved pedestrian and cyclist safety and the legal agreement will secure the final details of this proposal, following the outcome of the stopping up process, whilst retaining public access along Salisbury Road as a permissive route.

7.0 Summary

7.1 In March the Planning and Rights of Way Panel gave their approval for a new teaching block with associated landscaping, subject to the completion of a s.106 legal agreement which is still being drafted. Unfortunately this application for a detailed landscaping scheme to support the building project couldn't be considered at the same time and was deferred. This application gives further details of the proposed physical works around the approved building and includes enhancement works to Salisbury Road.

- 7.2 If approved the University intend to seek further approval(s) from the National Planning Casework Unit (on behalf of the Secretary of State) to de-adopt Salisbury Road and retain it as a permissive route for public use. This would allow them to implement a scheme of works to a higher specification that the Council may not wish to adopt and maintain.
- 7.3 The applications were split to enable the building works to be undertaken without incurring any potential delays caused through the de-adoption procedures. The Panel are not being asked to consider the merits of de-adopting Salisbury Road, but are being asked to consider the proposed landscape changes and resurfacing of Salisbury Road.
- 7.4 Officers do not consider that the landscaped setting to the site will be compromised by these proposals and, despite the loss of trees proposed across the wider 'red line' application boundary, will deliver improved public realm along Salisbury Road – either through a s.278 agreement to undertake an agreed scheme upon public highway, or following the stopping up of Salisbury Road to enable the University to undertake the works to a higher specification. Access to and from the Southampton Common at this location would remain. These works will improve highway safety for all users and have the support of the Council's Highways and Design teams. The scheme is considered to meet the requirements of the Development Plan and are supported by officers.

8.0 Conclusion

- 8.1 The planning application for public realm improvements is acceptable subject to the completion of a S.106 legal agreement and the planning conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d, 2b, d, 3a, 4f, k, dd, vv, 6a-b & 7a

SH for 12.04.16 PROW Panel

PLANNING CONDITIONS to include:

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

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

Reason:

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

2.APPROVAL CONDITION - 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.

3.APPROVAL CONDITION – Landscaping, lighting & means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of the relevant landscaping works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost with any trees to be lost to be replaced on a favourable basis (a two-for one basis applied across the Campus) and clearly shown;
- iv. details of any proposed boundary treatment, including retaining walls and;
- iv. a landscape management scheme.
- v. A Biodiversity Enhancement and Mitigation Plan

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

Reason:

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

4.APPROVAL CONDITION – Arboricultural Impact Assessment

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment – December 2015.

Reason:

In the interests of protecting the trees on site and securing an acceptable development.

5.APPROVAL CONDITION – No storage under tree canopy

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality

6.APPROVAL CONDITION - Construction Method Statement (CMS)

Prior to the commencement of development hereby approved (including any demolition or construction phase) further details (to those included to date in the Outline CMS – December 2015) 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, including Salisbury Road itself, 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 in accordance with S.60 of the Control of Pollution Act 1974; and (h) an agreed route for construction vehicles and deliveries to take. 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.

7.APPROVAL CONDITION - Hours of Construction

In connection with the implementation of this permission any demolition 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.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

8.APPROVAL CONDITION - Sustainable Urban Drainage System

Notwithstanding the submitted details the development of the building hereby approved shall not begin (excluding any demolition and initial site set up phase) until foul and surface drainage details, including the detailed specification for the sustainable urban drainage system (SUDS), have been submitted to and approved in writing by the Local Planning Authority. The agreed drainage shall be installed and rendered fully operational prior to the first occupation of the building hereby approved. It shall thereafter be retained and maintained for the lifetime of the development.

Reason:

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local (2015) and Policy CS20 of the adopted LDF Core Strategy (2015) and to ensure protection of controlled waters.

9.APPROVAL CONDITION - Use of uncontaminated soils and fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

10.APPROVAL CONDITION - Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any

remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

11.APPROVAL CONDITION - Archaeological evaluation 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

12.APPROVAL CONDITION - Archaeological evaluation 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.

13.APPROVAL CONDITION - Archaeological investigation (further works)

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason:

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

14.APPROVAL CONDITION - Archaeological work programme (further works)

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.

