

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 18 February 2014
Planning Application Report of the Planning and Development Manager

Application address: Car Park, Back of the Walls			
Proposed development: Redevelopment of the site, erection of a part 6-storey and part 9-storey building (including lower ground floor level) to provide a Student Hall of Residence (350 Rooms) with associated facilities, a cafe (Class A3) with associated parking and vehicular access from Canal Walk.			
Application number	13/01650/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	30.1.2014	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Bow Developments Ltd	Agent: Maven Plan Limited (Miss Beverley Tourle)
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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 Local Authority is also satisfied that the character and appearance of the adjoining Old Town Conservation Area would be preserved. 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, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, CLT5, HE1, H1, H2, H7, H13 and MSA1 of the City of Southampton Local Plan Review (March 2006).

Policies - CS1, CS4, CS6, CS13, CS14, CS15, CS16, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

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 towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) 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 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).

v. A Site Waste Management Plan.

vi. Submission and implementation within a specified timescale of a Travel Plan.

vii. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits for the Council's Controlled Parking Zones. The operator of the site to write to future occupiers at the beginning of their tenancy advising them not to bring a car to the site.

viii. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy Policies CS13 and CS25.

ix. The submission, approval and implementation of public art that is consistent with the Council's Public Art Strategy.

x. 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).

xi. A financial contribution towards improvements to the Town Walls.

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.

1. The site and its context

- 1.1 The application site, some 0.26 hectares in area, situated between Back of the Walls and Canal Walk is currently used as a public car park. There is a fall across the site of approximately 2 metres from west to east with Canal Walk being lower than Back of the Walls. The surroundings comprise a mix of commercial and residential uses and a variety of building heights and styles. To the north of the application site is Saxon Gate a three/four-storey office building; to the east are a series of 4-storey flat blocks above a retail podium, and a petrol filling station; to the south are 3-storey office buildings and St. Cross House which extends up to 8-storeys; to the west is the rear car park of the Dolphin Hotel and the Eastgate Street multi-storey car park.
- 1.2 The application site is not itself within a conservation area, although adjoining sites are within the Old Town Conservation Area. The Dolphin Hotel is a Grade II* listed building.

2. Proposal

- 2.1 The current application proposes a 350 room student hall of residence within a building ranging in height from 6-storeys to 9-storeys. The proposed building is essentially in two separate parts: a northern part which would be 6-storeys in height fronting Back of the Walls adjoining Saxon Gate; and a southern part of up to 8-storeys above lower ground floor accommodation. The student accommodation would be arranged as individual study bedrooms with shared facilities. At the southern end of the site fronting Back of the Walls, a cafe would be provided with associated outdoor seating area and public space which will incorporate a water feature.
- 2.2 Vehicular access would be provided from Canal Walk to 4 car parking spaces. A pedestrian route will be provided between the buildings linking Canal Walk to Back of the Walls with pedestrian entrances to the student accommodation leading off this route.
- 2.3 The proposed external materials would be a mixture of yellow/buff brickwork and an artificial rainscreen cladding probably in light grey.
- 2.4 The application has been amended since it was first submitted. The changes are of a detailed design nature and include recessing the upper part of the building particularly where it adjoins Saxon Gate.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 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 Old Town Development Strategy was approved for development control purposes in April 2004 following public consultation. The Strategy defines the application site as a key development site (OT6) in the Old Town with suggested uses being residential, offices or live/work units. The following detailed design guidance for the site is recommended:

- new development should be no higher than 4-storeys but could be of greater massing in this eastern site of the Old Town;
- that the eastern Town Walls should be re-defined in some three-dimensional form for example through the use of arches at ground floor level with the building cantilevered out above;
- there is a potential to connect through from this block to the Hotel on High Street or the multi-storey car park;
- active frontages are especially important along Back of the Walls with servicing from Canal Walk;
- the site of the tower to the south western corner of the site should be noted in redevelopment.

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4. Relevant Planning History

4.1 Of most relevance to the current application is a planning permission granted in May 2008, for redevelopment of the site, with the erection of 5 and 6-storey buildings to provide 178 student housing flats with associated parking and 36 separate public car parking spaces with vehicular access from Canal Walk (reference 07/00775/FUL). This permission was extended in August 2011 (reference 11/00339/TIME) and is therefore valid until August of this year.

