

Planning and Rights of Way Panel 31st October 2023
Planning Application Report of the Head of Transport and Planning

Application address: The Firehouse Vincents Walk and 10 - 12 Pound Tree Road, Southampton

Proposed development: Redevelopment of the site. Erection of a purpose-built student accommodation, up to 13 storeys in height, including 139 studios, a gym, study area, laundry room, communal space, staff room, reception office and associated bin storage and cycle parking, following demolition of the existing buildings.

| | | | |
|--|---|------------------------------|--|
| Application number: | 23/01158/FUL | Application type: | FUL |
| Case officer: | Andrew Gregory | Public speaking time: | 15 minutes |
| Last date for determination: | 06.12.2023 | Ward: | Bargate |
| Reason for Panel Referral: | Five or more letters of objection have been received. | Ward Councillors: | Cllr Bogle Cllr Noon Cllr Paffey |
| Applicant: Danehurst Developments Limited | | Agent: ROK Planning | |

| | |
|-------------------------------|---|
| Recommendation Summary | Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report |
|-------------------------------|---|

| | |
|---|------------|
| Community Infrastructure Levy Liable | Yes |
|---|------------|

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should 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 (2023). "Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H2, H7 and H13 of the City of Southampton Local Plan Review (Amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS16, CS18, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP5, AP9, AP16 and AP17 of the City Centre Action Plan (2015) and the National Planning Policy Framework (2023).

| | | | |
|--------------------------|--------------------------------------|---|---------------------------|
| Appendix attached | | | |
| 1 | Habitats Regulation Assessment | 2 | Development Plan Policies |
| 3 | Design Advisory Panel comments 28.07 | | |

| | | | |
|---|--------------------------------------|---|---------------------------|
| 1 | Habitats Regulation Assessment | 2 | Development Plan Policies |
| 3 | Design Advisory Panel comments 28.07 | | |

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport & Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - iii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development;
 - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (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. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones;
 - vii. Submission, approval and implementation of a 'Student Intake Management Plan' to regulate arrangements at the beginning and end of the academic year; and
 - viii. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners (if required).

- ix. 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.
3. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Head of Transport and Planning will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
4. That the Head of Transport and Planning be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Background

On 26.02.2019 the Planning and Rights of Way Panel resolved to grant Planning Permission for the demolition of the Firehouse and erection of a 9-13 storey building comprising 39 flats (11 x 2-bedroom and 28 x 1-bedroom) together with 160 sq.m of commercial floorspace. This planning permission was issued on 25.10.2019 and expired on 25.10.2022 without being implemented. The previous applicants and site owners, Terramek Developments Ltd, were unable to bring this development forward and have since sold the Firehouse site to the current applicant, who has also included 10-12 Pound Tree Road in a larger application site and are now seeking redevelopment for purpose-built student accommodation.

1. The site and its context

- 1.1 The Fire House is a three-storey premises located at the corner of Pound Tree Road and Vincent's Walk. The building comprises a public house with ancillary accommodation on the upper floors. 10-12 Pound Tree Road is an adjoining three-storey building and comprises 2 commercial units (1 vacant) at ground floor with 4 apartments (3x2-bed and 1x1-bed) above. The buildings have a flat roof design and are finished in red face brick, which is typical of buildings to the rear of Above Bar Street. A rear service yard with gated access is located to the south side of the Firehouse. The Firehouse fronts the central bus interchange with a small green located adjacent to the site and listed Houndwell Park beyond.
- 1.2 Given the city-centre location of the site, the surrounding uses are predominantly commercial and varied in character. The adjoining Precinct buildings are locally listed and to the west of the site, Portland Street contains a number of listed buildings. An 11-storey residential student block (Vincent Place) is located further south. Existing parking controls are in force within Vincent's Walk and adjoining city centre streets.

2. Proposal

- 2.1 The proposal seeks approval for the redevelopment of the site with the demolition of

the Firehouse and 10-12 Pound Tree Road, and the erection of a part 13 / part 8-storey tall building for purpose-built student accommodation. The building would comprise communal amenity facilities at ground floor with a gym and lounge/study area along with a reception and staff facilities. There is also an additional communal lounge proposed on the 8th floor. The upper floors would comprise 139 self-contained studio apartments with each studio offering a private kitchen and washing facilities. A basement level, with platform lift, would provide bicycle and bin storage, laundry and plant facilities. Additional secure bicycle storage is located in the external yard area which has secure gated access.

