

Planning and Rights of Way Panel 22nd November 2022
Planning Application Report of the Head of Green City & Infrastructure

Application address: Friary House, Briton Street, Southampton			
Proposed development: Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House			
Application number:	22/00953/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	15 minutes
Last date for determination:	01.12.2022	Ward:	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Telereal General Property GP Limited		Agent: DPP	

Recommendation Summary	Delegate to the Head of Green City & Infrastructure 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 and the tests under paragraph 11 d and section 16 of the National Planning Policy Framework. 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 39-42 and 46 of the National Planning Policy Framework (2021). "Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, HE1, HE2, HE3, HE6, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) Policies CS1, CS2, CS3, CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP2, AP7, AP9, AP12, AP13, AP15, AP16, AP17, AP18, AP19 of the City Centre Action Plan (2015), the Old Town Development Strategy (2000), and the National Planning Policy Framework (2021).

Appendix attached

1	Habitats Regulation Assessment	2	Development Plan Policies
3	Schedule of public realm works	4	Viability Appraisal
5	Historic England comments		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Green City & Infrastructure to grant planning permission subject to (a) the submission of an acceptable microclimate study demonstrating that, having regard to the existing situation, the proposed building will not significantly harm the existing amenity of nearby residents, cyclists or pedestrians in terms of the microclimate and wind environment with delegation also offered to secure any suggested mitigation and (b) the planning conditions recommended at the end of this report, and (c) the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions and/or works through s.278 approvals 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 Developer Contributions SPD (April 2013);
 - ii. Affordable housing provision taking account of the current Development Plan and current independently assessed viability appraisal; with ongoing and fixed reviews taking into account vacant building credit;
 - iii. Submission of a highway condition survey (both prior to and following completion of the development) 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 with financial contributions towards supporting these initiatives during both the construction and operational phases (as applicable), 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).
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how the 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. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against 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;

- vii. Creation and retention of a 'permitted route' across the site frontage/eastern side to the Back of Walls and submission, approval and implementation of a scheme of works for the off-site and on-site public realm and Town Walls Setting Improvement works, including (but not exhaustive):-
- footway engineering specification to adoptable standard;
 - archaeological supervision;
 - protection/safe removal during demolition/construction and relocation of the Friary House murals if required off-site;
 - lighting;
 - commuted sum for public realm maintenance;
 - repair the historic wall adjacent to Gloucester Square car park to appropriate conservation standards;
 - display of interpretation boards for Friary House murals

in accordance with the Council's Old Town Development Strategy (November 2000), and the adopted SPD relating to 'Developer Contributions' (September 2013).

3. In the event that (i) the legal agreement is not completed and (ii) the required microclimate assessment impacts have not been submitted/agreed within a reasonable period following the Panel meeting, the Head of Green City & Infrastructure be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement and/or insufficient information received to satisfy saved Local Plan Policy SDP1(i). In the event that the microclimate study recommends significant changes to the proposed building's design the application will be brought back to the Planning & Rights of Way Panel for consideration.

1. The site and its context

- 1.1 This application site has an area of 1660sqm and comprises Friary House (circa 1980s), which is a vacant 4-storey office building formerly occupied by BT. The building is named after the former 13th century Priory, which the site historically formed part of. The tiled murals on the external east wall of Friary House are locally listed. The artwork murals were designed by John Hodgson (worked for Southampton City Council's heritage team in the 1980s) and erected in 1987 when Friary House was constructed. The building has approval to retain and convert the existing office building into 46 flats under a 'prior approval' granted under LPA ref: 21/01181/PA56.
- 1.2 In the wider context, the site is within the Old Town South Conservation Area. Since the 1990s, the historic character of Briton Street has been significantly modernised with the addition of various styles of taller residential blocks. The site has several public frontages onto Briton Street (north), Back of the Walls footway (south to Winkle Street) adjacent to sections of the medieval Town Walls (grade I&II listed and Schedule Ancient Monument), and Gloucester Square Car Park (south). The residential buildings immediately to the west and east of the site are Telephone House (9 storeys – circa 2006) and City Court (ranging 7 to 4 storeys – circa 2004). Oceana Boulevard (12 storeys) bookends Briton street at the western end.

2. Proposal

- 2.1 The application seeks full planning permission to erect an 8-storey building containing 88 flats (comprising 25 studios, 26 no.1 bed and 37 no.2 bed) with associated infrastructure, landscaping and public realm works following demolition of Friary House. The density of the development will be 530 d.p.h. The office car parking in the basement is to be removed and the residential scheme is a car free development. The mix of residential units proposed are:-
- 25 x Studio flats (28% of overall housing mix)
 - 26 x 1 bedroom (2 persons) (30% of overall housing mix)
 - 7 x 2 bedroom (3 persons) (8% of overall housing mix)
 - 30 x 2 bedroom (4 persons) (34% of overall housing mix)
- 2.2 All of the proposed flats, with the exception of the studio flats, will have private amenity terraces or balconies. The areas of these are set to provide the following:
- 5sqm per 1 bed 2 persons;
 - 6sqm per 2 bed 3 persons;
 - 7sqm per 2 bed flat 4 persons
- 2.3 The proposed flats will benefit from 602sq.m of internal and external communal space with a resident's room (75sq.m) at ground floor, and resident's room (29sqm) and roof terrace (498sqm) at level 08.
- 2.4 The proposed form and massing of the building will be broken up into three visually separate vertical blocks. This is articulated by lighter and darker toned areas of brickwork, and use of variously proportioned floor to ceiling height glazing, and a mix of vertical metal balconies cantilevered and inset balconies (lined by a concrete spandrel panels and a narrow band of buff light render between every second floor). During the course of the application, the applicant has made some minor amendments to the overall appearance of the elevations, including addition of several cantilevered balconies on the east elevation (not at higher level to original plans) and increase the ratio of glazing to brickwork. These visual changes are broadly in the same style of the existing building and would not result in a greater overlooking impact to neighbouring residents of City Court or Telephone House when compared to the original submitted plans, therefore, these amendments do not require further public consultation.
- 2.5 At the ground floor, the building comprises 3 access points; on the north, west and east elevation, with the secondary access to the west serving the refuse storage and secure cycle parking integral to the building (88 spaces using 2 tiered rack system with fob key access for residents). The main entrance facing Briton Street on the northern corner comprises full height metal glazed doors with fins recessed under a double height opening with columns. The eastern entrance is recessed under a tapered asymmetric canopy in a double height concrete-effect frame. Both entrances feature embossed artwork alluding to the old Friary house gothic arches.
- 2.6 The external areas of the site comprise a mix of private and public space - defensible landscaping strip enclosed by railings around the edge of the ground floor flats and a hard landscaped area lined with trees and low level lighting to surround the site. The schedule of proposed public realm works is summarised in **Appendix 3**. The hard

landscaping comprises Purbeck stone paving to seamlessly merge with a new public realm space between the eastern side of the building and the footway improvement works adjacent to the Back of the Wall. The public realm within the application site will have permissible rights of access for the public to pass and repass. The existing 7 no. locally listed murals on the side of Friary House will be retained and relocated to the rear of Concrete benches and will remain visible within the public realm. The proposed off site public realm works will comprise the section 106 contribution towards Town Wall Setting Improvement. The proposal intends to make no public realm changes to Gloucester Square Car Park.

2.7 The applicant has agreed to undertake and fund the delivery of all the on-site and off-site public realm works (to adoptable standard) to be completed prior to occupation. The package of public realm measures has been offered in order to offset the heritage impact on the setting of the Town Walls from the increased building height. These measures offer public realm and footway improvements adjacent to the Back of Walls, combined with street level views of the Town Walls from Briton street through the provision of a double height recessed main entrance to form a gap of 8.9-11.5m between the Town Walls and east elevation (existing Friary House separation 3.1-4.5m). A CGI in **Appendix 3** (see p7) shows the public realm space in context with the building and Town Walls.

2.8 Other elements of the building will include the provision of solar roof panels, a green roof, underground attenuation drainage tanks, a roof terrace garden lined by a blue roof system (specialist rainwater collection and drainage).

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) and the City Centre Action Plan (adopted 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 Core Strategy under policy CS1 (City Centre Approach) identifies the city centre as the location for major development to enhance the City’s regional status and supports high quality development proposals for a wide range of uses including retail, office, leisure, cultural, hotel and residential. With regards to the City Centre Action Plan, the site falls within the Old Town quarter (chapter 5).

3.4 The site is not safeguarded office space under policy AP2 (Existing Offices), and prior approval has been granted to convert the vacant office space into apartments (permission no. 21/01181/PA56). The contribution towards housing supply is further explored in section 6.2 of the report. The development does not meet the target for 30% family housing mix in policy CS16 (Housing Mix). This is justified by the viability and physical constraints of the city centre site to deliver high density housing. The mix of flats provided is split between 2 bed and smaller single occupancy units which is acceptable having regard to the character and density of the neighbourhood. In

accordance with policy CS15 (Affordable Housing) the development has been viability tested and the findings are set out within the considerations section below.

- 3.5 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 explains that in considering whether to grant permission for development that affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act adds the duty to consider whether or not new development 'preserves or enhances' the character of any conservation area to which it relates.
- 3.6 Paragraph 193 of the National Planning Policy Framework (NPPF - 2019) adds that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. NPPF Paragraph 196 confirms that where less than substantial harm is caused to the designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This paragraph should be read in the context of the response from Historic England to the application, which is appended at **Appendix 5**.
- 3.7 The Old Town Development Strategy (OTDS) was adopted as Supplementary Planning Guidance in November 2000, and includes principles relating to setting of the town walls and building heights. The OTDS indicates that a variety of storey heights can add interest to an area but needs to respect the adjacent context but does not encourage development over 5 storeys within this area (OTUDP13), and that the town walls should dominate the townscape (OTUDP2). Currently Friary House is only about 2.3m from the town wall at its closest point (measured on OS map). The proposed new building would be over 4 metres from the town wall (so complying with OTDS principle OTUDP1). The OTDS supports the retention and reinstatement of historic lanes and alleys (OTUDP10), however, the design of the eastern elevation does not respond to the distinctive kink that follows the alignment of the town wall to the east as shown on the historic maps (Speeds map of 1611, and the detailed 1846 and 1870 maps). A contribution towards the upkeep of the town walls is proposed to be secured in line with OTDS principle OTUDP18. Whilst the height and design of the development conflicts with a number of principles of the OTDS, this will have to be weighed up in the planning balance when taking the Development Plan as a whole. It should be recognised that Briton Street has an established character of large flatted blocks with a wide street width which can accommodate buildings of scale. This is further discussed in section 6.3 of this report.
- 3.8 Policy AP17 (Tall Buildings) sets out design criteria for tall buildings of 5 storeys or more to comprise high quality design and materials; respond well to their site and context and provide a mix of uses. The proposal conflicts with the requirement for 'tall buildings to be restricted in the Old Town in order to respect historic low rise development and its skyline profile', however, this policy does not rule out tall buildings in the Old Town as the individual context of the site should also be taken into account. Furthermore, the siting of the tall building does not obstruct the strategic views within the Old Town as set out in the policy. Policy AP16 (Design) seeks the design of buildings in the city centre to relate well to the predominant scale and mass of existing buildings in the street and create perimeter blocks and active frontages on primary

street and public spaces. The policy also requires the design of new buildings to strengthen the unique distinctiveness of the city's heritage, through use of proportions, plot widths, contemporary interpretations of architectural and landscape styles and features, materials and colours that reflect the individual local characteristics of the urban quarters that make up the city centre. A detailed assessment of design and context is set out in 6.3 of the report.

- 3.9 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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 A 'prior approval' application confirming that it would be permitted development to convert the existing office building to 46 residential units was approved under ref no. 21/01181/PA56 on 11th October 2021. This permission remains extant and could be implemented.

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 on 12.08.22 and erecting a site notice on 19.08.22. At the time of writing the report **15 objections** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***The design and 8 storey height, including the increased external lighting, will be out of keeping with historic character of the Old Town conservation area and the setting of the adjacent Town Walls, and contrary to the 5 storey height limit of the Old Town Development Strategy (OTDS) for new development in the Old Town Conservation Area. The existing taller buildings such as Telephone House were built prior to the current conservation policies and strategy so should not set a precedent for further tall buildings in the conservation area.***

Response

The Panel's decision on the appropriate scale of any replacement building should take account of the Development Plan, and any material considerations, such as the existing site context. No objection has been raised by Historic England in relation to heritage impacts. The proposal would represent less than substantial harm to heritage assets and the public benefits of the scheme would outweigh the impacts. The established character of Briton Street, with buildings of more than 5 storey scale, can accommodate residential development of the scale proposed without upsetting the existing street pattern.

- 5.3 ***Loss of privacy, light and outlook to neighbouring occupiers. Increased noise disturbance from proximity of building/roof terrace (fire hazard as well from BBQs on roof terrace from embers spreading), additional car traffic and pedestrians using the improved Back of Walls route as a rat run (especially***

night time when night time venues close), and noise and dust/contaminants disruption from demolition/construction works. Increased anti-social behaviour incidents with a high crime rate at present, and opportunities for homeless rough sleeping.

Response

The relationship and proximity of the 8 storey building neighbouring buildings in terms of access to light, outlook and privacy reflects the scale and density of the neighbourhood. The provision of 24 hour natural surveillance of the site will assist reducing the risk of crime. The additional noise impact arising from comings and goings with the residential development is, to agree, expected in an urban centre and we should assume that reasonable behaviour will follow, whilst there are other environmental health protections for statutory noise nuisance.

- 5.4 ***Displacement and increased competition of limited parking spaces available for local residents in the city centre, especially those who pay for permit to park in Gloucester Square. These spaces are also under competition from city centre visitors. The lack of off-road parking will exacerbate road and pedestrian safety issues where vehicles park in illegal and unsafe locations in the local area, especially as illegal parking is not properly enforced by the Council. A large area of Gloucester Square car park has been removed for landscaping.***

Response

Car free developments are deemed to be acceptable in the City Centre, and comply with our adopted maximum parking standards due to the wide range of services, employment and local transport connections on offer. Having regard to the nature of the proposed uses and the city centre location of the site, a car free approach is considered to be consistent with other high density residential schemes of this nature in the city centre. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets as the controls are in place. Zone A residents permit parking zone no longer exists and instead there is now the City Centre Pay and Display Zone and, therefore, it is not necessary to remove access to parking permits through the S106 agreement.

- 5.5 ***Overdevelopment and further pressure to local services and infrastructure from high density residential development. The limited housing mix does not take into account the mixed demographic and housing need of the local neighbourhood including affordable and social housing. There is not a further housing need for 1 and 2 bedroom flats in the city centre especially given the number of recently completed and permitted residential schemes. So much of the property proposed makes up property portfolios and is either rented on AST, holiday rentals, all of which impacts on our neighbourhood communities.***

Response

The proposed housing mix and scale and density of the development is in keeping with the character of the neighbourhood. The proposed 88 units will assist in meeting identified housing need within the Development Plan and the Council does not currently have a 5 year housing land supply. The scheme has been viability tested and cannot support affordable housing at the present time. The future tenure and ownership of the housing is outside the control of the planning system as this depends on market forces. The city centre should support the provision of 3 bed housing to provide choice for families, but this is not on offer here and could be

regarded as a weakness of the scheme given our current policies. There is, however, a significant demand for 1 and 2 bed accommodation across Southampton and the proposal includes a good range of accommodation on offer.

5.6 ***Air quality impact needs to be mitigated from increased traffic.***

Response

The Air Quality Assessment demonstrates there are no significant air quality impacts whilst further mitigation from construction impacts will be secured by condition.

5.7 ***There is already prior approval to convert the existing building to flats so it shouldn't be demolished as it is both sympathetic to its history and surroundings. With its brickwork, height, basement level parking and disability access, mural tiling and plaque.***

Response

The applicant is entitled to submit a further application for the Council to consider. Whilst there are conflicts with design and heritage policies from the replacement of Friary House with a building nearly double its height adjacent to the Town Walls these are significantly outweighed by the strong planning / regeneration benefits delivered by the development, and the delivery of much needed housing, when balanced against the priorities of the Development Plan as a whole.

5.8 ***Loss of mobile, wireless internet, and TV signal due to taller building.***

Response

The proposed building scale is comparable to the scale of neighbouring blocks and as such the scheme would not lead to a demonstrably harmful loss of signal.

5.9 ***No prior consultation with local residents by the applicant.***

Response

The applicant has submitted a statement of community involvement setting out the pre-submission consultation with the community.