4.2 The remaining planning history is given in Appendix 2.

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 (15.11.2013) and erecting a site notice (12.11.2013). At the time of writing the report **3** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 **There are plenty of other student accommodation blocks in the city centre without imposing the inevitable anti-social behaviour associated with such uses on this area.**

Response

There are many other student accommodation blocks in the city centre and these have grown in recent years reflecting the expansion of the two universities. However, there are no planning policies restricting the location of student blocks and there is an extant permission for student accommodation on this site.

- 5.3 **The loss of parking spaces is unacceptable, the existing car park frequently contains transit vans which are too large for the multi-storey car park. The existing car park is frequently full and there is inadequate capacity elsewhere to accommodate the overspill.**

Response

Whilst the previous approval incorporated replacement public car parking, this was at the choice of the then developer rather than being a planning requirement. The Eastgate Street car park is very close by and is frequently not occupied to capacity.

- 5.4 **Neighbours quality of life will be adversely affected by this development due to car parking problems and lack of spaces for visitors.**

Response

The development is mainly 'car free' with limited parking provision for staff members and residents with disabilities. The surrounding streets are all subject of controlled parking restrictions. An obligation in the Section 106 agreement would preclude future student occupiers from receiving car parking permits.

- 5.5 **This development is far too big for the area which lacks infrastructure and will result in noise problems and a loss of light.**

Response

This is an issue often raised in response to large scale student schemes and is an understandable concern. However, this site is within the central part of the city where a certain amount of noise and activity is to be expected. The applicants have submitted a daylight assessment which demonstrates the development will not result in a significant adverse impact on adjoining occupiers.

Consultation Responses

- 5.6 **SCC Highways** - The principle of the loss of the car park has been established, and it is recognised that there is capacity within existing city centre car parks to accommodate displaced parking. Through the Section 106 agreement an enhanced public realm can be created to make the local environment more attractive to pedestrians and cyclists, making the area safer for students when moving within the area after dark. The number of car parking spaces are low, but

acceptable for this development. Details of how they are to be managed are required, especially at the start and finish of term time and parent drop off, a management plan is required to cover this.

- 5.7 **SCC Housing** – As this application is for student accommodation, there will be no affordable housing requirement for this scheme. A restriction should be put in place, via the Section 106 agreement, to restrict the occupation of the units to students only on all initial and subsequent lettings.
- 5.8 **SCC Sustainability Team** – A BREEAM assessment has now been received which shows that Excellent can be met which can be controlled through conditions.
- 5.9 **SCC Heritage** – This site is noted as a key development site in the Old Town Development Strategy. This document calls for buildings to be no higher than four stories, however it is accepted that taller buildings have been accepted on this site in the past. The proposals will have a significant impact on the historic environment, both above-and-below ground. The proposals fail to take the opportunity to provide a continuous street frontage. There is a somewhat strained attempt to relate the design of the front façade to various historic buildings (including parts of the west town wall), but, as is noted in the accompanying Heritage Statement, the proposals fail to adequately address the line of the east town walls, and this appears to be a missed opportunity.
- 5.10 The application is supported by an archaeological desk-based assessment, which captures the archaeological issues well. The proposed lower ground floor will have a significant impact on the remains of the berm; the Redoubt; and town ditch and the remains of the canal. I would anticipate that the footprint of the building would require full archaeological excavation down to at least formation level for the lower ground floor, and full sections across the ditch and canal in locations to be agreed. The Redoubt, if present, will need to be fully excavated. If the remains of the town wall are encountered they will need to be consolidated and preserved. To give some comfort to the developer it would be sensible to carry out targeted archaeological evaluations, which should be combined with any soil testing that may be commissioned. The results of the evaluation will determine the nature of any further works that may be required. The location and archaeological sensitivity of the site is such that I will need to see the location and dimensions of all ground works (including piles, pile caps, foundation and service trenches) before identifying the full extent of the archaeological response. If the application is approved suitable conditions should be imposed.
- 5.11 **SCC Environmental Health (Pollution & Safety)** - No objection to this application subject to conditions
- 5.12 **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: Metal Store (on site); Electricity Works (on site); and Filling Station (adjoining to east). 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, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and Policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that

the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. There are no objections subject to suitable conditions being imposed.