- 2.2 The proposed tower has a contemporary external appearance and has been designed with a vertical emphasis. The elevations are finished in a mix of reconstituted stone cladding, anodised black cladding panels and ventilation louvers behind brise soleil.
- 2.3 The schedule of accommodation and facilities is as follows:

| Units | Net Area |
|-------------------------------------|--------------------------|
| 132 no. Standard Studios Apartments | 16.5-23.5sqm in area |
| 7 no. Accessible Studios | 25sqm in area |
| Communal amenity space | 190sqm |
| Bicycle storage | 80 bikes (57% provision) |
| Bin Storage | 9 Euro Bins |

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 The National Planning Policy Framework (NPPF) was revised in 2023. 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 Planning permission was granted in 1951 for a licensed premises and accommodation (Ref 984/18).
- 4.2 On 25.10.2019 unimplemented planning permission was granted for redevelopment of the Firehouse site. Demolition of the existing building and the erection of a 9-13 storey building comprising 39 flats (11 x 2-bedroom and 28 x 1-bedroom) together with 160 sq.m of commercial floorspace (Ref 18/01820/FUL).

5. Consultation Responses and Notification Representations

- 5.1 The applicant's undertook their own public consultation ahead of the submission. Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (08.09.2023). At the time of writing the report **29 objections** have been received from surrounding residents and patrons of the Firehouse public house.

An objection has also been received from Ward Cllr Bogle.

Planning issues raised include:

Southampton city centre doesn't need any more student accommodation.

Officer Response – Student housing is recognised as contributing towards housing supply within the city centre. The Firehouse and 10-12 Pound Tree Road are located within secondary retail frontage and policy AP5 supports residential development in this location. The proposed purpose built student accommodation comprises self-contained studio apartments, which are considered by the Local Planning Authority to fall within use class C3 as self-contained dwellings, however a student occupancy clause is required in the S106 legal agreement lieu of an affordable housing contribution. The application is supported by a student needs assessment in accordance with policy H13 of the Local Plan, which evidences ongoing need for student accommodation.

In order to demolish and rebuild, the developers are evicting 4 apartment tenants, a shop owner and a pub landlord.

Officer Response – The existing buildings are not safeguarded, and the loss of the existing commercial floor space and apartments needs to be considered as part of the overall planning balance and weighed against the merits of the scheme and contribution towards the need for purpose built student accommodation in the city. Permission has previously been granted for the loss of the pub and circumstances haven't changed in terms of the Development Plan and related Planning balance (as set out below). The applicants took the decision to acquire 10-12 Pound Tree Road and put together a land assembly to provide improved viability and deliverability of a tall building on this site. A decision taken by a landowner to give tenants notice of eviction is a private civil matter and is not a material planning consideration.

Loss of Firehouse Public House as a live music venue

Officer Response – The loss of the Firehouse premises was accepted in principle when the previous planning application for redevelopment was approved (ref 18/01820/FUL). This venue has not been nominated or listed as an Asset of Community Value. The development plan does not safeguard pubs in the city centre because there are alternative venues to meet the day to day needs of the community, including other live music venues (such as 1865, The Joiners, Heartbreakers, The Platform Tavern and the Loft).

The leaseholder of the Firehouse has no objection to the development, and was supportive of the previous application for redevelopment. The leaseholder has confirmed that they are seeking to relocate the pub and music venue to a more

suitable and viable location. They have advised that the premises is much larger than they now need, and they are paying rent for a large 3 storey building and they only really use the ground floor. They no longer use the large kitchen space on the first floor to prepare and serve food and haven't for a number of years. With no outside areas for seating their trade in the summer suffers significantly as they cannot compete with neighbouring pubs offering outdoor spaces. During the past decade they have experienced significant and costly maintenance issues with the venue which is to be expected of a building of this age and lack of previous investment. The leaseholder also advises that the interior of the building is considerably run down and to bring the premises into a modern pub requires an investment which their trade and profits cannot support or justify. They advise that relocation to a smaller, more viable venue with external spaces to support trade all year round would benefit them greatly.

They advise that both the applicants, and Savills, have been assisting them in finding an alternative location and from the outset Danehurst have maintained regular and close dialogue with the Leaseholder and pub manager. They are continuing to assess more suitable venues in the city and aim to make a decision in the new year and hope to be operational in time for next summer.