5.10 ***Potential wind funnelling and microclimate impacts between neighbouring buildings.***

Response

Existing residents have every right to expect that this building will not harm the existing microclimate and enjoyment of their outdoor spaces. Whilst there is no evidence to suggest that the building would be harmful, equally a microclimate assessment was not submitted with the application to confirm its acceptability. Officers are seeking delegation to grant planning permission subject to the submission of a further assessment showing that there is no adverse impact. The site sits within a high density location, characterised by buildings of similar scale and it is unlikely that, especially when the existing building form is also considered, that the proposed changes will cause significant harm to the microclimate of the site and/or the enjoyment by neighbours of their outdoor spaces. The suggested delegation seeks approval to include any suggested mitigation following a further assessment, but in the unlikely event that significant design changes are required then the planning application will be amended and brought back to the Planning Panel for consideration.

5.11 ***Loss of view.***

Response

This is not a valid material consideration.

Consultation Responses

5.12 Historic England – No Objection – Full comments appended

The Scheduled city defences in Southampton are some of the best-preserved medieval town walls in the country. Those adjacent to the proposed 8-9 storey building will be subject to harm through impact on its setting, depreciating its legibility as a former defensive structure. Following pre-application discussions, measures to minimise the harm have been incorporated into the design of the building and landscaping proposals. However, uncertainty remains over the extent of public realm enhancements and interpretative elements that will be undertaken as part of the development. Given this represents a tangible public and heritage benefit, designed to balance the impact of the scheme, it is necessary for the extent and nature of these works to be clarified and agreed. Full comments are appended to **Appendix 5**.

5.13 SCC Conservation Officer – Objection.

The locally listed murals should be re-positioned and remain exposed to the public realm

Full Consultee Commentary:

The proposals have reduced the development to 8 storeys and have revised the previous design. The separation distances between the town wall and new building line would now be increased. The landscaped surfaces adjoining the public footpath and its junction with the base of the wall would be improved. Views to the northern end of the wall from the west of Briton Street would remain legible by employing a colonnaded entrance. An entrance would also address Briton Street providing the street with an active frontage.

The current property is a modern office building of limited architectural merit. It sits in a street that is made up of modern buildings of 4 or 5 storeys (or even higher in terms of Telecom House), orientated north to south in a linear pattern. Development both sides of street display differing styles of C21 architecture presenting a streetscape predominantly modern in character and which is far removed from the historic planform of buildings that once surrounded the original university building to the north and Gloucester Square to the south. As such, introducing a similar modern development block within this highly urbanised street would be considered to have a neutral impact (and hence would preserve) the current character or appearance of this part of the conservation area. That said, internalising the interpretive murals (which are locally listed) seems a negative step and would not present any heritage benefit. Re-positioning these elements to ensure that they remain exposed to the public (perhaps sited on the exposed wall flanking the main entrance) would therefore be required to gain conservation support.

The archaeological impact of the proposals shall be assessed by the planning archaeologist, although in respect of the wider setting of the town wall as it traverses south to God's House Tower, it is acknowledged that the height of the new build would add mass to this plot and would indirectly impact, and tower over the wall more so than the existing arrangement. However, the submitted Heritage Setting Impact Assessment is comprehensive in scope and concludes that the magnitude of impact would not adversely diminish the significance of the wall or its setting. It states that

the wall itself would not be physically altered or lost in any way, and the wall, once a defensive structure but now much reduced in height, is now located within an urban setting that has constantly changed through time. It also goes on to say that the current public path is a modern construct and this public realm adjacent to the wall through to God's House Tower would be enhanced by the proposals increasing the space adjacent to the wall allowing it to be better appreciated. It therefore concludes that the harm to the existing setting of the wall presented by the proposals would be considered 'less than substantial' harm. The submitted Townscape & Visual Impact Appraisal also demonstrates that the impact upon the views to, and along the wall, and other key townscape vistas affected by the development would be low-to-negligible given the existing urban context and topography of the site. The proposals have been discussed with Historic England who have not objected to the proposals, although they have stressed the importance of securing a high standard of public realm improvements to offset the impact of the development near the wall.

In taking all the above assessments into account, and although a development lower in height would be preferred, it would be difficult to disagree with their findings. For instance, all the affected assets have been correctly identified and the impact of the proposals in terms of their significance, setting and views have all been assessed in accordance with current heritage-led impact matrixes. As such, it would be difficult to sustain a refusal of the scheme from a conservation perspective at this time. Notwithstanding this, it is advised that should officers be minded to approve the proposals, it would need to be demonstrated that the public realm improvements, and any associated benefits related to the provision of new housing, must be shown to outweigh the identified 'less than substantial' harm to the town wall (an asset of high significance) in the planning balance. As for the public realm improvements themselves, these works should be controlled by way of condition/s and legal agreements and should seek to improve the surfaces, the lighting, the seating, and the interpretation of the town wall as it heads southwards to God's House Tower to ensure that the development delivers a valued public space in this highly sensitive location.

Officer Response

Please note the proposed position of the murals has been revised since this consultation response and the heritage officers are satisfied with the relocation approach. In principle, the heritage officers are comfortable with relocating the panels in other locations in the vicinity of the historic Friary site, so the final location can be left flexible by condition if a better location is found or there are practicalities that arises once the project starts.

5.14 SCC Design Manager – Objection (comments received following amendment to design)

Purely related to the building, from my perspective I don't feel it has really responded positively to the heritage asset, it is simply a good standardised housing block, that could be seen anywhere in the country, with or without the presence of a heritage asset. Had it been designed to specifically respond to the asset I feel it would've clearly responded to the pronounced kink in the wall, as the plans which the SCC Archaeologist produced showed that historic development along Back of the Walls had followed. I don't feel that a relatively minor widening of Back of the Walls is likely to read as such a big improvement given the increased height of the building. I think the overall real feel on the ground will be at best the same.

All that being said, without similar concerns being raised by Historic England, which does disappoint me given their previous concerns over the design of the Bargate redevelopment in terms of both height and visual appearance, and the relatively poor quality of the existing residential development in Briton Street, I suspect the prospect of upholding a refusal on design grounds at appeal to be unlikely, because its standardised typology, relative to other residential blocks around it, would be seen as much better/an improvement.

This scheme is largely unchanged from the final pre-application scheme, so has the proposal not been further reviewed by the panel and, therefore, hasn't addressed either the design issues raised at the end of the pre-application process or the issues raised by the Design Advisory Panel, the key paragraph being:

*The Panel supports the view of the city council that the quality of architecture is a critical mitigation for increased height of development adjacent to the Town Wall and it was clear that much considered thought had been given to details of the building, such as entrances and balustrade details. However, **the panel suggests that you consider the overall form of the elevation facing the Town Wall to create a stronger identity and delight to this critical façade in a street of otherwise very mediocre architecture. Rather than two end pieces connected to the main body of the building could the elevation respond more directly to the geometry of the Town Wall, with the prominent deflection in its alignment immediately adjacent to the site, breaking up the current regularity and rectilinear nature of the façade?** The use of the recessed entrance to Briton Street is a positive move, **but greater work is needed to the overall façade to provide an acceptable frontage to Briton Street.***

Officer Response

The Council's Design Manager has accepted that the proposed design has shortcomings but also that the scheme is not harmful. Following further design negotiations to encourage amendments on the east elevation to reflect the Town Wall historic setting, officers consider that on balance the other measures put in place to offset the taller development setting of the Town Wall are acceptable.

5.15 **SCC Archaeologist – No Objection**

IMPACTS OF PROPOSED DEVELOPMENT ON ARCHAEOLOGICAL REMAINS

The proposed new basement will be smaller and entirely within the footprint of existing semi-basement. It will be much deeper: cross sections show finished floor levels of 1.69m OD compared to 4.28m OD for the existing semi-basement. Construction depths will be below this level. This will impact any surviving archaeological remains below the existing basement.

The proposed new building almost entirely lies within the footprint of Friary House, so largely within the existing semi-basement. However, the new footprint extends slightly to the south and north of the existing semi-basement.

The proposed new building will have a ground floor level at 5.28m OD, seemingly designed to match existing finished levels on Back of the Walls. This needs to be confirmed to ensure no level reduction along Back of the Walls. It is unclear how this

ground floor level compares with existing levels on the other sides of Friary House, so unclear if level reductions are proposed.

New trees are shown along part of the west boundary of the application site, and along the east edge next to the Back of the Walls public realm. The tree crates may be entirely within the existing semi-basement -- this needs to be confirmed (and required along Back of the Walls to ensure no new disturbance there ' see below).

The proposed drainage layout (Drainage Report) shows two large attenuation tanks to the west and east of new building, apparently entirely within the existing semi-basement (although excavation depths will need to be confirmed). The layout shows some other new drains to the west, east and north of the existing semi-basement. Those to the east could be within Back of the Walls, which is not acceptable (see below). Other services may be proposed outside the Friary House footprint, details not yet available.

Disturbance from the construction of Friary House is likely to have extended beyond the building footprint. However, some proposed works around the edges of the application site could encounter undisturbed archaeological deposits, potentially relating to the Friary and its cemetery, known to have extended to the west and south of Friary House. Friary remains or other medieval and earlier evidence may still be present in the northern part of the site.

PUBLIC REALM

The DBA states that works to enhance the public realm along Back of the Walls will be suitably non-intrusive / minimally intrusive. There are some existing services along Back of the Walls. However, no further services should be installed there unless required for the public realm itself, and no intrusion from tree crates or attenuation tanks on the main application site. There must be no reduction in finished levels along the walkway or bank. The existing stone boundary wall must be respected. The remains here are of equivalent significance to the adjacent scheduled monument. Therefore, any destruction of such deposits should require clear and convincing justification, and substantial harm or loss should be wholly exceptional (NPPF paragraph 200 / footnote 68). Landscaping details either need to be agreed before any consent is granted, or agreement secured by a landscaping condition.

Gloucester Square Car Park (proposed for landscaping by the city council). Any proposals for landscaping of this area (including tree pits and reformation of the car park access as suggested), would need to take into full account the stone boundary wall and below-ground archaeological remains (including the Friary cemetery).

ARCHAEOLOGICAL MITIGATION

It is uncertain whether archaeological remains survive within the existing Friary House footprint. However, remains almost certainly survive beyond the area disturbed by its construction, including possible burials. Some of the current uncertainties could perhaps be resolved by checking the SOU 199 site archive. Some form of evaluation may be needed. An archaeological watching brief must take place on any proposed geotechnical/ground investigation works, with machining under the control of the

archaeological contractor (noting the 1857 Burials Act). It may be possible to deal with surviving archaeology via a watching brief on demolition and construction with provision to excavate if remains survive and are under threat. However, any further ground disturbance beyond the area already disturbed for Friary House risks uncovering friary buildings and burials, even if in a fairly narrow strip of land. Evaluation trenching around the edges of the existing building might be required, and/or archaeological clearance of areas to be subject to disturbance (including piling) (see Historic England advice on burials). Pending further information and discussion, I have recommended our standard conditions for a phased programme of archaeological work, including evaluation and follow-on investigation. Full details of all proposed ground disturbance (including below-slab demolition) would need to be supplied as part of the standard Archaeological Damage Assessment Condition.

PUBLIC REALM / BACK OF THE WALLS

Archaeological remains certainly survive here, including remains associated with the town defences and potentially of the friary. The requested archaeological conditions will apply if any archaeological remains are threatened in this area, although this should be kept to an absolute minimum.

SETTING OF THE TOWN WALL

The application site is adjacent to the scheduled eastern town wall. The town wall is a designated heritage asset of the highest significance, therefore subject to NPPF paragraphs 199 ' 202. This means that:

- When considering the impact of a proposed development on the significance of the town wall, great weight should be given to its conservation (all the greater given the high importance of the town wall) (199).
- Any harm to, or loss of, the significance of the town wall (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (200). Substantial harm to or loss of significance should be wholly exceptional (200).
- Where a proposed development will lead to substantial harm to (or total loss of significance of) the town wall, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss (201).
- Where a development proposal will lead to less than substantial harm to the significance of the town wall, this harm should be weighed against the public benefits of the proposal (202).

There is also national planning guidance on the cumulative effect on setting. Planning Practice Guide (paragraph 013) states: When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. The Historic England advice note on The Setting of Heritage Assets (page 4), discussing cumulative change, states: Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.

The Old Town Development Strategy (OTDS) includes several principles relating to setting of the town walls (see below).

As existing, the low-height Friary House, the large open area of Gloucester Square Car Park, the low-height modern development and Victorian almshouses to the south all help to retain a smaller scale feel to this part of the Old Town, despite much taller developments along Briton Street. A taller building on the Friary House site, even if set back further from the town wall, would detract from this, and would impact on the setting of the town walls. On the Briton Street frontage, the proposed 8-storey building will be taller than Telephone House and considerably taller than the building to the east. This is contrary to the OTDS principle of no development over 5 storeys (OTUDP13), and that the town walls, not the new development, should dominate the townscape (OTUDP2).

Currently Friary House is only about 2.3m from the town wall at its closest point (measured on OS map). The proposed new building will be well over 4 metres from the town wall (so complying with OTDS principle OTUDP1). There will be an increased area of private landscaping and public realm between the building and town wall. It is proposed to improve the public realm. All of this is a potential public benefit in heritage terms, depending on final design of the public realm. However, the current state of the public realm along this part of Back of the Walls is not as bad as described in the application documents. Although some improvements would be welcome (see below), the existing public realm is in keeping with this quiet location of the medieval walled town and the historic fine grain of area, with added interest from the tiled mural on Friary House itself.

IN CONCLUSION, it is arguable whether the proposed taller building constitutes substantial or less than substantial harm to the significance of the town wall from development within its setting, taking cumulative effects into account. If the harm is less than substantial, it is unclear whether the public realm improvements, as currently proposed, will constitute a public benefit that outweighs the harm.

BACK OF THE WALLS / PUBLIC REALM LANDSCAPING

The red line application boundary only includes the Friary House site. However, the Proposed Landscape Plan shows landscaping (repaving) along Back of the Walls stretching to south of the Dovecote Tower, proposed to be undertaken as part of the development. An additional area of public realm is suggested at the east side of the Gloucester Square car park, to be delivered by the city council.

The existing public realm here along Back of the Walls is in keeping with this quiet location of the medieval walled town, being the only surviving long stretch of the eastern town wall. It is one of the few areas along the town wall that retains anything like its medieval or at least pre-20th century setting. Back of the Walls and the boundary wall along its west side are part of historic fine grain of area.

Back of the Walls is a medieval road. The stone wall along its western edge marks the boundary of the Friary precinct and is a non-designated heritage asset. The surviving north end of this wall would be impacted by landscaping proposals on the application site itself. Further south, the wall partly serves as a retaining wall for the

higher ground of the Gloucester Square Car Park (see photos page 38 etc of Design & Access Statement, otherwise this wall is not mentioned in the application documents).

Back of the Walls largely retains its post-medieval form. However, historic maps show that the road was slightly wider at the north end before Friary House was built, with a distinctive kink that follows the alignment of the town wall to the east (eg, see Speeds map of 1611, and the detailed 1846 and 1870 maps). The proposed new layout of Back of the Walls will include a wider footpath between the existing grass verge and the new trees, which is welcome. However, it would be better if the historic kink could be reinstated and this should be considered, even if it conflicts with current property boundaries. (Note that the OTDS supports the retention and reinstatement of historic lanes and alleys (OTUDP10).)

In summary, new landscaping should incorporate the following:

- Reinstate the 19th century width/alignment of Back of the Walls east of the proposed new building, to follow the kink in the town wall.
- Retain all surviving parts of the stone boundary wall along Back of the Walls (including if possible the part now within the Friary House site boundary).
- Retain the grassed bank (this roughly indicates the former earth bank/rampart).
- Retain existing finished levels along Back of the Walls.
- No further services to be installed along Back of the Walls (there are some existing services here ' sewer, electricity etc - and it seems a new drain is proposed, but this is not acceptable).
- No attenuation tanks to encroach on Back of the Walls.
- No tree holes/crates to encroach on Back of the Walls. All trees to be placed in tree pits within the existing semi-basement footprint of Friary House, with concrete root barriers to prevent roots spreading into Back of the Walls (and similarly deposits that may contain burials to the west and south of Friary House).

Other issues concerning tree species, paving/resurfacing, lighting (existing lamp posts or new lighting), interpretation boards, will need to be agreed following discussion with Cultural Services, to ensure consistency of approach with other parts of the town walls.

Landscaping details either need to be agreed before any consent is granted, or agreement secured by a landscaping condition.

A contribution towards the upkeep of the town walls will be required (in line with OTDS principle OTUDP18).

CERAMIC TILED MURAL

The tiled mural on the external east wall of Friary House is locally listed. The mural was designed by John Hodgson and erected in 1987 when Friary House was constructed. It was commissioned by British Telecom, which owned the site and submitted the planning application M10/1673. The mural was probably installed to meet Condition 9 of that planning application, relating to treatment of the eastern façade of the new building, as a piece of public art. John Hodgson worked for Southampton City Council's heritage team in the 1980s and carried out some other

artworks projects. The mural consists of 15 separate panels, 5 pictorial panels, 2 with writing, and 8 plain with just border decoration.