- 5.13 **SCC Ecology** – The site is of negligible biodiversity interest and there are no objections to the proposed development. There is a small amount of shrub vegetation which should be removed outside the bird nesting season. The ecology report recommends the addition of bird boxes for house sparrows which I support. I would also like to see boxes for swifts included in the scheme.
- 5.14 **SCC Economic Development Team** – An Employment and Skills Plan (ESP) will be required for the planning application reference 13/01650/FUL, to cover the construction phase and end use occupation of the development.
- 5.15 **Environment Agency** – No objections
- 5.16 **Southern Water** – No objections. Records indicate that a public water main crosses the site, it may be possible to divert the main and this should be covered by a condition. Initial investigations indicate that Southern Water can provide foul sewage disposal to service the development. However, there is currently inadequate capacity in the local network to provide surface water disposal to service the development. Further information will be needed to ensure there is not additional flows into the network. These issues can be covered by conditions and informatives.

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 issues including the height of the building
 - Neighbour amenity issues
 - Transport and parking

6.2 Principle of Development

The application site has been used as a ‘temporary’ public car park for many years and there have been development proposals over the last 30 years which have not been followed through. The site is currently unattractive and contributes to the neglected and underused feel of the immediately surrounding area. A redevelopment of the site is to be welcomed in principle. Introducing additional residential accommodation to this area would have regeneration benefits, would increase pedestrian activity in the area and could have a positive impact on the redevelopment/re-use of adjoining sites. It is well known that the expansion of the City’s universities has put pressure on existing areas of conventional housing. Due to increased demand for student accommodation, private sector provision of student housing has expanded in other parts of the city including similar locations to this site. Furthermore, the previous permission for this site, which remains extant, sets a clear precedent for this development. There are good public transport links to the educational establishments. As this is a highly accessible city centre location, the amount and type of accommodation proposed is considered to be acceptable.

6.3 Design issues

This is a difficult site to develop satisfactorily. It has a difference in levels and has roads on three sides. It is not practical to provide an active frontage throughout and Canal Walk will remain as essentially a service access road with this development. However, the scheme does propose an active use in the form of a café on the ground floor of the southern building which would open on to a new landscaped open space. This cafe area would also offer potential safety and security benefits with increased surveillance of the new pedestrian route and the entrance points to the new buildings. The new area of open space would also help to break up the mass of the buildings into clearly separate blocks and provide a welcome relief in an otherwise 'hard' environment.

6.4 The height of the buildings is greater than recommended by the Old Town Development Strategy (OTDS). The guidance for this site recommends a 3 and 4-storey development in a similar form to the building at Saxon Gate. This is quite a large site, some 85 metres in length, and a continuous 3 or 4-storey development could result in a building with horizontal proportions which may not be appropriate for the area. Although taller buildings are proposed, the development is divided into two clearly separate buildings in an L-shaped plan. The significant set back of the southern building from the Back of the Walls frontage would mitigate the increased height proposed. Furthermore, the previous approvals for the site are for buildings in excess of the OTDS. The increase in the height of the building between that now proposed (up to 9-storeys including lower ground level) and 6-storeys as previously approved is not as marked as might appear to be the case due to a significant difference in floor to ceiling heights: the building now proposed has significantly less headroom than the previous approval. The overall increase in height is only approximately 1.5 metres more than previously approved. The site has been the subject of various designs over the years, none of which have responded totally satisfactorily to the line of the former Town Walls. In this case, the suggestion is that the lowest element of the building, where it abuts the pavement in Back of the Walls, would project forward of the upper part and be differentiated through brick texture and colour as a reference to the former Town Wall. Planning officers now consider the development to be an acceptable response to the constraints of the site and the character and appearance of the adjoining Old Town Conservation Area would be preserved.

6.5 Neighbour amenities

This is a large scale development on a long vacant site. Consequently, near neighbours will experience a marked difference in their outlook and environment compared to the existing situation. However, as pointed out above, there is a previous permission for a similar form of development and introducing new residential development into this area will provide additional activity, improve safety and security and potentially have a 'knock on effect' in terms of promoting interest in developing adjoining sites. The direct impact on the amenities of neighbours in terms of loss of light and privacy would not be significantly worse than with the previously approved development.

6.6 Transport and Parking

This is a highly accessible city centre location where the emphasis is on transport by means other than the private car. Student housing is unlikely to generate a requirement for car parking to the same degree as a conventional residential scheme. Restriction of the use to student accommodation in perpetuity can be a Section 106 obligation. It is not a Council requirement for existing public car parking to be re-provided. The development would secure improvements to pedestrian routes and the public realm through the Section 106 agreement which are welcomed.