Comments in relation to the effect on wildlife, loss of light, overlooking overdevelopment, impact on trees are covered by the specialist consultee comments and within the considerations section below.

Cllr Sarah Bogle

I would like to register some concerns re these proposals and an objection on the grounds of overdevelopment.

- 1) The proposal would involve the loss of a music venue, which affects the cultural offer of the city;
- 2) There are residents living in the flats above who are in a precarious position and need to ensure their needs are considered;
- 3) The most pressing housing issue the city is facing is the lack of affordable housing so if this is used for housing, would prefer it was used for that purpose rather than student accommodation, something the Universities should be able to provide/commission;
- 4) The site overlooks our central parks so am concerned about over-development in a location that is only sustainable with no or very limited car use as this is a major bus thoroughfare - considerations of transport and design need a thorough review.

Officer Response – A response to points 1 and 2 is already covered in this report. The site has been acquired by Danehurst Ltd who are seeking to bring the site forward for purpose-built student accommodation. The site is not safeguarded for affordable housing development.. The application has evidenced need for student housing and as such the development is policy compliant and will contribute towards housing supply within the city centre.

13-storey scale development was previously found to be acceptable in this location. This proposal does not create any new impacts and remains compliant with the Tall Building Policy AP17 in the City Centre Action Plan and no objection has been raised by Heritage Consultees in relation to the setting of the listed Central Parks.

Consultation Responses

5.10

| Consultee | Comments |
|----------------------------------|---|
| SCC Highways DM | <p>No objection subject to planning conditions and/or obligations securing the following:</p> <ol style="list-style-type: none"> 1) Servicing management plan 2) Student intake management plan 3) Waste management plan 4) Construction management plan <p>In addition, site specific highway mitigation is under negotiation.</p> |
| SCC Urban Design Manager | <p>No objection.</p> <p>The scheme has taken on board the observations of the Urban Design Manager and recommendations of the Design Review Panel made at pre-application stage. Subject to materials and build quality, the proposed development has the makings of a positive new building in the city centre.</p> |
| SCC Historic Environment Officer | <p>No objection</p> <p>The submitted Heritage Statement is comprehensive in scope. It has identified all the heritage assets in the vicinity of the site that would be affected by the proposals and concludes that no heritage assets (designated or non-designated) would be physically or directly affected by the development. By analysing the findings of the Townscape and Visual Assessment, the Statement also concludes that no protected views through to the Bargate would be adversely affected and although there would be some harm to the setting of the adjacent locally listed buildings and Palmerston Park (a registered park & garden) by virtue of altering this part of the street's post-war context, the level of harm would be considered 'less than substantial harm'.</p> <p>It would be difficult to disagree with these findings. Although the new building would rise up and loom over these nearby assets, it would be located in an area that has changed over time and where it would be set back some distance from the park boundary and in a location where the principle of introducing well-designed tall buildings fronting the park is accepted. Similarly, although the elevational treatments have been revised when compared with the previous scheme, the use of stone cladding, brise soleil, and terracotta recesses would go some way to introduce articulation into the facades to ensure that it would not jar or appear stark and detrimental to the character of this part of the street and in the view westwards from Portland Terrace.</p> <p>As such, given that the building would not appear too dissimilar to the previously approved scheme in terms of its height, mass, and appearance, and should it be demonstrated that the public</p> |

| | |
|--------------------------|--|
| | benefits of the provision of student housing would offset the level of harm identified above, it would be considered difficult to refuse the scheme from a conservation perspective on this basis – subject to attaching condition/s requesting full working details and samples of all the external materials and finishes to be employed along with details of the proposed associated lighting and signage mechanisms. |
| SCC Environmental Health | No objection subject to the following conditions: <ul style="list-style-type: none"> • Noise Impact Assessment be submitted prior to commencement showing the design of any noise mitigation measures (e.g. windows) to be installed following additional noise measurements, which must be completed over a weekend. The newly submitted NIA must also consider internal noise and noise mitigation measures to prevent noise affecting flats on level 1 directly located above the gym on the ground floor; • Demolition Statement; and • Construction Environment Management Plan. |
| SCC Flood | No objection subject to a condition to secure the sustainable drainage features as outlined within the Drainage Strategy are secured by condition. |
| SCC Sustainability | No objection subject to conditions to secure a BREEAM rating of 'Excellent', sustainability measures as set out within the Energy Strategy and Carbon Management Plan and to secure the green roof specification. |
| SCC Archaeology | No objection subject to conditions to secure archaeological investigation |
| SCC Contamination | No objection subject to investigation of contaminated land risk and any necessary remediation. |
| SCC Ecology | No objection subject to conditions to secure ecological mitigation, protection of nesting birds and lighting design. |
| SCC Housing | No objection subject to evidence of student housing need and providing any approval is subject to a student occupancy clause. |
| Historic England | Please defer to the advice of the Council's specialist conservation and archaeological advisors. <i>Officer Response – Please note that Historic England raised no objection to the previous 13-storey building on the Firehouse site and advised that the significance of the registered park would not be adversely affected by a tall building in this location and the principle of some taller buildings on the perimeter of the park is accepted.</i> |
| Save Britain's Heritage | Objection on the following grounds: 1. The total and irreversible loss of the Firehouse and adjoining buildings at 10 and 12 Pound Tree Street which SAVE considers to be positive contributors to the historic environment due to their scale, massing and materiality. Their total |