The current proposal is to relocate the mural to the entrance lobby inside the new building. At this location it will no longer be public art. The Friary precinct extended over quite a large area from High Street to the town walls and as far as the south boundary of the Gloucester Square car park. The mural could be repositioned anywhere within that area and still be relevant as public art.

Officer Response

Whilst there is conflict with the OTDS principles regarding the impact on the Town Wall (to be weighed up in the planning balance), the applicant updated the public realm works schedule to clarify the scope of works, made a commitment to relocate the murals on site, and moved underground drainage/tanks and tree planting into the basement to protect archaeology. The internal consultee comments should be balanced in the round against the wider benefits of the scheme in terms of housing delivery and the attached commentary from Historic England.

5.16 SCC Highways – No Objection

The site being car-free is considered acceptable due to limited impact from overspill parking and being in a sustainable city centre location.

Cycle parking long stay meets policy but short stay should push for 9 spaces rather than 8 (policy is for 1 space per 10 flats).

Vehicular movements will reduce due to the loss of basement car park and use. The TA suggest as it is car-free there will be zero car movements. In reality, there may still be some based on taxi's etc. but will be limited and far less when compared to office trip rates and the fact of the existing parking on site.

A private management company is being proposed to manage the moving of the bins in and out for collection. This will need to be secured under a waste management plan condition to avoid bins being left on the highway.

5.17 SCC Flood Risk team – No Objection

I have reviewed the revised Drainage Plan (drawing PER-ZZ-XX-DR-C-02001) which repositions the attenuation tank to the western edge of the site to avoid a clash with tree pits on the eastern edge. The Drainage Strategy proposes use of attenuation tank, tree pits and a blue roof to manage surface water at this site for the 1 in 100 year rainfall event plus 40% climate change allowance. Discharge from the site will be to a Southern Water surface water sewer, limited to 2l/s with hydrobrake or similar flow control device.

5.18 SCC Sustainability team – No Objection

The recommended sustainability features for the development, resulting from a Part L compliant model, will allow for a 58.42% carbon reduction from a base Part L 2013 compliance build. Recommend conditions to investigate the improvement of embodied carbon levels in the construction and maintenance of the building. The applicant has demonstrated that they will comply with the overheating analysis with the use of specialised solar control glass.

Officer Response

Conditions have been applied to secure the energy improvements. The applicant has suggested the use of solar control glass, however, it is a legal requirement to mitigate overheating risk through Part O of Building Regulations and there is currently no planning policy to secure this by condition.

5.19 Southampton Airport – No Objection subject to condition to secure Bird Management Plan

5.20 SCC Contaminated Land – No Objection subject to conditions to assess land contamination risk due to historic land use of a depot on site

5.21 SCC Air Quality – No Objection following additional information

We recognise and support the conclusions made by the AQA provided which demonstrates that the development is unlikely to have a significant negative impact on local air quality. While the development is considered negligible in terms of relevant guidance, the Council recognises the potential for the development to contribute towards the burden of poor air quality on public health. The Council are committed to seeing a continual improvement in air quality and recognise the opportunity for developers have for helping us work towards a greener and healthier city. Conditions are recommended as part of the construction management plan to improve the level of emissions during construction works associated with HGV movements and machinery.

5.22 SCC Public Health – No Objection

Supportive of public realm improvements. Improvements are suggested to private balcony provision/suicide prevention and cycle storage facilities, limit noise and health impacts during construction. In response, these issues are covered under the assessment against the relevant policies and guidance. Whilst suicide prevention is not a planning matter the applicant and difficult to design out, there are particular safeguards for resident safety under Building Regulations.

5.23 Crime Prevention Officer - Objection

The footpath running along the East side of the proposed development and the Gloucester Square Car Park are places from which we receive regular reports of crime and disorder. Reports of relevance to this application relate to Anti-Social Behaviour, Drugs Offences and Public Order. We have several reports of people loitering in the Gloucester Square Car Park and the Back of the Walls footpath waiting to collect drugs. Such activities have caused people to feel unsafe using the footpath and caused some to discontinue their transit of the footpath. It is against this background that my comments are made.

Clear definition of the different spaces within the development reduces the opportunities for crime and disorder.

Access to the elevations of the apartment blocks from the public realm must be prevented. Apartment blocks must sit within an area of semi-private space, this space must be enclosed within a robust boundary treatment at least 1.2m high. Ground floor apartments with doors that can be accessed from the surrounding semi-private space

must be protected by a private garden which is the sole preserve of the resident of the apartment with the doors that can be accessed from the space. The private garden must be at least 1.5m wide and enclosed within a robust boundary treatment at least 1.2m high. Windows on the ground floor must be defended by planting. Hampshire Constabulary cannot support this application if the dwellings do not have this basic level of protection.

A footpath connecting Briton Street with Winkle Street and Gloucester Square Car Park runs to the East of the building. This footpath provides for public access to the balcony of studio apartment 5 (on the ground floor), this increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder defensible space must be provided along this area of the building.

Seating is to be provided along the footpath in the vicinity of the French windows of studio apartments 5, 6 and 7. Seating will cause people to loiter or gather which can lead to disorder, which may adversely affect the quality of life for the residents of studio apartment 5, 6 and 7. To reduce the opportunities for disorder the seating should be removed.

The proposal creates 88 dwellings but there is no onsite parking provision. We would remind you that vehicles parked on the public highway are far more likely to be the subject of an incident when compared to vehicles parked on the public highway. Parking on the public highway outside of the building is already restricted. We would be concerned if the effect of this development were to cause additional motor vehicles to be parked on the nearby residential streets.

Officer Response

Whilst the prevalence of existing crime and disorder incidents in the local area are noted, and the social issues are somewhat out of the control of the planning system, the introduction of a residential use at this site will improve 24 hour natural surveillance of the Back of Walls footway, and the new external shared spaces on and off site will assist in reducing the risk of crime. The same could be said if the building were to be converted under the extant prior approval permission. Furthermore, a car free scheme can be supported by the Council's maximum parking standards to promote sustainable travel, whilst there legal controls in place to enforce illegal parking under other legislation are outside the planning system.

5.24 Natural England – Objection due to lack of Habitats Regulation Assessment (HRA) to assess effects on protected areas including measures to mitigate nitrates emissions to the Solent SPA and recreational disturbance to the Solent SPA and New Forest.

Officer Response

Notwithstanding that the generic response by Natural England comment on the circumstances on another authority in the Solent area, the Council has undertaken a robust HRA to assess the likely significant impacts with appropriate measures to mitigate the identified impacts (**see Appendix 1**). This includes the nitrogen budget impact.

5.25 SCC Environmental Health – No Objection

5.26 Health And Safety Executive Fire Safety – No objection with recommendations

for internal improvements

Applicants Response

The applicant's fire consultant Orion will review and consider to inform the detailed design process with regards to the advisory comments. The applicant will have to comply with Building Regulations regardless of the planning consent.

5.27 SCC Ecologist – No objection

The application site consists of a large building located approximately 1.27km to the north-west of the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). This habitat is also part of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site which are nationally and internationally designated sites respectively. The site is located approximately 4.26km from the New Forest Special Area of Conservation (SAC) and the New Forest SPA and Ramsar site. It is also 3.35km from the Solent Maritime SAC and 220m from the Solent and Dorset Coast SPA.

The application site is located at a sufficient distance to avoid construction stage impacts on the designated sites. However, as the proposed scheme is a residential development, it will be necessary to clearly demonstrate that any resultant increase in recreational activity will not lead to adverse impacts upon internationally designated sites in the New Forest and along the coast. Similarly, the applicant will also need to demonstrate that no adverse impacts will arise from increased nitrogen emissions arising from wastewater or reduced air quality linked to vehicles. Information on these issues will be required to enable the Local Planning Authority to undertake a Habitats Regulations Assessment.

A preliminary ecological appraisal submitted in support of the planning application concluded that the site was of low ecological value although it didn't consider the potential presence of black redstart, *Phoenicurus ochruros*, which, in 2021, successfully bred for the first time on a site close to the Friary House.

The proposed building provides an opportunity to introduce biodiversity enhancements into the locality. The submitted information includes a green roof which I support. These green roofs should be biodiverse, rather than sedum, and be designed to meet the needs of black redstart and other insectivorous species. In addition, I would expect the proposed landscape planting to incorporate native and ornamental species of recognised value to wildlife e.g., the RHS 'Perfect for Pollinators' scheme. I support the proposal for a sparrow terrace, swift nest boxes and bat roosting boxes but would also like to see the inclusion of a black redstart nest box on the roof.

5.28 SCC Housing team – No Objection

Housing Management have advised that the affordable housing policy requirement is 31 dwellings (30.8 rounded up). Due to the proportion of small units, the inclusion of studios and the design of the scheme a commuted financial payment would be sought. This is subject to the findings of the independent assessment of the scheme's viability.

Officer Response

The independently assessed scheme viability appraisal report confirms that the current development proposal has viability issues, negating any provision available

toward Affordable Housing. The Strutt & Parker assessment on behalf of the Council (see **Appendix 4**) comes to the general conclusion that currently an all private scheme is deliverable, based on their appraisal of the scheme. In line with the recommendation of the appraisal report, LDF Core Strategy Policy CS15(1) and the Government's planning practice guidance, the Council should seek regular and fixed viability reviews linked with development completion deadlines. This is to ensure that the viability position is kept as current and as accurate as possible at the point of delivery of the proposed development.

5.29 City of Southampton Society – Objection

We recognise that there are some distinct advantages to this application compared with the agreed Prior Approval application (21/01181/PA56). However, there are also some disadvantages.

Advantages:

- 1) Increased number, and larger size, of residential units
- 2) Better design of flats ' better layout and more energy efficient
- 3) Increased separation of block, both from the historic City Wall and Telephone House
- 4) Removal of parking facilities - not required in this inner-city site
- 5) Provision of a roof garden (although safety may be an issue here)

Disadvantages:

- 1) Height of the building ' yet again exceeding the 5-storey limit for the Conservation Area ' a policy sadly more 'honoured in the breach than in the observance'.
- 2) Unimaginative external design (especially compared with distinctive Friary House).
- 3) Removal of the plaques showing the history of the Friary from public display. If these are to be re-sited inside the new building and the public allowed access to view them, then this will present a serious security issue for the residents.
- 4) Also, for security reasons, all the flats on the ground floor will require at least a nominal open space in front of the window which will need to be fenced off from the public.
- 5) If new foundations are to be dug, a full Archaeological survey will be required, followed by a Watching Brief.
- 6) A full Wind Survey will be required to establish the effects of high winds along Briton Street which will now be flanked by high buildings on both sides.
- 7) There should be internal access to the rubbish and cycle stores as well as the external access.
- 8) Finally, the environmental cost of demolishing the existing building and constructing a new building must be taken into consideration.

On this last point, conversion of the existing building to residential units has already been accepted as viable with the granting of the Prior Approval application. We refer to Policy SDP13 which states 'Developments should be designed in a way which minimises their overall demand for resources'. Applications for development will need to demonstrate that they have, where possible, maximised and/or incorporated the opportunity to re-use land and buildings wherever possible.'

Officer comment

The CoSS provide a well balanced assessment of the scheme and there concerns

are addressed in the Planning Considerations section of this report.

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and heritage impact;
- Residential amenity & residential environment;
- Parking highways and transport;
- Development mitigation, affordable housing and viability and;
- Habitats regulations

6.2 Principle of Development

6.2.1 The principle of additional housing is supported. The site is not allocated for additional housing, but the proposed dwelling(s) would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF and our saved policies, seeks to maximise previously developed land potential in accessible locations.

6.2.2 The NPPF requires Local Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

[the so-called "tilted balance"]

6.2.3 There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, and these are set out in further detail below to enable the Panel to determine 'the Planning Balance' in this case.

6.2.4 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. Policy AP9 of the City Centre Action Plan supports residential development in the city centre through the conversion or redevelopment of other sites as appropriate. The policy suggests approximately 5,450 dwellings will be built in the city centre between 2008 and 2026. Similarly, CS1 of the Core Strategy supports significant residential growth

in the city centre to assist in addressing the city's housing need.

6.2.5 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in city centre locations such as this, density levels should generally be over 100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a high residential density of 530 d.p.h. This high level density of housing is appropriate in a urban centre context, whilst on a vacant office site the development would deliver a strong and distinctive planning / regeneration benefits by positively and significantly contributing 88 units towards the city's housing delivery target (and assist making up the shortfall as a result of the 35% uplift to housing supply in urban centres as required by the government), providing new public realm and the proposed building is of good quality design and would have a positive relationship with the setting of the Town Wall. The character impact of tall building taller within this historic context is further addressed below in section 6.3 of the report.

6.3 Design and heritage impact

6.3.1 The design has evolved following consultation with the Historic England, the Council's Historic Environment Officer and the Council's Urban Design manager including design review with the Design Advisory Panel. It is accepted by the SCC Design Manager as a good standardised design, however, the standard typology of the eastern elevation does not respond well to the pronounced kink in the Town Walls. Furthermore, the increased building height adjacent to the Town Walls is not adequately compensated by the widening of the separation compared with Friary House. Policy AP17 of the City Centre Action Plan indicates that tall buildings of 5-storeys or more can be permitted in the city centre however there is a restriction within the Old Town. Having said that, the SCC Design Manager recognises that the proposed design is an improvement over other modern residential blocks in Briton Street, whilst there is a precedent for taller buildings already in this area of the Old Town. This includes Telephone House being a similar height immediately adjacent to west. The building incorporates strong design features on the ground floor including the colonnaded entrance overlooking the new public realm area.

6.3.2 It is acknowledged that, the existing scale of Friary House, the large open area of Gloucester Square Car Park, the low-height modern development and Victorian almshouses to the south all help to retain a smaller scale feel to this part of the Old Town, despite much taller developments along Briton Street. A taller building on the Friary House site, even if set back further from the town wall, would detract from this, and would impact on the setting of the town walls. However, the significance of harm and conflict with design policies in the Old Town will have to be weighed up in the overall planning balance and the policies of the Development Plan as a whole. Furthermore, the NPPF heritage test for the less than substantial harm affecting the setting of the Town Walls and conservation area should be weighed against the public benefits of the proposal, including securing its optimum viable use of the site.

6.3.3 There are a number of substantial public benefits delivered by the proposed development including the new public realm with seating and tree planting (on-site and off-site) adjacent to the Back of Walls and use of Purbeck Stone on the footway to improve the route and setting of the Town Wall, the retention of the locally listed murals in a public space adjacent to the Town Walls, introduction of 24 hour natural

surveillance in area of noted crime and disorder, preservation of underground archaeology by reusing the existing basement, and strong regeneration benefits from reuse of vacant commercial unit as windfall housing which positively and significantly contributes to meeting the housing targets in the city. Additionally, both the Conservation Officer and Historic England accepts that the heritage character impact of the increased building height can be adequately offset by the public realm improvements adjacent to the Town Walls combined with increased visibility of the Town Walls in Briton Street through the colonnaded entrance and the increased gap between the east elevation of the proposed block. Therefore, the harm arising from the negative conflicts identified with the Development Plan policies for design and preservation of heritage assets will be significantly outweighed by the positive benefits delivered by the development and, therefore, would not be in conflict with the Development Plan as a whole, and is also considered to meet the heritage tests set out in the NPPF and Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

6.4 Residential amenity & residential environment

6.4.1 This neighbourhood, within the heart of the city centre, has a character and density which can accommodate higher density residential development. Whilst the planning system cannot prevent existing crime and disorder within a neighbourhood, the active frontages and 24 hour natural surveillance of the proposed development will assist in reducing the risk of crime. In order to reduce the risk of crime and safety to the future occupiers, a suitable level of defensible planting and boundary treatment for the ground floor units will front the public realm adjacent to the Back of Walls (east side) and the west/south sides of the proposed development. That said, this back of pavement relationship is not uncommon in an urban centre and this is more suited in the quieter footfall of the Old Town residential area. The landscaping condition seeks to agree further defensible treatment outside the balcony area of studio 5 on the ground floor.