7. Summary

7.1 This is a high density development of an underused and unattractive site in the City Centre. In terms of housing mix, this is a specialist form of residential accommodation which will be controlled through a Section 106 obligation. The family dwelling criteria do not therefore apply. The introduction of a new residential development offers significant potential benefits to the surrounding area. The design, height and layout is now considered to be acceptable. The outstanding issues and concerns can be covered by Section 106 obligations and conditions. The objectors comments are noted but these issues were all addressed previously.

8. Conclusion

It is recommended that 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), 3(a), 4(a), 4(f), 4(g), 4(r), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

RP2 for 18/02/2014 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);
- 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 - BREEAM Standards (commercial development) [Pre-Commencement Condition]

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

REASON:

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

05. APPROVAL CONDITION - BREEAM Standards (commercial development) [performance condition]

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

REASON:

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

06. APPROVAL CONDITION- 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.

07. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement 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.

08. 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.

09. APPROVAL CONDITION - Archaeological evaluation 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.

10. APPROVAL CONDITION - 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.

11. APPROVAL CONDITION - 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.

12. APPROVAL CONDITION - Archaeological work programme (further works) [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.

13. APPROVAL CONDITION - 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. APPROVAL CONDITION - Bird Hazard Management Plan (Pre-Commencement Condition)

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

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport - BAA comments dated 9th May 2012 refer.

For information:

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

19. APPROVAL CONDITION - Refuse facilities (Pre-Commencement Condition)

Notwithstanding what is shown on the approved drawings, details of refuse storage facilities, including recycling facilities shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The approved refuse facilities shall be provided before the use to which the facility relates commences and retained thereafter.

REASON

To ensure suitable refuse and recycling facilities are provided and in the interests of visual amenity.

20. APPROVAL CONDITION - Layout of Car Parking/Serviceing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and serviceing 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.

21. APPROVAL CONDITION - Details of visitor cycle parking (Pre-Occupation Condition)

The development hereby approved shall not be first occupied until visitor cycle facilities have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON

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

22. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

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

23. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]

No development 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.

Reason:

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

24. APPROVAL CONDITION - Hours of operation (Performance Condition)

The Cafe shall not operate or be open for business other than between the hours of 0800 to midnight.

REASON

To protect the amenities of neighbouring occupiers.

25. APPROVAL CONDITION - Crime Prevention Measures (Pre-Commencement Condition)

No development shall take place until details of crime prevention design measures have been submitted to and approved in writing by the Local Planning Authority. These details shall include: external lighting; door and glazing standards; building structural components; barrier proposals and gate controls, cycle store and parking security controls. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of safety and security and the requirements of Policy SDP 1 of the City of Southampton Local Plan (March 2006).

26. APPROVAL CONDITION - Access - Stopped Up

Any existing access to the site shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access.

REASON

In the interests of highway safety.

27. 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 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.

28. APPROVAL CONDITION - Drainage details (Pre-Commencement Condition)

The development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with Southern Water.

REASON

To ensure the provision of adequate drainage arrangements and to minimise flood risk.

29. 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.

Notes to Applicant

1. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. A formal application for connection to the water supply is required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel: 0330 3030119) or www.southernwater.co.uk.

2. You are reminded that legal protection is afforded to nesting birds and you are advised to avoid vegetation clearance in the nesting season unless it can be demonstrated that no nesting activity is occurring.

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS4	Housing Delivery
CS6	Housing Density
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

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
SDP13	Resource Conservation
SDP22	Contaminated Land
HE1	New Development in Conservation Areas
HE2	Demolition in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT14	City Centre Night Time Zones and Hubs
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H4	Houses in Multiple Occupation
H7	The Residential Environment
H13	New Student Accommodation
MSA1	City Centre Design

Supplementary Planning Guidance

Old Town Development Strategy (2004)
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)