15.APPROVAL CONDITION - Bonfires

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

POLICY CONTEXT

LDF Core Strategy - (as amended 2015)

CS11	An Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS25	The Delivery of Infrastructure and Developer Contributions

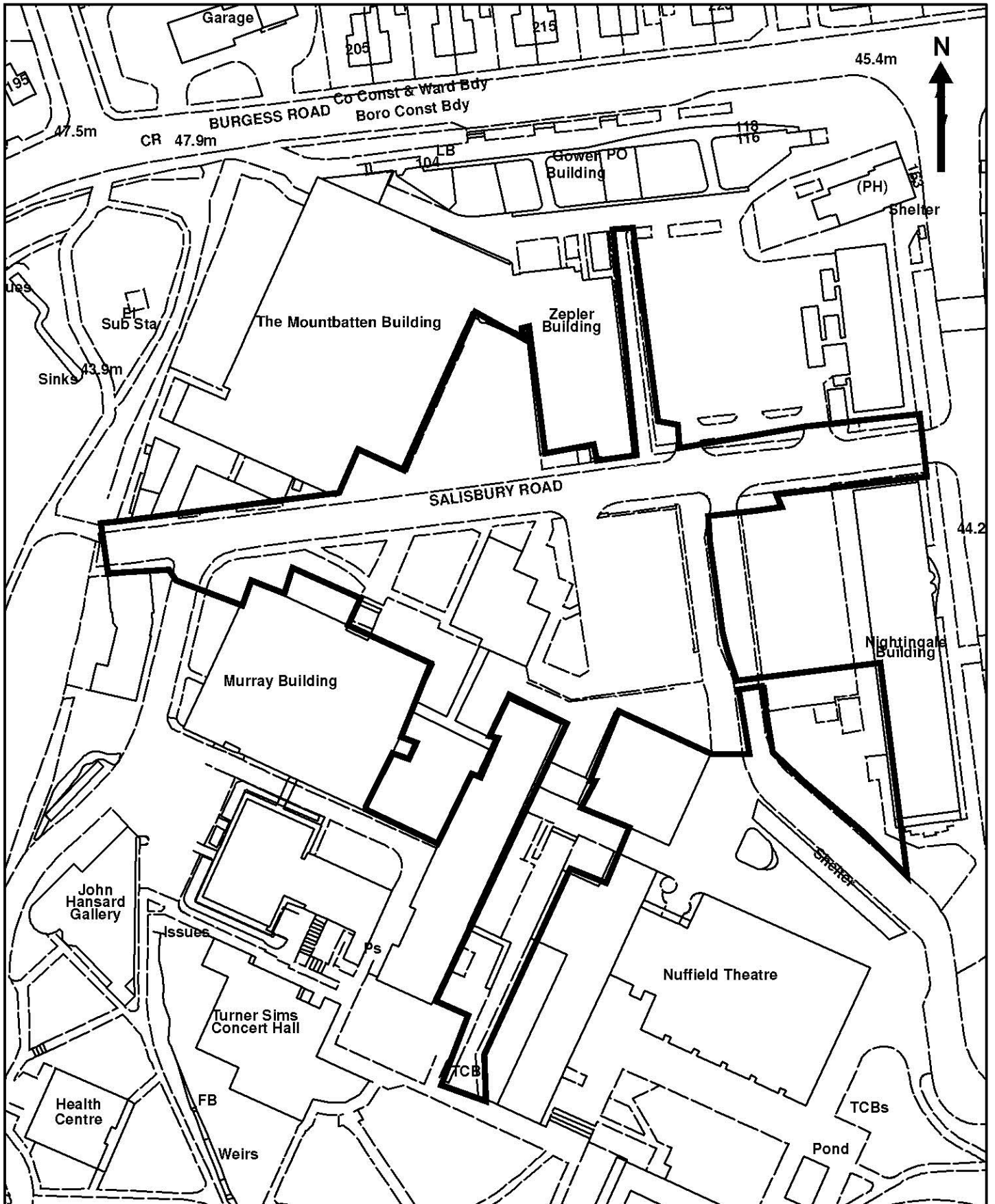
City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form & Public Space
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
L7	The University of Southampton
HE5	Parks and Gardens of Special Historic Interest

Other

National Planning Policy Framework (NPPF – 2012)

15/02461/FUL



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