| | |
|-------------------|---|
| | <p>loss would be unnecessarily harmful and disproportionate to their collective significance. When weighing this application under this policy test, SAVE considers that this proposal should be refused.</p> <p>2. The height of the proposed building would be harmful and have an adverse impact in this context, particularly on the setting of the locally listed Hanover Buildings. This development would be highly visible in the background of these buildings when viewed from Above Bar Street and the corner of Pound Tree Road and be equally visible from within the Central Parks.</p> <p>3. This application does not consider the viable and practicable possibility of the re-use of these buildings.</p> <p><i>Officer Response – No objection has been raised by the Council’s Sustainability and heritage officers to the redevelopment of this site following demolition of the existing buildings. Furthermore, Historic England have not raised an objection to the demolition.</i></p> |
| Southern Water | <p>No objection subject to a condition’s regarding sewer diversion, and foul and surface water disposal. Informatives also requested regarding connection to the public sewer.</p> |
| The Gardens Trust | <p>Objection Increased shadowing and impact on the setting of the central parks</p> <p><i>Officer Response – The proposal creates no increased shading impacts over those agreed with the previously consented 13-storey building. The application is supported by a shadowing assessment which shows only a modest increase in shading to the small green to the front of the Firehouse and the margins of Houndwell and Palmerston Parks. This is deemed to be acceptable.</i></p> |
| Natural England | <p>Objection Adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers</p> <p><i>Officer Response – The Council has committed to an interim position which allocates CIL funding to mitigate against New Forest Recreational Disturbance. 4% of CIL receipts are ringfenced for Southampton based measures and 1% is 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.”</i></p> |

| | |
|-----------------------------|---|
| Airport Safeguarding | <p>No objection</p> <p>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 CAP 1096 the Guidance to crane users on the crane notification process and obstacle lighting and marking.</p> |
| Hampshire Constabulary | <p>No objection but recommend some advisories to improve security within the building.</p> |
| Hampshire Fire and Rescue | <p>No objection and provide advisories in relation to road access to fire appliances.</p> |
| Health and Safety Executive | <p>Request that the service risers are moved from out of the corridor adjacent to the firefighting lift to the other side of the building on all levels.</p> <p><i>Officer Response – The applicants have agreed to address this and the plans are being amended to ensure the service risers are moved from out of the corridor adjacent to the firefighting lift to the other side of the building on all levels.</i></p> |
| City of Southampton Society | <p>In general we support this application on the basis that planning permission had already been granted for a 13-storey block of 67 residential flats (18/01820/FUL) on this site.</p> <p>We do however have 3 concerns:</p> <p>1) Although an Overshadowing Assessment has been provided, there are no diagrams showing the extent of shadowing at different times of day in winter, spring and summer and how these shadows would impact the Central Parks. We suggest that there is a planning condition requiring the submission of such a document.</p> <p>2) Whilst we approve the overall design of the proposed building we suggest a planning condition about the quality of the external materials used. The cladding on the nearby student accommodation is already showing signs of wear and tear. A higher quality of materials are required for this building</p> <p>3) We recommend some form of Planning Condition or suitable clause in the section 106 agreement that provides the Council with options in the event of building work starting but not being completed. A repeat of the situation that has developed at The Bargate cannot be allowed to happen again.</p> <p><i>Officer Response – The planning system cannot impose conditions that require a development to be completed.</i></p> |
| SCAPPS | <p>SCAPPS objects to the development proposed in this application because of visual impact on the grade II* registered Central Parks. SCAPPS vigorously opposed a previous application on this site, 18/01820, for a 13-storey redevelopment of this site. The same reasons for objection apply to this revised proposal for development in this sensitive location.</p> <p>The character of the historically important Central Parks is being gradually eroded by granting of permissions for tall buildings on</p> |