6.4.2 The application is supported by a BRE Daylight and Sunlight Assessment which demonstrates that reasonable daylighting will be maintained to neighbouring buildings in the context of this higher density neighbourhood. It is acknowledged that the BRE assessment identifies a shortfall in BRE daylighting standards to a number of habitable room windows in the adjacent west elevation of City Court. In this case, daylight is already restricted to City Court, particularly to windows on the lower floors. The analysis results show that all of the windows and rooms assessed on the ground floor would comply with the BRE Report daylighting tests. The windows and rooms not meeting the guidance are located on the upper floors and, therefore, experience a larger ratio reduction, albeit that the retained levels of daylight are similar to those received at ground floor. There would be a separation distance ranging from 15 to 18m to the east across the Back of Walls between the adjacent 7-4 storeys of City Court which is considered a reasonable separation distance within this context, and BRE guidance advises that its daylight standards can be applied flexibly in higher density environments. There is a 7m separation distance between Telephone House to the west, with the proposed mass of the 8 storeys projecting 22m beyond the rooftop elevation of Telephone House, where the closest side facing windows affected are secondary windows serving living spaces. The windows affected comply with BRE tests, whilst it is concluded that the reduction in lighting is unlikely to be noticeable to the occupiers.

6.4.3 There is already an element of overlooking by the proximity of the 4 storey Friary House towards the neighbouring buildings, albeit at a lower level and during office hours. The proposed layout and higher vantage point from the taller windows is also considered to provide reasonable levels of privacy and outlook between the proposed flats and neighbouring buildings in this city centre context, especially given the 15-18m separation distances between City Court across the Back of Walls site. The applicant has not undertaken a microclimate assessment with regards to the wind funnelling impact of the taller building on the neighbouring residents and public safety on adjacent pedestrian and cyclist routes. This matter would go to the heart of the permission as it could change the building design so it cannot be further assessed and agreed by way of a pre-commencement condition. As such, this issue does not necessarily prevent the development from being supported and officer's seek delegation from the Panel to further assess this matter with the applicant prior to granting planning permission on receipt of a satisfactory submission.

6.4.4 The proposed dwelling units are designed to fully comply with the Nationally Described Space Standards, whilst they will have access to a good standard of private and communal amenity space for a high density urban location. The majority of habitable rooms will receive a good outlook and access to daylight, with marginal daylighting issues for the studio flats which have a deeper open plan kitchen/living/dining spaces at the northern end of the plot with western and eastern aspect (as set out in the BRE daylight assessment). That said, with the overshadowing of some flats by the cantilevered balconies and the orientation of the plot, these deficiencies are not untypical of high-density urban living. On balance, the positive benefits of contributing towards housing need will significantly outweigh these marginal residential environment issues. With the exception of the studio flats, the flats will have private balconies ranging from 5sqm - 1 bed 2 persons; 6sqm - 2 bed 3 persons; 7sqm - 2 bed 4 persons. The proposal provides 631 sqm gross of communal/private internal amenity (7sqm per resident), which is considered reasonable in the context of city centre living. Residents will also have access to the public realm space adjacent to the Town Walls and access is provided for all residents to internal communal spaces.

6.5 Parking highways and transport

6.5.1 The Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. In particular, policy AP19 (Transport and Movement) states that the primary aim of car parking policy is to reduce car use rather than car ownership. City centre living is likely to encourage some people not to own a car. Nevertheless appropriate car parking provision should be made for residential developments. The maximum permissible for this development mix would be 88 car parking spaces. The proposed development would be car free however, but this approach is supported by the Council's maximum parking standards which does not require a minimum to be provided. Having regard to the nature of the proposed uses and the city centre location of the site, this approach is considered to be appropriate and consistent with other high density residential schemes of this nature in the city centre. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets

6.5.2 It is recognised that the scheme would generate less trips into the city centre having regard to the existing office use however the introduction of dedicated on-site car parking will create increased vehicular traffic on roads around the site but these levels can be accommodated without having an adverse impact on network capacity.

6.5.3 The scheme provides 88 cycle spaces (on a 1:1 basis) using a 2-tier rack system within a conveniently accessible and secure store (residents key fob access on the west side of the building). The detailed design of the refuse and cycle storage will be secured by condition. A legal agreement will be used to secure site specific highway works to mitigate against the impact of the development. This has not been confirmed by the Highways team, however is likely to be the provision of sustainable travel improvements, especially related to the pedestrian / cycle environment within the vicinity of the site, in response to the provision of 88 additional units of car free residential accommodation. Additionally, a highway condition survey will be required to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

6.6 Development Mitigation, Affordable Housing and Viability

6.6.1 A development of this scale is expected to mitigate its direct impacts in accordance with LDF Policy CS25. A s.106 legal agreement is triggered and contributions secured. Policy CS15 sets out that ‘the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model).’ The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal has been assessed and verified by an independent adviser to the Council; in this case Strutt & Parker (S&P). A copy of their independent assessment (dated September 2022) is appended to this report at **Appendix 5**.

6.6.2 The latest NPPF guidance suggests a profit level of 15-20% of Gross Development Value (GDV) is a suitable return for developers. The applicant’s viability assessment adopted a developer profit of 15% of GDV as agreed by S&P. The S&P report has assessed the scheme as 100% private market housing, incorporating an overall site value before development costs of £20.43m (adopting a value of £386 per sq ft) and a bench landmark value of the office space as £1.76m (£186 per sq ft), with CIL contributions totalling £68,405 (reduced due to existing deductible floorspace) and S106 contributions totalling £47,239.

6.6.3 According to S&P’s appraisal of the viability, the proposed development produces a residual land value of £1.37m – when the Benchmark Land Value of the current office space is £1.76m (adjusted down from the applicant’s £2.5m figure to more accurately reflect the current market). This will equate to a deficit of approximately £460,000 on the land value inputs of the residential development before any affordable housing can be delivered and, therefore, S&P concludes the scheme is not viable and cannot provide any contribution towards affordable housing.

6.6.4 Given the deficits involved it would be right to question why the scheme is coming

forward at the current time. The viability is showing a -£0.46m deficit with no affordable housing. Clearly, this is a matter for the applicant, however, having carried out a sensitivity analysis, S&P advises that this development is particularly sensitive to both build costs and value changes. This suggests that with just a 2.5% increase in values and a 2.5% decrease in costs that a Residual Land Value in excess of £2 million could be achieved thus providing a surplus.

6.6.5 Therefore the s.106 clauses will build in review mechanisms in line with our normal practices so that an assessment of the viability can be relooked at as the scheme progresses and if the situation improves satisfactorily then contributions can be sought. The review process will take any account any vacant building credit as a material consideration. Given the acute need for affordable housing in the city with 8,600 applicants currently on the housing register seeking affordable housing to rent, it is extremely disappointing that this scheme cannot support any section 106 affordable housing based on existing scheme viability. Ultimately the provision of nil affordable housing is planning policy compliant with adopted development plan policy CS15(1). Going forward the new local plan (City Vision) will need to be supported by up to date viability evidence underpinning the plan.

6.7 Habitats Regulations

6.7.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7. Summary

7.1 The principle of new residential development on this highly acceptable previously developed site is considered acceptable. The proposal represents a comprehensive high density residential-led development of good standardised design that will deliver strong and distinctive planning benefits. The conflicts with design and heritage policies from redeveloping Friary House with a building double its height (but narrower and further from the Town Walls) will be significantly outweighed by the strong planning / regeneration benefits delivered by the development when making a balanced judgement against the priorities of the Development Plan as a whole.

7.2 It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising from the conflict with the policies in the development plan as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such,

consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are judged to be acceptable when weighing the planning balance against the Development Plan as a whole, despite the negative conflict with design and heritage policies for the Old Town. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

8. Conclusion

8.1 It is recommended that, following further microclimate assessment, planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d), 2 (b) (c) (d) (e) (f), 4 (a) (f) (g) (uu) (vv), 6 (a) (c), 7 (a)

Stuart Brooks for 22.11.22 PROW Panel

PLANNING CONDITIONS

1. Timing

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 drawing schedule detailed 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. Construction Environment Management Plan (Pre-Commencement)

Prior to the commencement of any below or above ground demolition and construction works a written Construction Environment Management Plan (CEMP) in respect of any construction phase identified by the above phasing conditions shall be submitted to and approved by the Local Planning Authority.

The CEMP 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. Details of the following shall also be provided for each phase of the development:

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor's cabins/office;
- c) Loading and unloading of plant and materials;

- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development. No storage of goods including temporary contracts buildings, plant and stacks of materials and equipment associated with the development shall be stored within 4m of the Town Wall;
- e) A scheme for recycling waste resulting from the construction programme;
- f) Measures for the suppression of dust caused by the construction phase including cleaning of wheels and the under chassis of lorries leaving the site;
- g) Details of how noise emanating from the site during construction will be mitigated. This shall include a "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- h) Confirmation that the hours of construction listed in the condition below will be adhered to;
- i) Measures to protect the Town Walls from damage potentially caused during the demolition and construction phases. This shall include the submission of a pre-construction and post-construction survey to assess any damage caused to the Town Walls. In event that the survey confirms damage to the Town Walls, repairs shall be undertaken in accordance with the submission of schedule of repairs prior to occupation of the development hereby approved;
- j) Measures to mitigate with the environmental impact issues raised by Natural England and SCC Air Quality team in their response to the application; and
- k) The methods of supervision to ensure that workers have knowledge of the method statement.

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 ensure that the demolition and construction phase is properly managed in terms of highway safety, whilst ensuring that local heritage assets are not damaged as a consequence of this development.

Informative: a maximum vibration of 3mm/sec Peak Particle Velocity is permitted in the vicinity of the town walls, measured by a device fixed to the monument itself.

4. Hours of work for Demolition / Clearance / Construction (Performance)

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 17:00 hours (9.00am to 5.00pm)

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 LPA.

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted

hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery within each phase.

Reason: To protect the amenities of the occupiers of existing nearby residential properties as agreed by the Council's Environmental Health Officer.

5. Land Contamination investigation and remediation (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 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.

6. Use of uncontaminated soils and fill (Performance)

Only 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.

7. Unsuspected Contamination (Performance)

The site shall be monitored by the applicant 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.

8. 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.

9. Archaeological evaluation (Pre-Commencement Condition)

No ground disturbance (including below-ground demolition) 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 ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

10. 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. 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. 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. Piling Methodology (Pre-Operation)

Prior to any piling operations being undertaken for each phase of the development a piling/foundation design risk assessment and method statement (including monitoring) for the preferred piling/foundation design/designs in respect of such relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall progress in accordance with the agreed details.

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, particularly in respect of residential amenity and the integrity of the scheduled ancient monuments that form part of the site and its setting.

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.

Note to Applicant: It should be noted that the maximum PPV level permitted in the vicinity of Southampton's medieval town walls is 3 mm/s, as measured on the monument itself. A detector needs to be fixed to the monument to measure this.

14. Protection and Relocation of Friary House murals (Pre-Commencement)

Prior to commencement of the approved development including demolition/clearance of the site, details shall be submitted and agreed in writing by the Local Planning Authority for the detailed methodology to (i) protect and remove the mural panels during the demolition and construction phase and (ii) secure an appropriate location to display of the mural panels, and (iii) maintenance regime. The approved details of the removal and relocation of the panels shall be undertaken prior to the occupation of the development and thereafter the display of the panels shall be retained and maintained as approved for the lifetime of development.

Reason: In the interests of preserving the heritage assets within the site.

15. External Materials (Pre-Commencement)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works above ground level shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary for that development phase, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls,

windows with reveal, doors (that shall be fitted not to open outwards into the public realm), balcony details, rainwater goods, screening to the retained sub-station, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality when read against the important local heritage assets.

16. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works (excluding any further demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) 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 to demonstrate a level access is achievable across and through the development for all users (including those in wheelchairs, with mobility issues and parents with pushchairs) and particularly along the north-south route from Briton Street to Back of Walls; means of enclosure; other vehicle pedestrian access and circulations areas, hard surfacing materials including the use of Purbeck paving stones, structures and ancillary objects (refuse bins, bollards, information panels, lighting columns etc.)
- ii) planting plans for the external landscaped areas and roof terrace; 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) Tree species, tree pit details – including the location of root retaining barriers within the existing basement - and soil volumes;
- iv) details of any proposed boundary treatment, including retaining walls;
- v) provide additional defensible planting/railings adjacent to ground floor studio unit 5;
- vi) a landscape management scheme; and,
- vii) confirmation that the submitted landscaping scheme accords with the plans submitted in respect of the off-site public realm works undertaken by the s.278 or/and works license.

The approved soft landscaping scheme for 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. With the exception of the trees which shall be maintained for the lifetime of the development, the approved landscaping scheme implemented shall be maintained for a minimum period of 5 years following its complete provision. The other approved works shall be carried out prior to occupation and thereafter retained for the lifetime of the development.

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 applicant 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 including the setting of heritage assets and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

17. Glazing- Soundproofing from external noise (Performance)

Unless otherwise agreed in writing by the Local Planning Authority, the acoustic rating of the glazing for the residential accommodation shall be installed in accordance with the recommendations set out in section 5.1 of the noise report submitted (namely Noise Assessment Report dated 9th March 2022 by Auricl) and shall thereafter be retained for the lifetime of the development.

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

18. Means of Enclosure - Permitted Development Removed (Performance)

Notwithstanding the details of the proposed scheme and the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority either in response to this condition or through the submission of a planning application.

Reason: To safeguard the open character and appearance of this important area of open space adjoining a Scheduled Ancient Monument.

19. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, the developer shall submit a programme of habitat and species mitigation and enhancement measures, including method statement for avoiding impacts on bat roosts, black redstart, swifts and starlings will be required, 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.

20. Submission of a Bird Hazard Management Plan (Pre-commencement)

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of the management of the roof area and any solar panels within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around Aerodromes'

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Southampton Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

Informative: Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within CAP1096 the Guidance to crane users on the crane notification process and obstacle lighting and marking.

21. Refuse & Recycling (Pre-Occupation)

Prior to the occupation of the development hereby approved, the details of refuse collection management plan shall be submitted to and agreed in writing by the Local Planning Authority.

Before the development hereby approved first comes into occupation, the bin store shall be provided in accordance with the plans hereby approved and the approved management plan and shall include the following:

- Ventilation;
- Outwardly opening doors, or roller shutter doors which do not encroach onto the public highway, with no less than 1.4 metre wide opening and capable of being secured in place whilst bins are moved;
- Level threshold access;
- A lock system to be operated by a coded key pad;
- Internal lighting;
- Facilities for cleaning and draining the store and;
- Dropped kerb access to the adjacent highway.

The store shall thereafter be retained and made available for use at all times for the lifetime of the development.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

22. Communal and Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the communal and private external and internal amenity and resident's space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity spaces and access to them shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

23. Cycle Parking (Pre-Occupation)

Prior to occupation of the development hereby approved, a detailed plan shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the provision of long stay residents and short stay visitors cycle parking in accordance with the standards set out within the Council's Parking Standards Supplementary Planning Document (2011) unless otherwise agreed in writing by the Local Planning Authority. Once the quantum and location of cycle parking has been agreed in writing, the cycle provision shall be carried out in accordance with the approved details prior to first occupation of the approved buildings. Thereafter these cycle spaces and associated facilities shall be retained for the lifetime of the development.

Reason To promote cycling as a sustainable mode of transport.

24. Sustainable Drainage (Pre-Commencement)

The development hereby approved shall not commence until details of surface water drainage works 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. detailed design showing the sizing and position of each drainage component;
- 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.

The development shall thereafter be carried out in accordance with the approved surface drainage works prior to the occupation of the development and thereafter retained and maintained for the lifetime of the development.

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. Sustainable Drainage - Verification (Pre-Occupation)

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

25. Surface/Foul Water Drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area and protection of archaeological deposits along Back of the Walls, and the town wall.

27. Sustainable Measures (Pre-Commencement)

Prior to commencement of demolition the following information for that development plot phase shall be submitted to and approved in writing by the Local Planning Authority:

- i. Pre-demolition audit - Conduct a pre-demolition audit on all existing buildings and hardstanding, considering opportunities for reuse on site and maximising the proportion of waste taken offsite which is recycled. Audit to be completed at a site-level prior to any works or at a phase-level, details of which should be provided. Set out how exploration of embodied carbon has informed decision making on materials
- ii. Embodied carbon - review the high-level embodied carbon implications of the proposals and which demonstrates that embodied carbon has been considered when making decisions regarding structure, architecture, and materiality. Consider conducting a detailed embodied carbon assessment in line with the RICS methodology on key buildings to benchmark the design.
- iii. Demonstrate compliance with Building Regulations 2021 Part O1: Overheating mitigation utilising Section 2 Dynamic thermal modelling or the most recent version.

The approved development shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent

Reason: To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20, the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6, Southampton's Green City Charter and Plan (2020)

28. Energy (Pre-Commencement)

Prior to commencement of development a confirmed energy strategy shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the space heating demand and aspire to reduce space heating demand to 15kWh/m²/yr within apartments of 15kWh/m²/yr.