Relevant Planning History

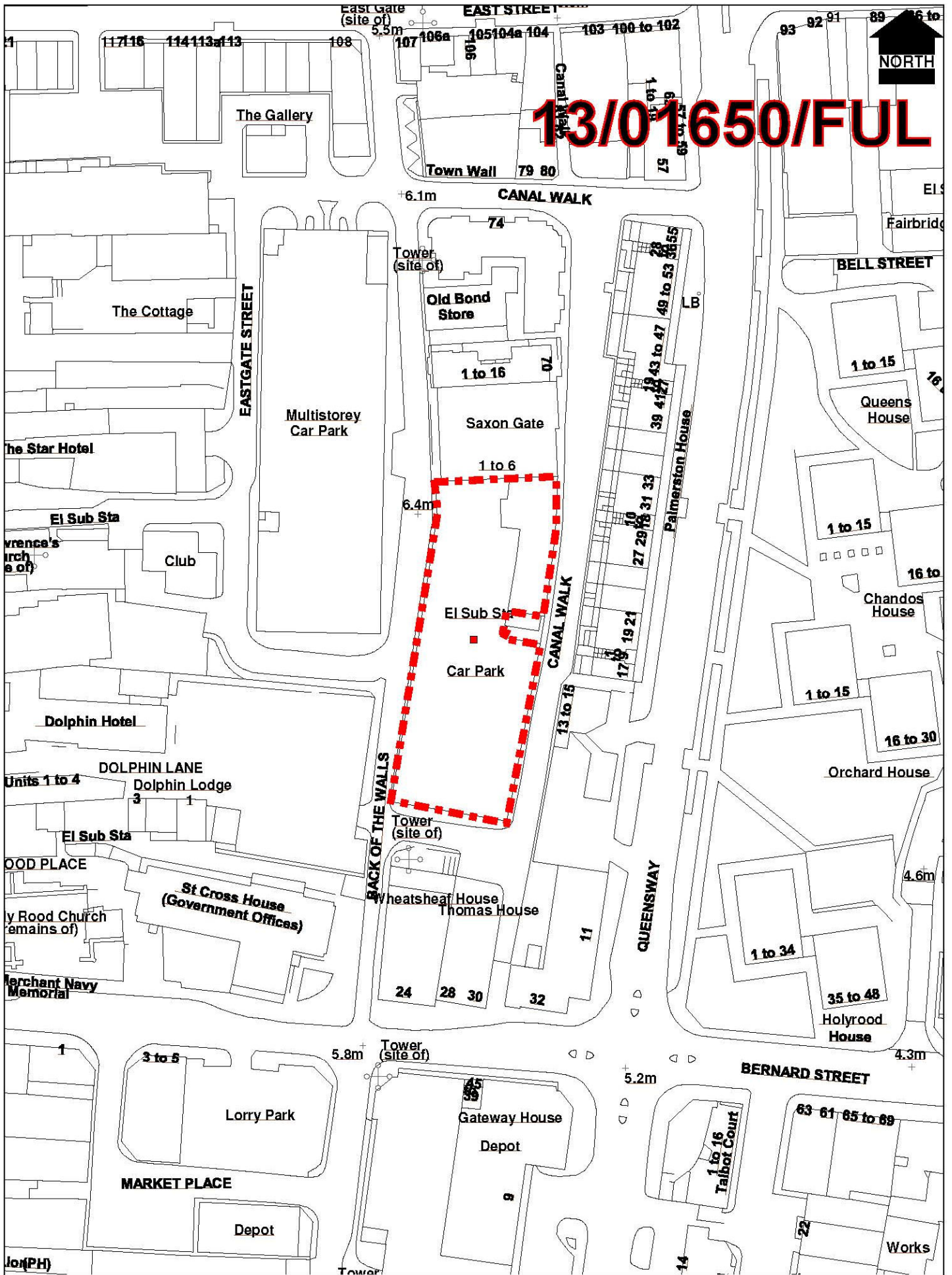
The application site was originally an electricity board depot and warehouse.

Several decisions were issued in the 1980's and 1990's for redevelopment of the site, none of which were acted upon. These include the following decisions.

- 1985, outline permission granted for erection of a part 5-storey, part 7-storey office building with parking;
- 1986, outline permission granted for erection of offices, restaurant and a casino;
- 1991, refusal of permission for erection of a part 5-storey, part 7-storey office block with car parking at ground and lower ground floor levels. This application was refused on policy and transport / car parking grounds, not because of the height/design of the building;
- 1993, outline permission granted for the erection of an office building with car parking

In 2006, a planning application was submitted for redevelopment of the site with buildings of 5 and 7-storeys to provide 208 units of student accommodation. This application was subsequently withdrawn (reference 06/00766/FUL).

In December 2012, a planning application was submitted for redevelopment of the site, erection of a building of up to 9-storeys in height to provide a student hall of residence (403 rooms) with associated facilities and vehicular access from Canal Walk (reference 12/01888/FUL). This application was subsequently withdrawn.



13/01650/FUL

Scale : 1:1250

Date :04 February 2014

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