sites adjacent to the Parks. The present planning policy, regrettably in SCAPPS view, accepts a limited number of tall buildings (that is, of height that would be seen rising above the tree line in views from within the Parks) on the periphery of the Parks but there was agreement that care should be taken to avoid tall buildings in close proximity one to another, resulting in appearing as a 'wall' of tall buildings from viewpoints in the Parks. Unfortunately, policy wording is inadequate, and SCAPPS looks forward to revised wording in the Draft Local Plan. In considering this new application, SCAPPS asks careful attention is given to views expressed by Historic England on the previous proposal on this site, that it is 'timely to raise a concern for the future in that too many tall buildings around the park would have an adverse impact as they would create a 'walled' effect, restricting views out and undermining the visual connectivity between the parks and the wider townscape'. This application would result in another tall building too close to the 11-storey Vincents Place student block and risk this walled effect.

The applicant's own assessment (Design and Access Statement 2.2) is that this site is a prominent location on the edge of Houndwell Park, and a 13-storey building on the site would be visible from many points in the Parks. Visual images supplied show just how intrusive it would be in views from within Palmerston Park. It's a nonsense to claim it may be 'partially hidden' by foliage when the images provided show how much it rises above the tree line in sensitive views from within the Parks. SCAPPS particularly objects to the concept that a tall building on this site would introduce 'an orientation point'; no, it introduces yet another visually over-assertive intrusion into the setting of the Parks.

And that is a further reason for objection -- the 'look-at-me', attention-grabbing design. The present Firehouse building is unassuming in design; by materials, height and massing it unassumingly 'fits' into the context of facing the now separated part of Houndwell Park which has the appearance of a small town square separated by a road from the main body of the Park. SCAPPS urges consideration of retention of the present building and taking the same approach as on the opposite side of Poundtree Road (on the corner of Sussex Road) where it is proposed to secure additional accommodation by adding a light-weight 2-storeys to the retained existing buildings. Retention of existing buildings, avoiding demolition, has less carbon impact.

SCAPPS challenges conclusions in the Overshadowing Assessment. The detached part of Houndwell Park is already shaded by the 11-storey Vincents Place building to the south. Replacing the 3-storey Firehouse on the west side of the

detached part of the Park with a 13-storey building will undoubtedly increase overshadowing and shading, especially in winter months.

Officer Response - Policy AP17 of the City Centre Action Plan supports individually designed tall buildings adjoining the Central Parks that contribute positively to their setting and respond to the scale of the parks. The proposal represents an individually designed tall building and no objection has been raised by the Design Advisory Panel or Historic England.

6.0 Planning Consideration Key Issues

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

- the principle of the development
- design and heritage impact;
- residential environment;
- Impact on neighbouring properties;
- highways; and
- Impact on protected sites & the Habitats Regulations.

Principle of Development

6.2 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.

6.3 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs and Government has advised that student housing can be included in the land supply. 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:

- (i) 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
- (ii) 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"]

- 6.4 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.
- 6.5 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. Similarly, CS1 of the Core Strategy supports significant residential growth in the city centre to assist in addressing the city's housing need.
- 6.6 Policy CS16 of the Core Strategy confirms that *"in response to concern about the concentration of student accommodation within parts of the city, the Council will work in partnership with universities and developers to assist in the provision of suitable, affordable accommodation for students to relieve the pressure on housing markets"*. This policy confirms the Council's dual approach of delivering purpose built student accommodation whilst simultaneously managing the conversion of existing family housing to HMOs to relieve the pressure on local markets. Since the application proposes purpose-built accommodation for students, it would be consistent with this approach. In addition to this, 'saved' Local Plan Policy H13 supports the delivery of student accommodation in locations accessible to the Universities and where there is an identified need. The location of the site, in the city centre, with excellent public transport links to Southampton University and, approximately 0.3 miles walking distance to the Solent University, is appropriate for student accommodation.
- 6.7 The application is accompanied by a detailed student Housing Needs Assessment (CBRE July 2023). This advises that, when taking into account existing purpose built accommodation, development within the pipeline and, the number of students within the city, there is an unmet demand of 9,300 full time students seeking purpose built student accommodation. It is however recognised that not all full time students choose to live in purpose built accommodation and some students live within the private rental sector or in their own/parental home. The submitted needs assessment nevertheless demonstrates a student housing need and provision of purpose-built student accommodation would reduce demand for the private rental sector and may assist in reducing the growth of HMOs in areas with existing high concentrations.
- 6.8 The site is located within a defined secondary retail frontage under policies RE14 of the Local Plan and AP5 of the City Centre Action Plan, which support ground floor commercial uses and those offering a direct service to the public and residential on the upper floors. The proposed site redevelopment would result in the loss of a public house, 2 commercial retail units and 4 apartments.