The measures set out in the agreed strategy shall be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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), and the Southampton Green City Charter and Plan (2020)

29. Energy (Post-Occupancy)

Within 6 months of completing each Residential accommodation block, the 'As Built' SAP certificates and Part L output BRUKL shall be provided to demonstrate post construction compliance with the pre-commencement condition.

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), and the Southampton Green City Charter and Plan (2020).

30. Water efficiency and rainwater recycling (Pre-Construction)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum 100 Litres/Person/Day water use in the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. This should include the review the viability and feasibility of rainwater harvesting and greywater recycling. The appliances/ fittings to be installed as specified.

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 (Amended 2015).

31. Green Roof Specification

Details of the biodiversity green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

The biodiversity green roof shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plans hereby approved;
- c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mixed shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum)
- d)The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- e)The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter by a qualified maintenance company for the lifetime of the development

Reason: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015) .

Habitats Regulations Assessment (HRA)

Application reference:	22/00953/FUL
Application address:	Friary House Briton Street Southampton
Application description:	Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House
HRA completion date:	5 August 2022

HRA completed by:

Lindsay McCulloch
Planning Ecologist
Southampton City Council
Lindsay.mcculloch@southampton.gov.uk

Summary

The project being assessed is as described above.

The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.

The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other 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.

In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

The findings of the initial assessment concluded that significant effects were 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 adequately mitigated and that there will be no adverse effect on the integrity of protected sites.**

Section 1 - details of the plan or project

**European sites potentially impacted by plan or project:
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**

- Solent and Dorset Coast Special Protection Area (SPA)
- Solent and Southampton Water SPA
- Solent and Southampton Water Ramsar Site
- Solent Maritime Special Area of Conservation (SAC)
- River Itchen SAC
- New Forest SAC
- New Forest SPA
- New Forest Ramsar site

Is the project or plan directly connected with or necessary to the management of the site (provide details)?

No – the development is not 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)?

- 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)

The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.

Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.

Whilst the dates of the two plans do not align, it is clear that the proposed development of this site 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.

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment provisions, ie. Regulations 63 and 64 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, as required under Regulation 63 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 63(1) (a) of the Habitats Regulations.**

The proposed development is located close to the Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC. As well as the River Itchen SAC, New Forest SAC, SPA and Ramsar site.

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 both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

- Contamination and deterioration in surface water quality from mobilisation of contaminants;
- Disturbance (noise and vibration);
- Increased leisure activities and recreational pressure; and,
- Deterioration in water quality caused by nitrates from wastewater

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 63(1)(a) of the Habitats Regulations.

The project being assessed is as described above. The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/ SPA/Ramsar site.

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised 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. In addition, wastewater generated by the development could result in the release of nitrogen into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

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 63(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 Areas of Conservation is to, *“Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.”*

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

Mobilisation of contaminants

Sites considered: Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast SPA, Solent Maritime SAC, River Itchen SAC (mobile features of interest including Atlantic salmon and otter).

The development site lies within Southampton, which is subject to a long history of port and associated operations. As such, there is the potential for contamination in the site to be mobilised during construction. In 2016 the ecological status of the Southampton Waters was classified as ‘moderate’ while its chemical status classified as ‘fail’. In addition, demolition and construction works would result in the emission of coarse and fine dust and exhaust emissions – these could impact surface water quality in the Solent and Southampton SPA/Ramsar Site and Solent and Dorset Coast SPA with consequent impacts on features of the River Itchen SAC. There could also be deposition of dust particles on habitats within the Solent Maritime SAC.

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust,

and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

In the absence of such mitigation there is a risk of contamination or changes to surface water quality during construction and therefore a significant effect is likely from schemes proposing redevelopment.

Disturbance

During demolition and construction noise and vibration have the potential to cause adverse impacts to bird species present within the SPA/Ramsar Site. Activities most likely to generate these impacts include piling and where applicable further details will be secured ahead of the determination of this planning application.

Sites considered: Solent and Southampton Water SPA

The distance between the development and the designated site is substantial and it is considered that sound levels at the designated site will be negligible. In addition, background noise will mask general construction noise. The only likely source of noise impact is piling and only if this is needed. The sudden, sharp noise of percussive piling will stand out from the background noise and has the potential to cause birds on the inter-tidal area to cease feeding or even fly away. This in turn leads to a reduction in the birds' energy intake and/or expenditure of energy which can affect their survival.

Collision risk

Sites considered: Solent and Southampton Water SPA, Solent and Dorset Coast SPA

Mapping undertaken for the Southampton Bird Flight Path Study 2009 demonstrated that the majority of flights by waterfowl occurred over the water and as a result collision risk with construction cranes, if required, or other infrastructure is not predicted to pose a significant threat to the species from the designated sites.

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

Human disturbance of birds, which is any human activity which affects a bird's behaviour or survival, has been a key area of conservation concern for a number of years. Examples of such disturbance, identified by research studies, include birds taking flight, changing their feeding behaviour or avoiding otherwise suitable habitat. The effects of such disturbance range from a minor reduction in foraging time to mortality of individuals and lower levels of breeding success.

New Forest SPA/Ramsar site/ New Forest SAC

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler

Sylvia undata, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

Nightjar

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were found to be more likely to fail as a consequence of predation, probably due to adults being flushed from the nest by dogs allowing predators access to the eggs.

Woodlark

Density of woodlarks has been shown to be limited by disturbance with higher levels of disturbance leading to lower densities of woodlarks. Although breeding success rates were higher for the nest that were established, probably due to lower levels of competition for food, the overall effect was approximately a third fewer chicks than would have been the case in the absence of disturbance.

Dartford warbler

Adverse impacts on Dartford warbler were only found to be significant in heather dominated territories where high levels of disturbance increased the likelihood of nests near the edge of the territory failing completely. High disturbance levels were also shown to stop pairs raising multiple broods.

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is designated, high levels of recreation activity can also affect habitats for which the New Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

Visitor levels in the New Forest

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It 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, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

Post code data collected as part of the New Forest Visitor Survey 2018/19 (Liley et al, 2019) revealed that 50% of visitors making short visits/day trips from home lived within 6.1km of the survey point, whilst 75% lived within 13.8km; 6% of these visitors were found to have originated from Southampton.

The application site is located within the 13.8km zone for short visits/day trips and residents of the new development could therefore be expected to make short visits to the New Forest.

Whilst car ownership is a key limitation when it comes to be able to access the New Forest, there are still alternative travel means including the train, bus, ferry and bicycle. As a consequence, there is a risk that recreational disturbance could occur as a result of the development. Mitigation measures will therefore be required.

Mitigation

A number of potential mitigation measures are available to help reduce recreational impacts on the New Forest designated sites, these include:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion

Officers consider a combination of measures will be required to both manage visitors once they arrive in the New Forest, including influencing choice of destination and behaviour, and by deflecting visitors to destinations outside the New Forest.

The New Forest Visitor Study (2019) asked visitors questions about their use of other recreation sites and also their preferences for alternative options such as a new country park or improved footpaths and bridleways. In total 531 alternative sites were mentioned including Southampton Common which was in the top ten of alternative sites. When asked whether they would use a new country park or improved footpaths/ bridleways 40% and 42% of day visitors respectively said they would whilst 21% and 16% respectively said they were unsure. This would suggest that alternative recreation sites can act as suitable mitigation measures, particularly as the research indicates that the number of visits made to the New Forest drops the further away people live.

The top features that attracted people to such sites (mentioned by more than 10% of interviewees) included: Refreshments (18%); Extensive/good walking routes (17%); Natural, 'wild', with wildlife (16%); Play facilities (15%); Good views/scenery (14%); Woodland (14%); Toilets (12%); Off-lead area for dogs (12%); and Open water (12%). Many of these features are currently available in Southampton's Greenways and semi-natural greenspaces and, with additional investment in infrastructure, these sites would be able to accommodate more visitors.

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle

routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

The City Council has committed to ring fencing 4% of CIL receipts to cover the cost of upgrading the footpath network within the city's greenways. This division of the ring-fenced CIL allocation is considered to be appropriate based on the relatively low proportion of visitors, around 6%, recorded originating from Southampton. At present, schemes to upgrade the footpaths on Peartree Green Local Nature Reserve (LNR) and the northern section of the Shoreburs Greenway are due to be implemented within the next twelve months, ahead of occupation of this development. Officers consider that these improvement works will serve to deflect residents from visiting the New Forest.

Discussions have also been undertaken with the New Forest National Park Authority (NFNPA) since the earlier draft of this Assessment to address impacts arising from visitors to the New Forest. The NFNPA have identified a number of areas where visitors from Southampton will typically visit including locations in the eastern half of the New Forest, focused on the Ashurst, Deerleap and Longdown areas of the eastern New Forest, and around Brook and Fritham in the northeast and all with good road links from Southampton. They also noted that visitors from South Hampshire (including Southampton) make up a reasonable proportion of visitors to central areas such as Lyndhurst, Rhinefield, Hatchet Pond and Balmer Lawn (Brockenhurst). The intention, therefore, is to make available the remaining 1% of the ring-fenced CIL monies to the NFNPA to be used to fund appropriate actions from the NFNPA's Revised Habitat Mitigation Scheme SPD (July 2020) in these areas. An initial payment of £73k from extant development will be paid under the agreed MoU towards targeted infrastructure improvements in line with their extant Scheme and the findings of the recent visitor reports. This will be supplemented by a further CIL payment from the development with these monies payable after the approval of the application but ahead of the occupation of the development to enable impacts to be properly mitigated.

The NFNPA have also provided assurance that measures within the Mitigation Scheme are scalable, indicating that additional financial resources can be used to effectively mitigate the impacts of an increase in recreational visits originating from Southampton in addition to extra visits originating from developments within the New Forest itself both now and for the lifetime of the development

Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

“work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest’s international nature conservation designations in perpetuity.”

has been agreed.

The Revised Mitigation Scheme set out in the NFNPA SPD is based on the framework for mitigation originally established in the NFNPA Mitigation Scheme (2012). The key elements of the Revised Scheme to which CIL monies will be released are:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion;
- Monitoring and research; and
- In perpetuity mitigation and funding.

At present there is an accrued total, dating back to 2019 of £73,239.81 to be made available as soon as the SLA is agreed. This will be ahead of the occupation of the development. Further funding arising from the development will be provided.

Provided the approach set out above is implemented, an adverse impact on the integrity of the protected sites will not occur.

Solent and Southampton Water SPA/Ramsar site

The Council has adopted the Solent Recreation Mitigation Partnership’s Mitigation Strategy (December 2017), in collaboration with other Councils around the Solent, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This strategy enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

The residential element of the development could result in a net increase in the city’s population and there is therefore the risk that the development, in combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. A contribution to the Solent Recreation Mitigation Partnership’s mitigation scheme will enable the recreational impacts to be addressed. The developer has committed to make a payment prior to the commencement of development in line with current Bird Aware requirements and these will be secured ahead of occupation – and most likely ahead of planning permission being implemented.

Water quality

Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site

Natural England highlighted concerns regarding, *“high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”*

Eutrophication is the process by which excess nutrients are added to a water body leading to rapid plant growth. In the case of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site the problem is predominately excess nitrogen arising from farming activity, wastewater treatment works discharges and urban run-off.

Features of Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

Evidence of eutrophication impacting the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data covering estimates of river flow, river quality and also data on WwTW effluent flow and quality.

An Integrated Water Management Study for South Hampshire, commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities, examined the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be enough capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to wastewater treatment works will be enough to accommodate the quantity of new housing proposed. Considering this, Natural England have advised that a nitrogen budget is calculated for larger developments.

A methodology provided by Natural England has been used to calculate a nutrient budget and the calculations conclude that there is a predicted Total Nitrogen surplus arising from the development as set out in the applicant's submitted Calculator, included within the submitted Sustainability Checklist, that uses the most up to date calculators (providing by Natural England) and the Council's own bespoke occupancy predictions and can be found using Public Access:
<https://www.southampton.gov.uk/planning/planning-applications/>

This submitted calculation resulting in ***56.73kg total nitrogen load per year*** has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required. This is based on the additional population from the residential units using 110litres of waste water per person per day. Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. At present strategic mitigation measures are still under development and it is therefore proposed that a record of the outstanding amount

of 56.73kg/TN/yr nitrogen is made.

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:

- There is potential for a number of impacts, including noise disturbance and mobilisation of contaminants, to occur at the demolition and construction stage.
- Water quality within the Solent and Southampton Water SPA/Ramsar site could be affected by release of nitrates contained within wastewater.
- Increased levels of recreation activity could affect the Solent and Southampton Water SPA/Ramsar site and the New Forest/SAC/SPA/Ramsar site.
- There is a low risk of birds colliding with the proposed development.

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

Demolition and Construction phase

- Provision of a Construction Environmental Management Plan, where appropriate.
- Use of quiet construction methods where feasible;
- Further site investigations and a remediation strategy for any soil and groundwater contamination present on the site.

Operational

- Contribution towards the Solent Recreation Mitigation Partnership scheme. The precise contribution level will be determined based on the known mix of development;
- 4% of the CIL contribution will be ring fenced for footpath improvements in Southampton's Greenways network. The precise contribution level will be determined based on the known mix of development;
- Provision of a welcome pack to new residents highlighting local greenspaces and including walking and cycling maps illustrating local routes and public transport information.
- 1% of the CIL contribution will be allocated to the New Forest National Park Authority (NFNPA) Habitat Mitigation Scheme. A Memorandum of Understanding (MoU), setting out proposals to develop a Service Level Agreement (SLA) between SCC and the NFNPA, has been agreed. The precise contribution level will be determined based on the known mix of development with payments made to ensure targeted mitigation can be delivered by NFNPA ahead of occupation of this development.
- All mitigation will be in place ahead of the first occupation of the development thereby ensuring that the direct impacts from this development will be properly addressed.

As a result of the mitigation measures detailed above, when secured through planning obligations and conditions, officers are able to conclude that there will be no adverse impacts upon the integrity of European and other protected sites in the Solent and New Forest arising from this development.

References

Fearnley, H., Clarke, R. T. & Liley, D. (2011). The Solent Disturbance & Mitigation Project. Phase II – results of the Solent household survey. ©Solent Forum/Footprint Ecology.

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Liley, D., Panter, C., Caals, Z., & Saunders, P. (2019) Recreation use of the New Forest SAC/SPA/Ramsar: New Forest Visitor Survey 2018/19. Unpublished report by Footprint Ecology.

Liley, D. & Panter, C. (2020). Recreation use of the New Forest SAC/SPA/Ramsar: Results of a telephone survey with people living within 25km. Unpublished report by Footprint Ecology.

Protected Site Qualifying Features

The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer
- (*Quercion robori-petraeae* or *Ilici-Fagenion*) (primary reason for selection)
- *Asperulo-Fagetum* beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*,
- *Salicion albae*) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

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 Maritime SAC

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- Spartina swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Salicornia and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

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*.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1	City Centre
CS4	Housing Delivery
CS6	Housing Density
CS7	Commercial Uses
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
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
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
SDP16	Noise
SDP17	Lighting
SDP21	Water Quality
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
NE4	Protected Species
HE1	Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains

City Centre Action Plan - March 2015

AP2	Existing Offices
AP 9	Housing supply
AP 12	Green infrastructure and open space
AP 13	Public open space in new developments
AP 15	Flood resilience

AP 16 Design
AP 17 Tall Buildings
AP 18 Transport and movement

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Old Town Development Strategy (November 2000)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Friary House, Southampton

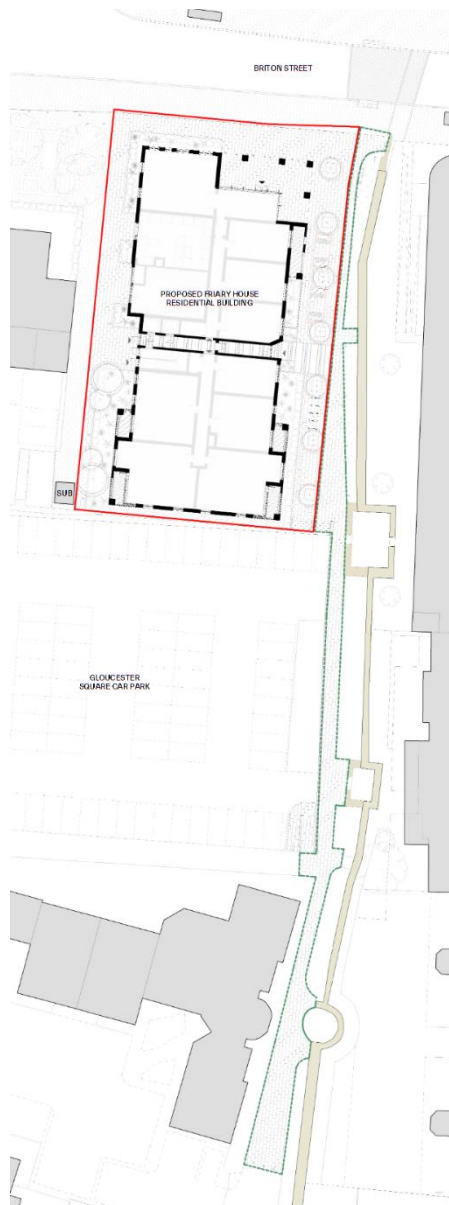
Schedule of Public Realm Improvement Works Proposed

This schedule of public realm improvement works should be read in conjunction with Proposed Landscape Masterplan (DR-A-00 012 Rev P12) – Figure 1 below.

Extent of Area of Public Realm Improvement Works

The extent of public realm improvement works relates to the area of proposed landscaping within the red line boundary between the proposed building and the Town Wall and the area of off-site public realm located within the green dotted line on the Proposed Landscape Masterplan located between the proposed building and the Town Wall and all the way down from Briton Street to the three bollards located at the entrance to Winkle Street (Figure 2 below).

Figure 1 – Extent of Area of Public Realm Improvement Works



Schedule of Public Realm Improvement Works Proposed

Figure 2 – Three Bollards Marking the Southern Boundary to Public Realm Improvement Works



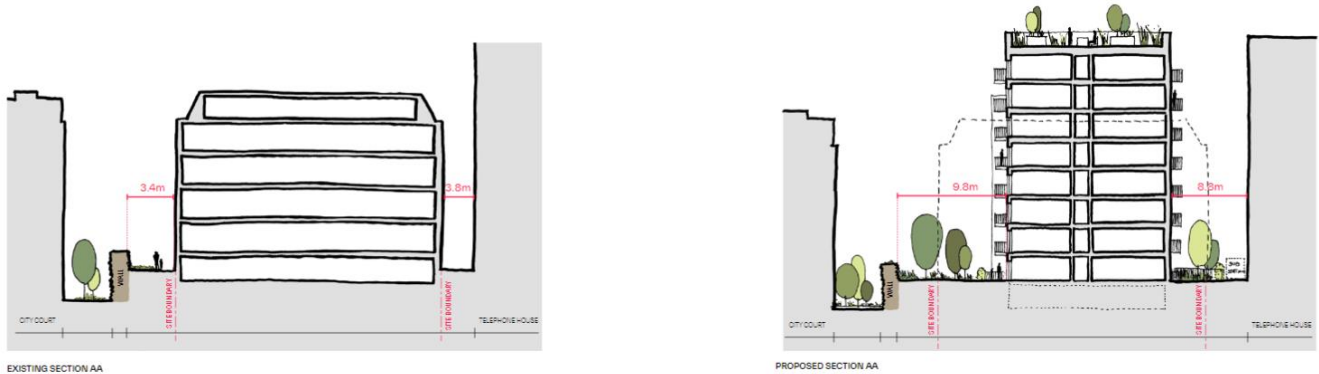
Schedule of Public Realm Improvement Works

The following public realm improvement works are proposed:

- **Widening of the public realm between the Town Wall and the proposed building. This will increase from between 3.1m – 4.5m (existing) to 8.9m – 11.5m (proposed).** This allows more space for a meaningful public realm experience, offering visitors the chance not only to move along the wall but sit and dwell. This also creates an improved setting for the monument and opportunities for learning and interpretation. A diagram showing the net gain in public realm between the proposed building and the wall is enclosed at Figure 3 below.

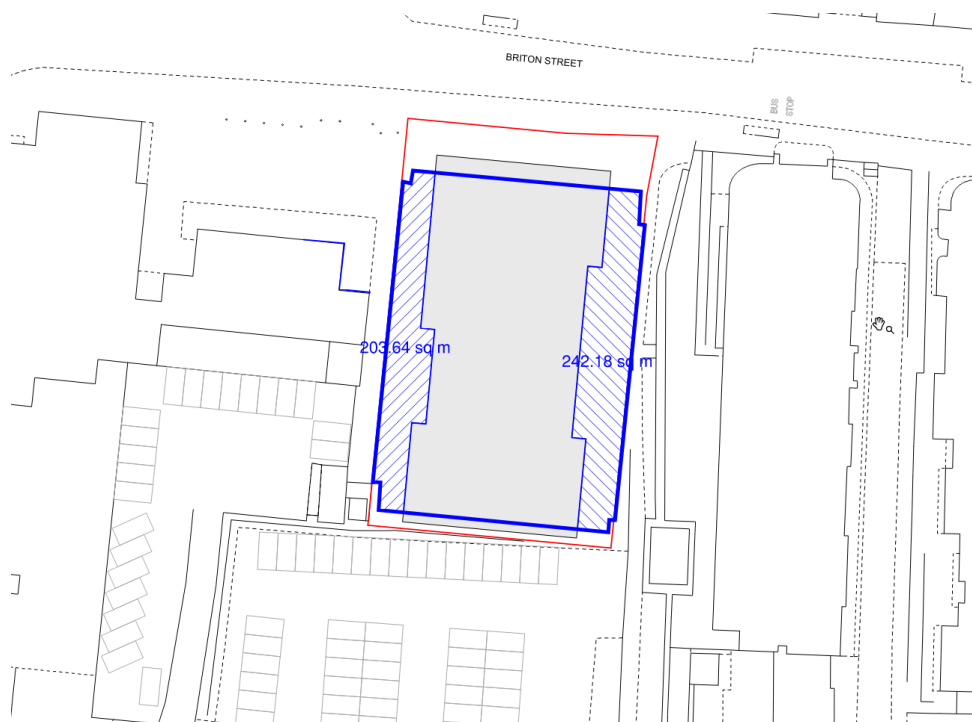
Schedule of Public Realm Improvement Works Proposed

Figure 3: Comparison of Existing vs Proposed Section Relationship between Building and Town Wall



- As such, the proposed development will create an additional 242sqm between the proposed building and the Town Wall. This is shown by Figure 4 below. The red line marks the outline of the existing building.

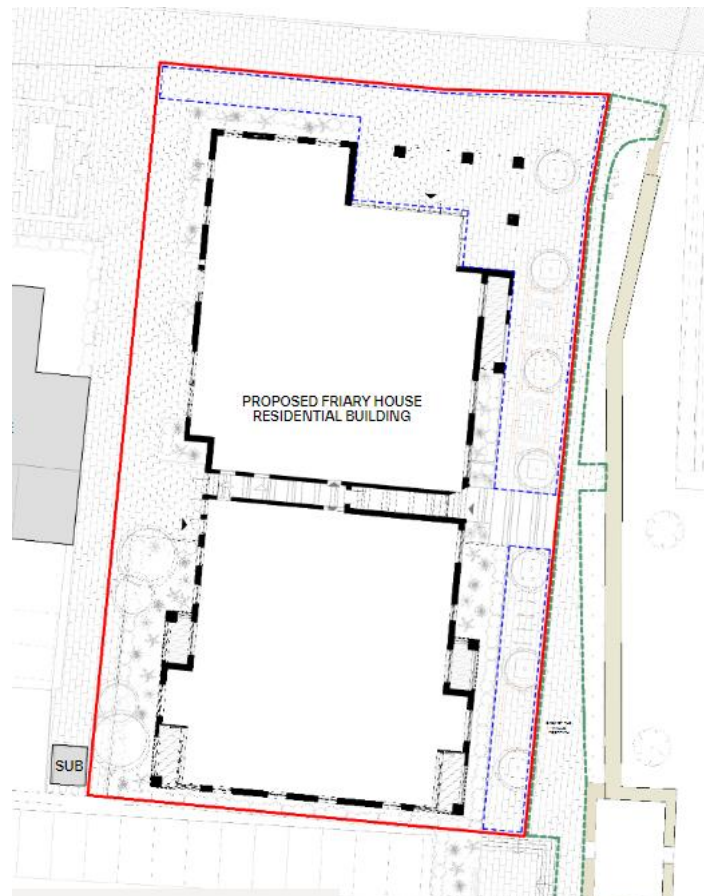
Figure 4 – Extent of new Public Realm Created by the Narrower Proposed Building



- The Applicant will undertake public realm improvement works to the area of new public realm to an adoptable standard and offer this land over to the Council for adoption. Figure 5 below shows the extent of area offered to the Council marked by the blue dotted line. Should the Council not wish to adopt this land then the Applicant would retain control of it.

Schedule of Public Realm Improvement Works Proposed

Figure 5 – Area (blue dotted line) Offered to the Council for Adoption



- The replacement of Friary House with a new-high quality building will enhance the character of the immediate area and improve the relationship with the Town Wall. Figure 6 below shows an image of the existing building compared with the new proposal.

Schedule of Public Realm Improvement Works Proposed

Figure 6 – Existing Building from Briton Street Compared with New Building from Briton Street



Image Credit: Architecture Initiative

Schedule of Public Realm Improvement Works Proposed

- The proposal includes 7no. new trees with recessed cover over pits between the proposed new building and the Town Wall. Visuals of these are shown at Figure 6 above. Care will be taken with the siting and selection of proposed trees so that they do not compete with the Town Wall or lead to future maintenance issues for the monument. Details of the specific tree species are proposed to be confirmed via condition.
- The proposal also includes low, level low maintenance wildflower around the proposed building to create defensible spaces to residential windows and improve the visual appearance of the development and relationship with the Town Wall.
- The Applicant will undertake works to replace the paving slabs within the area of public realm identified at Figure 1 (red and green line areas). This includes implementing Purbeck stone paving slabs to the new public realm area– to adoptable standards, 450mm x 450mm permeable paving to terraces adjoining the proposed building, and textured concrete flooring with metal edging at the entrance to the eastern elevation of the building.
- 4no. benches are proposed to be added to the expanded public realm for public use with planters to add interest, as shown on the submitted landscaping plan.
- 5no. external Sheffield cycle stands will be added adjoining the eastern elevation of the building, as shown on the submitted landscaping plan.
- Bollard lighting will be added in the locations shown on the proposed landscaping plan. These are proposed to be connected to the Friary House lighting system.
- Proposed floor mounted floor lighting to the city wall is proposed to enhance the night-time visual experience of the Town Wall. This would run alongside the length of the wall (Figure 1) on the proposed building side only and is proposed to be connected to the public lighting system.
- Railings will be added to mark the separation between the public realm and the private defensible spaces.
- Proposed 50mm steel profile to the edge of the grass bank running along side the Town Wall to be added, as shown on the landscape plan, to replace the existing edging. No intrusive works to the grass bank itself are proposed due to archaeological sensitivity.
- An improved interpretation strategy will be incorporated within the public realm. This will include improved information on the Town Walls and their importance, along with feature lighting. Details of the design and information included will be agreed via an appropriately worded condition and will be consistent with the Council's city wide heritage interpretation strategy.
- Repair works will be undertaken to the historic wall, separating the public realm with Gloucester Square car park, to appropriate conservation standards.
- The locally listed murals (7no. with detail) currently located on the eastern façade of the existing Friary House building are proposed to be relocated to the public realm on the back of the proposed benches. Please refer to Figure 7 below.

Schedule of Public Realm Improvement Works Proposed

Figure 7 – Mural relocation





Review of 'Financial Viability Assessment in support of the Planning Application' – Friary House, Briton Street, Southampton SO14 3JL



Prepared for
Southampton City Council

September 2022

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2	Description of the Development	5
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7	Recommendations	19

Appendices

Appendix 1 - Proposed Schedule of Accommodation
Appendix 2 - Residual Appraisal
Appendix 3 - Sensitivity Analysis

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1 Introduction

Southampton City Council ('the Council') has commissioned BNP Paribas Real Estate to advise on a 'Financial Viability Assessment in support of the Planning Application' validated July 2022 prepared by Savills on behalf of Telereal Trillium ('the Applicant') in relation to its development proposals ('the Development') at Friary House, Briton Street, Southampton SO14 3JL ('the Site').

The application for the "*Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House.*" reference 22/00953/FUL was received 2nd August 2022 and the planning status at the time of writing is "registered".

1.1 BNP Paribas Real Estate

BNP Paribas Real Estate is a leading firm of chartered surveyors, town planning and international property consultants. The practice offers an integrated service from nine offices in eight cities within the United Kingdom and over 180 offices, across 34 countries in Europe, Middle East, India and the United States of America, including 18 wholly owned and 16 alliances.

BNP Paribas Real Estate has a wide ranging client base, acting for international companies and individuals, banks and financial institutions, private companies, public sector corporations, government departments, local authorities and registered providers ('RPs').

The full range of property services includes:

- Planning and development consultancy;
- Affordable housing consultancy;
- Valuation and real estate appraisal;
- Property investment;
- Agency and Brokerage;
- Property management;
- Building and project consultancy; and
- Corporate real estate consultancy.

This report has been prepared by Steve Pozerskis MRICS, RICS Registered Valuer.

The Development Viability and Affordable Housing Consultancy of BNP Paribas Real Estate advises landowners, developers, local authorities and RPs on the provision of affordable housing.

The firm has extensive experience of advising landowners, developers, local authorities and RPs on the value of affordable housing and economically and socially sustainable residential developments.

1.2 Report Structure

This report is structured as follows:

Section two provides a brief description of the Development;

Section three describes the methodology that has been adopted;

Section four reviews the assumptions adopted by the Applicant, and where necessary, explains why alternative assumptions have been adopted in our appraisals;

Section five sets out the results of the appraisals;

Section six, sets out the conclusions from the analysis.

Section seven, sets our recommendations.

1.3 Disclaimer

This report is not a valuation and should not be relied upon as such. In accordance with PS1 (5.2) of the RICS Valuation – Professional Standards – Global Standards 2020 (the 'Red Book'), the provision of VPS1 to VPS5 are not of mandatory application and accordingly this report should not be relied upon as a Red Book valuation.

In carrying out this assessment, we have acted with objectivity, impartiality, without interference and with reference to all appropriate available sources of information.

We are not aware of any conflicts of interest in relation to this assessment.

In preparing this report, no 'performance-related' or 'contingent' fees have been agreed.

This report is addressed to Southampton City Council only. No liability to any other party is accepted.

For the avoidance of doubt, this document is a review of the Applicant's Financial Viability Submission. None of the residual valuations contained in this report represent an expression of our opinion of the market value of the Site.

DRAFT

2 Description of the Development

2.1 Site Location and Description

The 0.41 acre site is located to the south of Southampton City Centre close to the “Old Town” and various shopping centres and the port. It fronts Briton Street which consist of mainly low to medium rise residential building.

The site is within walking distance of the various amenities available within Southampton City centre which include retail, restaurants and commercial users plus the large port and Ocean Village.

Southampton is well connected to the transport network with a large railway station providing direct access to London / Reading, a regional airport and the motorway network (M27 / M3).

The site currently consists of a (now vacant) 1980’s era office building of some 51,596 sq ft (GIA) which is understood to be in an “average” state of repair.

Figure 2.1.1: Site Plan



Source: LandInsight

Figure 2.1.2: Location Plan



Source: LandInsight

2.2 Planning History

The subject site has been the subject of the following applications:

- 21/01181/PA56 – Prior Approval sought for a change of use from Office (Use Class B1 (a)) to 46 flats (4 x studio, 30 x 1-bed, 10 x 2-bed and 2 x3-bed) (Use Class C3) – No Objection (11th October 2021)
- 22/00953/FUL– Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House.– No decision at the time of writing.

2.3 The Proposed Development

In August 2022, the Applicant submitted an application for the “*Erection of an 8-storey building containing 88 flats with associated infrastructure, landscaping and public realm works following demolition of Friary House.*”

It is this application which is the subject of Savills’ report.

The proposals, if granted would create 88 residential dwellings as follows:

Table 2.3.1: Residential units and floorspace

Type	Units		
	Number	Av.Sq ft	Total Sq ft
Studio	25	420	10,508
1 Bed Flat	26	550	14,292
2 Bed Flat	37	761	28,145
Total	88		52,945
GIA			73,259

A full schedule of accommodation is available at **Appendix 1**.

DRAFT

3 Methodology

Savills have undertaken their appraisal using Argus Developer Software, which is a standard development appraisal tool widely used for the purposes of appraising development proposals, including for the purposes of secured lending valuations. The Argus Developer model has widely been utilised in viability assessments on application schemes in the South East and has been accepted for the purposes of evidence at numerous planning appeals.

We have used Argus for the purposes of undertaking our own appraisals of the Applicant's proposals.

Argus is essentially a cash-flow backed model which allows the finance charges to be accurately calculated over the development/sales period. The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value. The model is normally set up to run over a development period from the date of the commencement of the project and is allowed to run until the project completion, when the development has been constructed and is occupied.