- 6.9 National planning policy indicates that pubs can be considered as community facilities and that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (see paragraph 92 of the National Planning Policy Framework). However it is often difficult to resist planning applications for the loss of pubs in the city centre because there remains a choice of alternative facilities available in the city centre, including live music venues, to meet the day to day needs of the community.
- 6.10 This venue has not been nominated or listed as an asset of community value. Pubs are not safeguarded in the city centre because there are alternative venues to meet the day to day needs of the community. The existing tenants of the Firehouse have confirmed that they are actively looking for alternative premises because the building no longer meets their needs in terms of size, building condition and because the pub has no dedicated outdoor space. It would not be practical to re-incorporate a bar into the redevelopment because of the noise impacts in relation to residents above.
- 6.11 It is recognised that the proposal would result in the loss of commercial units within this secondary shopping street, one of which is currently vacant. However, given the wider challenges facing the retail sector and town centres more broadly, ground floor ancillary spaces serving residential schemes can be used to activate streets and will not adversely harm and would contribute towards the vitality and viability of the City Centre. The loss of the 4no. existing apartments is a shortcoming of the scheme, and the eviction of existing tenants is disappointing and understandably distressing and unsettling for those tenants involved. However, ultimately a decision by the freeholder to give existing tenants notice is a private civil matter. The loss of 4 no.2-bed apartments has to be weighed against the benefits of providing densification of the site with 139 student bed spaces to meet the needs of the student housing sector
- 6.12 Policy CS5 of the Council's Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of high density where net density levels of over 100 dwellings per hectare can be supported. The proposal has a density of 2,527 dwellings per hectare. The proposed scheme comprises 139 student studio flats with shared communal facilities is suitable and in keeping with the character and density of the city centre. It is accepted that the site doesn't easily lend itself to family housing.

Design & Heritage Impact

- 6.13 The proposed design approach has evolved following thorough pre-application discussions and an assessment of the building's relationship with nearby heritage assets, which include the Grade II* Registered Parks, the adjoining Locally Listed Buildings on Above Bar Street, Listed Buildings on Portland Street as well as the Bargate Scheduled Ancient Monument (within Old Town North Conservation Area). In addition to this, the applicant has engaged with and incorporated the advice of the Southampton Design Review Panel (advice attached at **Appendix 3**). The development proposal has also had regard to previous advice from Historic England in relation to building scale and materiality.

- 6.14 Policy AP17 of the City Centre Action Plan indicates that tall buildings of 5-storeys or more can be permitted as individually tall buildings to provide variety adjoining the central parks with active frontages that contribute positively to their setting and respond to the scale of the parks. The architecture has been designed to give the building verticality and relief within the elevations. The materiality of the scheme would respect nearby heritage assets with the use of reconstituted stone cladding (light grey). A condition is recommended to secure roof drainage details to reduce the likelihood of water staining to the stone cladding. The proposed ground floor communal spaces will provide active frontage to Pound Tree Road and Vincents Walk.
- 6.15 The statutory tests for the heritage impact of the proposal, as set out in sections 16 (Listed Buildings), 66 (Listed Buildings) and 72 (Conservation Areas) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest (Listed Buildings) and; whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.16 Paragraph 194 of the NPPF advises 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 202 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. Paragraph 203 confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application
- 6.17 The application is supported by a visual impact assessment to demonstrate the proposed tall building will not impact on key strategic views, the setting of nearby heritage assets which include the central parks, the Bargate Scheduled Ancient Monument, Portland Street Listed Buildings and Above Bar Locally listed buildings. The Council's Historic Environment Officer raises no objection and is satisfied the impacts of this building on nearby heritage assets will have less than substantial harm. Historic England have previously raised no objection to a 13-storey building on this site and advised that the significance of the registered park would not be adversely affected by a tall building in this location and the principle of some taller buildings on the perimeter of the park is accepted.

6.18 The scale and layout of the development will not prejudice the future development of adjoining sites. It is unlikely that further clustering/ excessive massing of tall buildings would be supported in this area in order to protect the skyline, key views and setting of the parks. The adjoining sites could be developed to a height of 5-storeys with a full blank gable provided on the south elevation and a blank gabled to a height of 5-storey on the west elevation.

6.19 The neighbouring buildings on the eastern side of Above Bar Precinct are locally listed, and in the event they are subject to future redevelopment the height of any replacement buildings would likely be restricted to 4/5-storeys to protect the setting of the Grade I Bargate Scheduled Ancient Monument.

6.20 The proposal is supported by a Daylight and Sunlight assessment which demonstrates this tall building will not lead to adverse shadowing of the parks and surrounding streets, taking 21st March as the average circumstance. The shadowing analysis shows minor increased shadowing around the margins of the park between the hours of 2-5pm. Unfortunately, the size of the plot does not allow for any landscape enhancements along the site frontage. However, a condition will be applied to secure a Green Roof. The application is also supported by a microclimate analysis which demonstrates the wind conditions around the proposed 13-storey tall building would remain safe for pedestrians.

6.21 **Residential Environment**

The proposed living environment is considered acceptable for student city centre living with all habitable rooms receiving genuine outlook and day lighting. Evidence has been provided by the architects to demonstrate that the lower first and second floor accommodation facing into the rear courtyard will also be provided with sufficient daylighting. The Council's Environmental Health Officer has requested that a further noise assessment be carried out prior to commencement of development to inform appropriate noise mitigation for the building.

6.22 The proposed studio apartments range in size from 16.5-25sqm in area are comparable to other consented student schemes in the city centre and this size of unit is suitable given the transient nature of students. Furthermore, there is sufficient communal spaces within the building for students to meet and interact. External outside roof terraces or balconies are not encouraged on student development for safety reasons. As such the scheme is considered to be compliant with saved Local Plan Policy SDP1(i)

Impact on neighbouring Occupiers

6.23 The adjoining precinct buildings do not contain residential accommodation and therefore there will be no adverse impact to neighbouring buildings. The adjacent side of Pound Tree Road contain apartments on the upper floor and there would be a moderate daylighting impact on those properties, but not to an extent that is harmful, having regard to the character and density of the neighbourhood. Furthermore, the window to window separation distance across Pound Tree Road will not lead to harmful overlooking given the windows face onto a public street. The submitted daylight and sunlight assessment also demonstrates there will no adverse shadowing to neighbouring residential apartments. As such the scheme is considered to be compliant with saved Local Plan Policy SDP1(i).

Highways

- 6.24 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. The proposed development would be a 'car free' scheme without any on-site car parking provision (as was the case with the earlier permission). Having regard to the nature of the proposed use and the city centre location of the site, this approach is considered to be appropriate. 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. A student in-take management plan will need to be secured through the S106 agreement to manage transport demands at peak times at the start and end of terms, to include measures such as an online booking system and arranging arrivals to be staggered.
- 6.25 Bins are located in the basement with access via a service lift. A waste management plan will be required to ensure waste will be moved to street level on collection days. Frequency of collection will need to be adjusted to suit demand to avoid waste overflow. Cycle parking is provided and although not all spaces are horizontal stands, over 50% provision is being provided as an amendment which is now considered acceptable, and evidence has been provided to support this level of cycle storage provision for city centre student developments.

Habitat Regulations

- 6.26 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 2. 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. The development is also required to mitigate against its nitrogen load of 44.03kg/TN/yr and a condition is recommended to secure appropriate mitigation as set out within the Habitats Regulations Assessment.

7 Summary

- 7.1 Residential redevelopment with active ground floor communal facilities is supported in principle within this secondary shopping street. The loss of the existing public house will not reduce the community's ability to meet its day-to-day needs as there are alternative drinking establishment's and music venues available in the city centre. The loss of the existing 4 no. apartments do not outweigh the benefits of providing additional modern residential floor space to meet an identified student housing need.