Essentially, such models all work on a similar basis:

- Firstly, the value of the completed development is assessed;
- Secondly, the development costs are calculated, using either the profit margin required or land costs (if, indeed, the land has already been purchased).

The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value.

In order to determine whether a scheme is viable with a given percentage of affordable housing, the key question is whether the residual land value is sufficient to incentivise the landowner to bring the site forward for development. The Planning Practice Guidance ('PPG') indicates that a 'benchmark land value' should be established on the basis of the existing use value of a site plus a premium for the landowner. The premium should "*provide a reasonable incentive, in comparison with other options available, for the landowner to sell the land for development while allowing a sufficient contribution to fully comply with policy requirements*" (paragraph 013).

The PPG recognises that landowners may also be able to develop their land for an alternative type of development to that proposed in their application. As an alternative to existing use value, paragraph 017 of the PPG indicates that benchmark land value may be established through a valuation of an alternative use, providing that the alternative scheme would "*fully comply with up to date development plan policies.... and... it can be demonstrated there is market demand for that use*". Furthermore, if an alternative use value approach is adopted, the PPG indicates that "*AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted*".

The PPG is explicitly clear that prices paid for sites are to be excluded from Financial Viability in planning and this report reflects this guidance.

4 Review of Assumptions

A review of the assumptions made by Savills has been undertaken as follows:

4.1 Project Programme

We do not have the project programme that Savills have utilised.

We have therefore utilised BCIS duration calculator for both the office refurbishment and the residential appraisals:

Type	BCIS duration
Office Refurbishment	42 weeks
Residential Development	89 weeks

In addition, we have utilised a six month pre-construction period for the residential development option and a three month pre-construction period for the refurbishment.

Sales conclude after 24 months or approximately 3.5 per month.

4.2 Market Housing Revenue

Savills assessment relies upon comparable sales data from the Southampton area conclusion with a conclusion of a GDV in the region of £19.29 million (£364 per sq ft).

There is limited analysis of the various sales and ongoing marketing of nearby schemes particularly regarding how the various locations / specifications compare to the proposals.

4.3 Ground Rent Revenue

Savills have not included ground rent income in their assessment. In light of the impending legislation which will limit future ground rents to a peppercorn, we consider this approach to be reasonable.

4.4 Construction Costs

Savills have relied upon BCIS for their cost plan. They conclude that the “mean quartile” should be adopted at £185 per sq ft plus additional costs consisting of the following:

Input	Cost
Contingency	3%
Demolition	£150,000

4.5 Professional fees

Savills have applied an allowance of 7% of construction costs for professional fees.

4.6 Community Infrastructure Levy ('CIL') and Section 106 Payments

Input	Cost
CIL	£68,405
S106	£47,239

4.7 Developer's Profit

Savills report indicates that they have utilised a profit level of 15% (on GDV).

This is towards the lower end of expectations and with the potential of a recession and impending cost of living crisis we would not be surprised were a lender to require a higher return than this. However, for the purposes of this FVA we will utilise the profit level provided by the Applicant.

4.8 Finance Costs

The Applicant's viability assessment adopts a finance rate of 5%, applied to 100% of costs. Although bank funding is unlikely to be available to cover all costs, it is usual practice to apply finance to 100% of costs to reflect the opportunity cost of an applicant's own funding, or to reflect the cost of mezzanine finance. Savills finance rate is towards the lower end of the normal range applied in financial viability assessments.

4.9 Marketing, Sales & Disposal Fees

Savills have applied a 0.75% agent fees plus £10,000 marketing plus legal fees of 0.5%.

These inputs are not considered unreasonable.

5 Analysis

5.1 Benchmark Land Value

Our approach to benchmark land value reflects the requirements set out in paragraphs 013 to 017 of the Planning Practice Guidance and other relevant planning guidance. Benchmark land value is not an expression of what a site might sell for in the market and the PPG warns against reliance on the prices paid for sites.

Savills suggest that the Benchmark Land Value should be based upon an Existing Use Value plus (EUV+) methodology (which would usually be expected for this type of property) as a vacant office building. The methodology includes providing both sales evidence of vacant office buildings and a check via a basic residual appraisal on the basis of a GDV of good quality office space, less the costs of refurbishing the existing office space up to a modern standard plus a premium.

We do not disagree with this methodology.

Savills have included a number of office comparable sales and lettings to support their GDV. The first set of evidence is based upon sales of vacant office space in Southampton / nearby area with values of between £70 and £176 per sq ft provided. We note that a number of these buildings have Prior Approval for conversion to residential space. It is difficult to compare like with like as we are unaware of the costs associated with a conversion, and on the basis that the prior approval for the subject site has not been implemented as yet, it may be that the conversion costs of the subject building are too high in comparison to those comparables provided. We are therefore wary of this approach as these sales may not be directly comparable.

A check is provided via an investment method and residual approach. The basic inputs are as follows:

Input	Cost / Value
Rent	£20 – £22 per sq ft
Capitalisation Rate	7.5%
GDV	£9.25 million
Costs	£5 million (£97 per sq ft)
Finance	6.5%
Profit	15%

The rent / capitalisation rate is not considered unreasonable. A rent for an air-conditioned, Grade A office in Southampton is likely to be in the region of £20 per sq ft and thus we do not believe this is unreasonable however we are of the opinion that a six month void and six month rent free period are potentially on the optimistic side. CoStar analytics suggest an average 15 month void period.

The Southampton office market is considered to be relatively slow at present with little demand for large spaces such as the subject site thus we would expect the updated office space to be let to multiple tenants. This would therefore encourage tenants with lower covenants to the smaller available spaces and therefore present more risk to an investor.

CoStar suggests the average yield in Southampton to be around 9-9.5%. We would expect a harder yield than this once the refurbishment has taken place – the sale at 1650 Prism in mid-2022 at 8.6% NIY provides evidence for this, being a modern office space in the popular Solent Business Park. This has a strong location close to the M27 but does not have the City centre attraction.

We would therefore expect a similar yield to apply to the subject site, were it completed to a high specification. We have adopted a Net Initial Yield of 8.0% to reflect the more desirable, city centre location compared to 1650 Prism.

The costs of refurbishment are difficult to analyse on the basis that each refurbishment is different thus we would recommend that the Council may wish to instruct a cost consultant to confirm the £5 million cost.

Utilising BCIS as basis of our initial appraisal we note that a median refurbishment for a 3-5 storey office building, rebased to Southampton, is expected to be cost between £124 per sq ft (non-air conditioned) and £143 per sq ft (air-conditioned). However, Lower Quartile costs are closer to the Applicant's costings at between £84 per sq ft and £102 per sq ft. However, on top of these base costs we would expect a level of contingency to be included as well.

In this instance we have utilised £102 per sq ft which reflects the Lower Quartile level assuming air-conditioning, plus a contingency of 3%.

We have applied a 15% profit level on cost in line with the Applicant's appraisal and a finance rate of 6.5%.

This equates to a value of the office, once converted, of £1,559,749 say £1,600,000.

The Applicant has included a further 20% premium for incentivisation. Whilst we do not disagree with this methodology, we would suggest that, given the relative weakness of the office market in Southampton, that a premium towards the lower end of the "10%-30%" range noted by the Borrower would be reasonable. In this instance, we have utilised a 10% premium, which we suggest reflects the fact that there is potential for large void periods, significant empty space running costs, and a general negative market outlook due to the cost of living crisis and high inflation.

Overall our Benchmark Land Value, inclusive of premium, equates to £1,760,000.

Scheme GDV

Savills have provided a number of comparable development schemes as evidence to support their expected GDV.

The developments include Portland Place (by Cannon Capital), The Courtyard (by Orchard Homes) and Compass Point (BMR London).

Overall a value of some £364 per sq ft has been concluded.

We are of the opinion that this may be on the pessimistic side based upon the following sales in the local area since 2020:

Address	No. Sales	Av Size	Av Achieved £/ft ²	Av Indexed £/ft ²
Riverside Quay, Thomas Blake Avenue, Southampton, SO14 5DH	43	679	£353	£380
Seafarers Court, 12 - 14, Queens Terrace, Southampton, SO14 3SG	24	427	£350	£371
8, Ogle Road, Southampton, SO14 7FB	27	420	£376	£404

Azera, Capstan Road, Southampton SO19 9US	10	734	£351	£368
Television House, Meridian Way, Southampton, Southampton SO14 0FS	31	719	£342	£368

Riverside Quay – Average Index Adjusted Rate £380 per sq ft

This modern development is situated on the riverside at Chapel Riverside Quay. The development benefitted from a good specification, undercroft parking and a communal garden, with some flats having views over the river. Generally, the inclusion of undercroft parking and proximity to the river will be considered to be valuation positive however we note that the local area is not considered to be as desirable as the subject site. We note that over the last five years, achieved sale prices of flats in the SO14 5 region have been some 72% of those in the subject postcode sector. On the basis that the subject site is better located albeit does not have access to secure parking we would expect a similar value to be achieved accordingly.



Seafarers Court, 12 - 14, Queens Terrace - Average Index Adjusted Rate £371 per sq ft

A recently redeveloped apartment block in a central location and benefitting from a good specification and a communal garden, this development is considered to provide reasonable evidence as to achievable values in the local area. This development does not include parking (although nearby permit parking is available as per the subject site) and is similarly located in terms of access to the City centre. The average size of flat sold is only 471 sq ft compared to the proposed circa 600 sq ft. However, we would note that the proposed development will be a newly constructed development with access to various warranties and a new build specification throughout, thus whilst quantum factors would suggest this development would achieve a higher value, the new build specification and layout of the proposed scheme will be considered valuation positive.



8 Ogle Road - Average Index Adjusted Rate £404 per sq ft

This converted office building situated in a central location has a good specification throughout and benefitting from secure parking. On average, the flats within this development are smaller than the proposed dwellings at 420 sq ft thus we would expect a lower rate per sq ft to apply to the proposed development based upon quantum factors alone. However, this is considered to be a development with little architectural merit and does not have any communal outdoor space. Furthermore, there is a general tendency for office to residential conversions to achieve lower values generally than purpose built developments on the basis of design and the general aesthetics. Thus, whilst this development does include parking and has smaller flats on average, we would expect that generally a higher rate per sq ft would be achieved by the proposed development. We also note that SO14 7 has achieved approximately 72% of the values achieved in the subject postcode sector on average over the last 5 years suggesting that the subject site is more desirable than this.



Azera, Capstan Road - Average Index Adjusted Rate £368 per sq ft

Situated in Centenary Quay on the east side of the river is this newly completed development of flats. The flats benefit from a modern specification and secure undercroft parking and some have river views. However, the development is on the opposite side of the river to the main CBD and City centre thus is not as popular as more centrally located residences. We note that sales in SO19 9 are some 72% of those at the subject site. This is particularly relevant as many of the flats in this location are newly constructed / modern as part of the overall regeneration of the area.



On the basis that the proposed development has a similar specification (albeit without parking) plus communal roof terrace and a central location, we would expect achievable values to be in excess of those noted above.

Television House Average Index Adjusted Rate £368 per sq ft

Situated on the riverside to the north of the City centre in a similar location to Riverside Quay (described above) close to St Mary's football stadium in an area undergoing regeneration. This is a modern development with allocated parking and riverside views for some of the apartments.



Similarly to the Riverside Quay development, it is noted that the location is considered not to be as desirable as the subject site and this is backed up with a postcode sector analysis with values being some 82% of those in the subject postcode sector in the last 5 years. We would therefore expect higher values to be achieved by the proposed flats at the subject site on the basis of the stronger location.

Applicant's Evidence

The evidence provided by the Applicant is considered to be relatively limited. Portland Place is also known as 8 Ogle Road (discussed above) whilst the Courtyard is a high specification, small-scale development which is not considered to be particularly comparable to the proposed 88 unit scheme. Compass Point is a redevelopment of office space with a large courtyard / communal space but otherwise is considered to be in a poorer location (well outside the City centre) and of little architectural merit. We note that Compass Point is close to the hospital thus will likely have a high number of hospital staff renting / purchasing dwelling within this development, and as such, will be a separate market to the flats noted above.

Agent Input

We have spoken to local agents in Southampton and they agree that there is a lack of directly comparable evidence within the immediate vicinity of the subject site. The general consensus is that the subject location is marginally more desirable than the "riverside" developments noted above. Furthermore, the residents' lounge and rooftop terrace will be considered to be valuation positive elements. However, the lack of balconies and parking will limit any premium associated with the previously noted elements.

The general feeling was that a value in excess of £400 per sq ft is not achievable in the current market and values between £380 - £390 per sq ft would be more likely to be achieved.

GDV Conclusion

Based upon the evidence above, the most comparable development in terms of location is Seafarers Court. The development however is not a purpose built, and therefore, whilst on average, smaller than the proposed dwellings, we would expect the proposed flats to achieve a higher rate per sq ft on average on the basis of a modern and efficient layout and specification.

Ogle Road provides considerably smaller dwellings than proposed but in an office to residential development. Values at over £400 per sq ft have been achieved however.

We would therefore suggest that achievable values at the subject site would be somewhere within the above range of £368 per sq ft to £404 per sq ft – this is in line with agent expectations.

On the basis of the reasonable level of communal space and relatively central location we have adopted a value at £386 per sq ft.

We would suggest however that there is an element of uncertainty regarding this figure as there is little directly comparable evidence available and thus we would recommend that were a reduced level of planning obligations agreed, then a review mechanism should be agreed prior to the grant of planning to cover off this uncertainty.

We have therefore adopted a value of £386 per sq ft which equates to £20,437,928.

Construction costs

We do not believe the methodology (BCIS) utilised by Savills is unreasonable and 3% contingency is also within a range we would expect.

Other costs

The other costs as follows are not considered unreasonable:

Input	Cost
Demolition	£150,000
Professional Fees	7%
Agent Fee	0.75%
Marketing	£10,000
Legal	0.5%
Finance	5%
Profit	15%

It should be noted that these inputs are considered to be towards the lower end of expectations and are considered to be location specific in some cases.

5.2 Appraisal results

Savills appraisal results

Savills have structured their appraisal so that the Residual Land Value can be directly compared to the Benchmark Land Value.

Savills Summary

Appraisal variable	£ Value
Gross Development Value	£19,290,000
Construction Costs	£13,552,915
Contingency	£406,587
Demolition	£150,000
Sales/Marketing	£154,667
Finance	£917,131
Return	£2,893,500
Residual Land Value	£53,590
BLV	£3,000,000
Shortfall	-£2,945,000

A question has to be asked as to why the Applicant is considering this development on the basis that it falls so short of the BLV. When considering the “profit” and the “RLV” together the total return is less than the BLV, thus, based upon the inputs above, there is little financial merit in undertaking this development. Whilst this is not a “planning issue”, it does suggest that a potentially pessimistic take on the appraisal has been presented.

BNPPRE Appraisal Results

There are three main areas that are important within a viability appraisal. Gross Development Value, Costs and Benchmark.

We do not believe Savills have been unreasonable regarding the costs and we have therefore utilised these inputs throughout our appraisal.

As discussed above, we are of the opinion that the Gross Development Value falls short and we have therefore adopted a figure £386 per sq ft (above the Applicant's £368 per sq ft).

In terms of the Benchmark Land Value, overall, the Applicant's £2,500,000 EUV is considered to be on the optimistic side. Firstly, as a vacant office space, in existing condition – the Applicant has utilised comparable evidence from smaller office space sales, some of which benefit from permitted development residential conversion options. The subject site does have permitted development for residential conversion but this has not been explored by the Applicant within their report. This is either an oversight or suggests that the conversion is not considered to be financially viable. If it is the former, then we would recommend that the Applicant may wish to provide evidence that the conversion is viable. Were it the latter, then it is not considered reasonable to use other sales from permitted development schemes when this is not financially viable.

We therefore rely upon the Existing Use Value of the property on the basis of a refurbishment. We do not disagree with the majority of the inputs utilised by the Borrower but believe the capitalisation rate is on the optimistic side whilst the void period at six months is not considered reasonable in the current market. Finally, the 20% premium applied to the Applicant's EUV is considered to be optimistic in the current climate. Based upon the inputs detailed above, we suggest a BLV of some £1.76 million is more realistic than the £2.5 million suggested by the Applicant.

As noted in Section 4, we have made the following amendments to Savills' appraisal inputs:

- Adjust residential values in line with market evidence at £186 per sq ft
- Adjust BLV to £1.76 million

As a result of these changes, the Proposed Development generates a residual land value of **£1.37 million (see Appendix 2)**.

It should be noted that this development is particularly sensitive to both build costs and value changes. We include a sensitivity analysis at **Appendix 3**. This suggests that with just a 2.5% increase in values and a 2.5% decrease in costs that a Residual Land Value in excess of £2 million could be achieved thus providing a surplus.

6 Conclusions

The Applicant's appraisal is not considered to be fundamentally wrong but there are a number of adjustments that we suggest are required. These are:

Input	Savills	S&P
BLV	£2,500,000	£1,760,000
GDV	£168 per sq ft	£186 per sq ft

On the basis of our inputs our Appraisal returns an RLV of approximately £1.375 million. This is still short of our Benchmark Land Value of £1.76 million.

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7 Recommendations

The report provides insight in to the differences between the Applicant's appraisal and ours – namely the proposed Gross Development Value and Benchmark Land Value.

Our recommendation is that this development, based upon the above values and costs is viable in an "All Private" configuration however, there is some doubt as to final achievable GDV. With this in mind we would recommend a review mechanism is incorporated in to the planning permission.

It is suggested that a basic review mechanism based upon the Greater London Authority "Late Stage Review" formula is implemented which is requires a viability review once 75% of the proposed dwellings have been sold. Any surplus over would be recommended to be shared 60/40 (LPA / Developer). This has the benefit of bringing forward the development without a long and protracted viability discussion whilst shielding the Local Authority from any "super profits" that the developer may make during the delivery of the development.

DRAFT



Historic England

Mr Stuart Brooks
Southampton City Council - Development
Management
Lower Ground Floor
Civic Centre
SOUTHAMPTON
SO14 7LY

Direct Dial: 020 7973 3739

Our ref: P01531293

15 August 2022

Dear Mr Brooks

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**FRIARY HOUSE , BRITON STREET , SOUTHAMPTON
Application No. 22/00953/FUL**

Thank you for your letter of 5 August 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

The Scheduled city defences in Southampton are some of the best-preserved medieval town walls in the country. Those adjacent to the proposed 8-9 storey building will be subject to harm through impact on its setting, depreciating its legibility as a former defensive structure. Following pre-application discussions, measures to minimise the harm have been incorporated into the design of the building and landscaping proposals. However, uncertainty remains over the extent of public realm enhancements and interpretative elements that will be undertaken as part of the development. Given this represents a tangible public and heritage benefit, designed to balance the impact of the scheme, it is necessary for the extent and nature of these works to be clarified and agreed.

Historic England Advice

The proposals presented follow a series of pre-application meetings between the applicant and Historic England.

The Significance of Designated and Undesignated Heritage Assets

The proposed development site lies within the south-east quarter of the medieval walled town of Southampton. Most of the medieval town is designated as



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Conservation Area (divided into Old Town North, Old Town West and Old Town South). The extensive stretch of town walls is the outstanding feature of the Old Town conservation areas. The portion immediately adjacent to the development site is protected as a Scheduled Monument (NHLE: 1001931) and is also Grade II listed (NHLE: 1179291).

Southampton Old Town and the City Defences

The town of Southampton developed in its present location from the Norman period. The town walls were extended, and the fortifications enhanced throughout the 13th and 14th centuries and by 1381 the whole town was enclosed by these formidable defensive structures. The medieval street pattern is still evident within the town, with the High Street being the principal route from north (The Bargate) to south (the Water Gate). A grid of narrow streets extended from the High Street to the walls. Significant medieval remains survive within these areas as above and below ground archaeology.

The area within which the proposed development site is located is considered to possess a high degree of evidential value due to its particularly rich survival of highly significant and visible remains of Southampton's medieval past. The town wall to the east, God's House Tower and museum and adjacent gateway and the remains of the Watergate and the remains of the South Gate are part of one of the best-preserved medieval town walls in the country, although the east section is somewhat compromised by modern development.

These highly significant heritage assets are culturally important in their role of defining how the medieval city functioned and was ordered. They have associative value for their historic role as one of the most important ports in England.

Southampton Greyfriars

Friary House is located on the site of a medieval Franciscan Friary, which possessed a burial ground where many merchants of the town were buried. The development of this part of lower High Street in the medieval period, with the suggested movement of the merchant classes to the area to the east of High Street after the construction of the defences, is of particular interest. For this reason, this area is considered to have high evidential value in terms of what information can be gained from the sequencing of progressive development on sites and how this has influenced present development.

There is also evidence for the Roman, Saxon and medieval use and occupation of this area. Accordingly, any archaeological remains within the area are regarded as being of national importance and the area is within a Local Area of Archaeological Importance to reflect this potential to yield significant evidence for past activity in the area.





The Archaeological Desk Based Assessment that accompanies the application notes potential for archaeological survival, specifically along the northern margins of the application site.

Impact of the proposals

The proposals concern the demolition of the existing 4 storey Friary House, an office block constructed in the 1980s, and the construction of a new 8-9 storey residential building in its place.

Setting

The height of the building will have some impact and visibility on the surrounding streetscape, which forms part of the Old Town South Conservation Area. More pertinently, it will overshadow over the scheduled Town Wall at an increased height compared to the current Friary House. This would cause harm to its significance via the impact of its setting, further diminishing its presence as a former defensive structure.

Steps have been taken to attempt to lessen the harm that this would cause to the significance of the monument, via incursion of its setting. This includes shifting the building to the west, away from the wall, the use of recessed balconies at points closest the wall and the opening up of views of it from Briton Street at ground level. Consideration has also been given to our comments that external materials should complement, contrast (but not compete) with the monument.

Public realm and landscaping

It is intended that this space will comprise a landscaped area of public realm, softening the impact of the height of the new development and opening up the area around the wall and making it a more inviting place to traverse. The application proposed works to be undertaken within the application site, outside of it and also works for Southampton City Council to undertake (specifically along the eastern edge of the car park to the south of the site).

The application provides an indicative landscaping plan but details such as the location and species of trees will need consideration and, potentially, amending. Care needs to be taken with regard to the introduction of trees or other such plantings so that it does not cause issues relating to the conservation and maintenance or, indeed, visibility of the medieval wall. The inclusion of benches and feature lighting for the wall are a positive addition, although the location of the lighting will need to be finalised so as to ensure there is no harmful impact on significant archaeology. Consideration will need to be given regarding the treatment of the existing streetlamps and, as such, it will be important to understand their age.



Some of the landscaping details can be subject to condition on any planning permission you were minded to grant. However, the extent of the public realm improvements will need to be firmly established with Southampton City Council pre-determination (or via provision of a S106 agreement). This is because they will have a bearing on the extent, impact and effectiveness of the public realm (and interpretative elements) that are an important heritage (and public) benefit for the scheme.

Interpretation strategy

This is intrinsically linked with the public realm proposals and is proposed to help mitigate the heritage impact of the scheme. New interpretative elements should provide greater opportunity for education and learning, particularly related to the Town Wall, the Reredorter Tower and the Friary Gate.

It will be important to ensure that any new interpretation is consistent with the design, format and materials utilised at other sites across the city, specifically in relation to the defences. This will include the layout of any interpretation panels, lighting design and materials for paving. They should be of an appropriately high quality to reflect the high significance of the nationally important heritage asset. The proposed landscape plan appears to indicate one panel only at the northern end, but we would expect to see some interpretation for the Tower and Gate included within the proposals.

As with the landscaping, the finer details of the interpretation strategy should be conditioned, but the extent of the public realm works should be agreed with Southampton City Council pre-determination (or via S106).

Archaeology

The proposals will potentially have an archaeological impact. As reported in the DBA and Heritage Statement, previous investigations suggest the banking present along the western elevation of the wall may form part of the 12th century earthwork defences and, as such, will be archaeologically sensitive. It should also remain consistent along the length of the wall so as to not to be visually confusing. To that end the existing bank will need to remain intact, although the edging could be updated.

The construction of the new building may also have other archaeological impacts, most significantly related to the potential for surviving features relating to Southampton Greyfriars, its associated burial ground and features from other periods. It should be noted that there remains the potential for any such surviving features to be considered nationally important and, under the terms of the NPPF, would be treated to the same policies as a designated heritage asset.

The DBA that accompanies the application makes a recommendation for



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archaeological mitigation to be controlled by condition. The nature and scope of any mitigation (whether pre or post determination/commencement) should be agreed with the Southampton City Archaeologist, Ingrid Peckham.

Condition, maintenance and monitoring of the Town Wall

This stretch of wall is included in Southampton City Council's current project to undertake conservation repairs to a number of its heritage assets, including the scheduled Town Walls. As such a recent condition survey has already been undertaken and repairs will be under way shortly. These are understood to be light touch and comprise of minor stabilisation works and repointing at specific locations.

Due to the potential impacts associated with the demolition of the existing Friary House and construction of the new building (such as vibration and dust), it will be necessary to ensure the monument is protected. A monitoring strategy will need to be implemented to make certain that vibration levels are not exceeded. A survey will also be required, post development, to assess its condition and make recommendations for any further works and repairs, which may include cleaning.

These actions will likely require an application for Scheduled Monument Consent (SMC) and as such further discussion will be necessary in advance of an application being made. They can also be included as a planning condition.

Policy considerations

Statutory protections

The remains of East side of the Town wall South of East Street and North of Gods House Tower is protected as a Scheduled Monument under the 1979 Ancient Monuments and Archaeological Areas Act on account of its national importance and archaeological, architectural and historical interest. Any works to (or interacting with) the monument will be subject to the requirement of Scheduled Monument Consent (SMC) which is granted by the Secretary of State for Digital, Culture, Media and Sport, in a process administered by Historic England.

The site is located within the Old Town South Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it an overarching statutory duty for Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

National policy regarding Scheduled Monuments

The DCMS document Scheduled Monuments and nationally important but non-scheduled monuments (October 2013) sets out Government policy on the





identification, protection, conservation and investigation of nationally important sites and buildings for the benefit of current and future generations. It notes that in addition to their intrinsic value, scheduled monuments can contribute to our perceptions of cultural identity and provide unique opportunities for research, education, leisure and tourism, delivering social benefits and contributing to economic growth.

Paragraph 20 states that, in cases including works proposed for development-, conservation- or presentation-related purposes, the Secretary of State has particular regard to the following principles which align with those contained in the National Policy Framework:

- Only in wholly exceptional cases will consent be granted for works that could result in substantial harm to, or loss of, the significance of a Scheduled Monument; and
- In cases that would lead to less than substantial harm to the significance of a Scheduled Monument the harm will be weighed against the public benefits of the proposal.

National Planning Policy Framework

One of the principal objectives of the National Planning Policy Framework (NPPF 2021) is the conservation of historic environment (paragraph 20). The following sections of the NPPF are of particular relevance to the application:

- A decision-maker should identify and assess the particular significance of the heritage assets that are affected by a proposal. They should take account of this assessment to avoid or minimise conflict between the heritage assets' conservation and any aspect of the proposal (Paragraph 195).
- Sustaining and enhancing the significance of heritage assets is also a key requirement (Paragraphs 197 and 206) that may form part of the balancing process.
- Great weight should be given to the conservation of designated heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (Paragraphs 199 and 200).
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202).
- Opportunities for new development should be sought within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance (Paragraph 206).



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Local Policy

Both the Southampton City Centre Urban Design Strategy and the Southampton Old Town Development Strategy make references to the height of buildings in relation to the medieval townscape and character of the old town. They contain specific requirements for maximum heights for buildings in close proximity to the Town Walls, namely 3-5 storeys.

Historic England's position

The development will cause some harm to the setting of the Old Town South Conservation Area and the scheduled Town Wall that lies immediately adjacent to and east of the application site (NPPF Paragraphs 199 & 200). It should also be noted that the proposed height of the development also contravenes local policy in relation to the maximum height requirements in close proximity to the Town Walls.

As a result of successful pre-application engagement, endeavours to incorporate measures to reveal and enhance the significance of the scheduled walls have been offered within the application. Although there remains some demonstrable harm in the construction of a building taller than the present adjacent to the scheduled walls, careful and sensitive design and the inclusion of tangible heritage benefits have been incorporated to help redress the balance (NPPF Paragraph 195).

We would be content for some elements of the scheme to be conditioned within any planning permission that you were minded to grant. Specifically details of landscaping, public realm and an interpretation strategy. Also, a conservation plan comprising protection measures, surveying post construction and any conservation repairs/cleaning required post development, can be conditioned.

We would reiterate, however, that resolution over the extent of proposed public realm and interpretative elements that is to be undertaken by the applicant and by Southampton City Council, should be agreed pre-determination. It is Historic England's position that the harm to the significance of the Scheduled Monument (through incursion of its setting) can only be meaningfully balanced if the full extent of these proposals is undertaken (NPPF Paragraphs 197 & 206).

To conclude, we see that despite causing some harm, specifically to the scheduled Town Wall, there remains potential to offset and/or balance the harm with tangible improvements and heritage benefits (NPPF Paragraph 202). We urge you to ensure that these benefits are entrenched into any planning permission you be minded to grant by condition and/or S106 arrangements.

Recommendation



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Historic England does not object the application on heritage grounds, but has outstanding concerns as detailed above.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195, 197, 199, 200, 202 and 206 of the NPPF.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

Iain Bright

Inspector of Ancient Monuments

E-mail: iain.bright@HistoricEngland.org.uk

cc: Ingrid Peckham



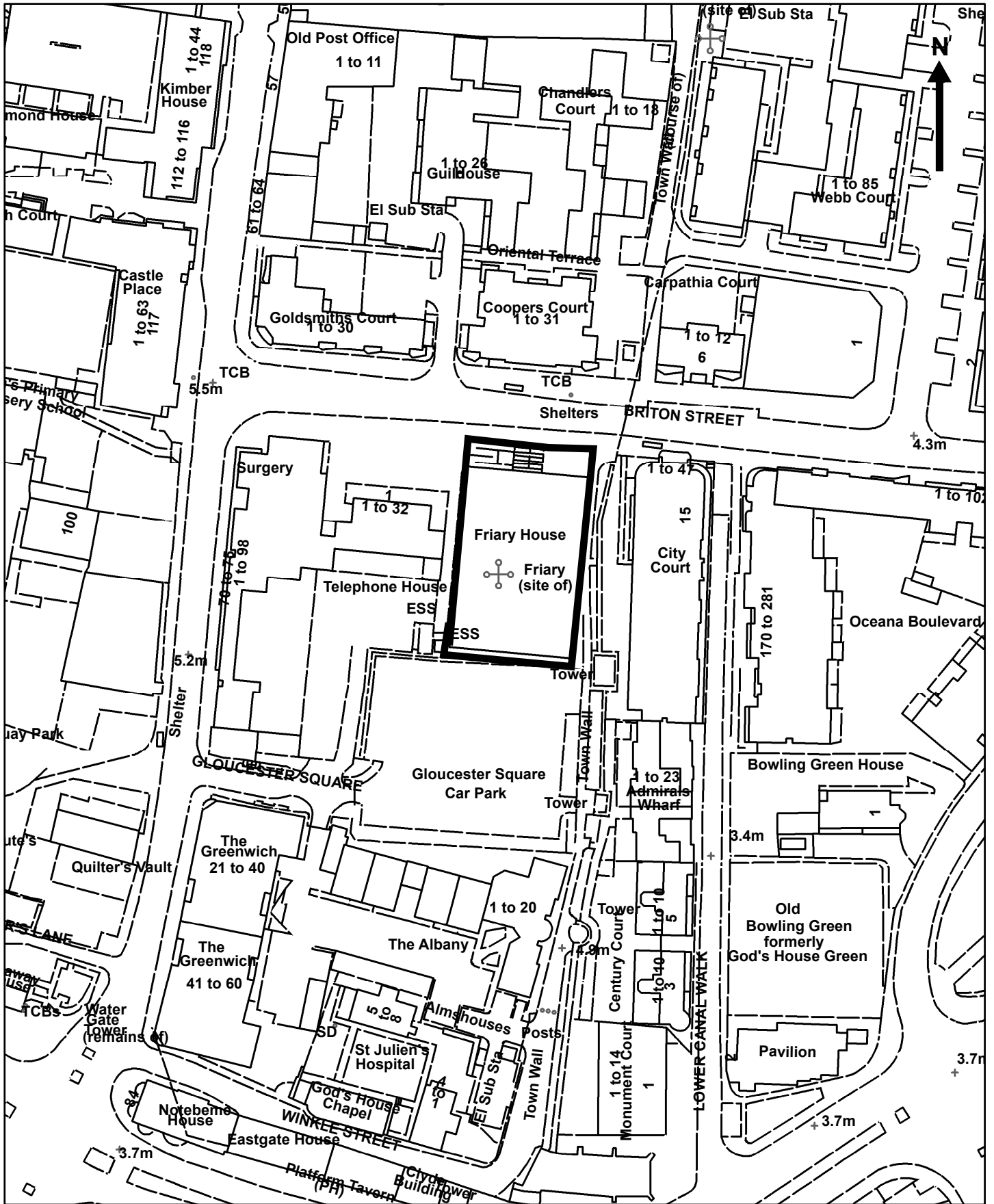
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