7.2 The proposed 8-13 storey building will enhance the city centre skyline and the scheme has been through the Design Review Process and no objection is raised by the Design Advisory Panel or the Council's Design Officer. Policy AP17 of the City Centre Action supports individually designed tall buildings adjacent to the Central Parks. Planning conditions are recommended to secure a high quality design and materials.

7.3 The application is supported by a visual impact assessment to demonstrate this tall building will have minimal impact on the significance of nearby heritage assets and the central parks. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area.

8 **Conclusion**

The principle of new residential development is considered acceptable. 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, 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 acceptable. 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 conditional approval, subject to the completion of a S106 legal agreement.

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) (f) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Andrew Gregory for 31.10.23 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition (Performance)

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).

02. Details of building materials to be used (Pre-Commencement Condition)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, to accord with the materials palette as shown on the elevation plans hereby approved, 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, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. 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.

03. Details of external appearance (Pre-commencement)

No development shall take place (excluding site set up and demolition, archaeology, site investigations, services and diversions) until detailed drawings to a scale of 1:20 showing a typical section of glazing, parapet detailing and roof construction and roof drainage has been submitted to and approved in writing by the Local Planning Authority. The roof design shall incorporate mansafe fall protection and not railings. The development shall be implemented in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure satisfactory design of the building and to reduce the risk of staining to the stone cladding.

04. 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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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.

05. Noise Assessment (Pre-Commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until a further Noise Assessment to include further environmental noise measurements, as recommended in the report by Hanna Tucker Associates dated 22 August 2023, has been submitted to and agreed in writing with the Local Planning Authority. The further noise assessment shall include design of any noise mitigation measures (e.g. windows) to be installed following additional noise measurements, which must be completed over a weekend. The further noise assessment must also consider internal noise and noise mitigation measures to prevent noise affecting flats on level 1 directly located above the gym on the ground floor. The development shall proceed only in accordance with the agreed details, which shall be fully installed ahead of 1st occupation of the development hereby approved.

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

06. Demolition Statement (Pre-Commencement)

Prior to the commencement of the development hereby approved, precise details of the method and programming of the demolition of the existing property, including measures to provide satisfactory suppression of dust during demolition, shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the scheme. The demolition shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenity of adjacent residential properties.

07. Construction Management Plan (Pre-Commencement)

Before any development works are commenced, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- (d) details of temporary lighting
- (e) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (f) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (g) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (h) details of construction vehicles wheel cleaning; and,

(i) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

08. Piling (Pre-Commencement)

Prior to the commencement of any piling works, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity.

09. Euro Bin Storage (Performance)

Before the development hereby approved first comes into occupation, the bin store shall be provided in accordance with the plans hereby approved and shall include the following, unless otherwise agreed in writing:

- Details of ventilation;
- Level threshold access via the platform lift;
- A lock system to be operated by a coded key pad;
- Internal lighting; and
- Facilities for cleaning and draining the store.

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.

10. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles and platform lift access to the basement shall be provided and made available for use in accordance with the plans hereby approved with storage for a minimum of 80 bicycles. The storage and platform lift shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport.

11. Delivery and Servicing Management Plan (Pre occupation)

Prior to first occupation of the development hereby approved a Delivery and Servicing Management Plan shall be submitted and agreed in writing with the Local Planning Authority. The plan shall include details of bin management and private bin collection arrangements to ensure bins are not stored on the public highway. Furthermore the

plan shall set out delivery and servicing arrangements for the retail units to prevent harmful obstruction to the footway and carriageway. The development shall be retained in accordance with the agreed Delivery and Servicing Management Plan.

Reason: In the interests of highway safety and the visual amenities of the area

12. Hard Landscaping (Pre occupation)

The proposed hard landscaping shall be constructed to adoptable standards and installed prior to first occupation with details to be first submitted to and agreed in writing with the Local Planning Authority and thereafter retained as agreed.

Reason: To ensure the proposed paving abutting the public footway is constructed in accordance with standards required by the Highway Authority.

13. Telecommunications Equipment

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no external telecommunications equipment shall be installed on the roof of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding the appearance of the building.

14. 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.

15. Archaeological evaluation investigation [Pre-Commencement Condition]

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

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

16. 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.

17. 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.

18. 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.

19. Sustainable Drainage (pre-commencement)

No development shall take place until full detailed details of the Drainage Strategy have been submitted and approved by the Local Planning Authority. The Drainage Strategy should include the final detailed design drawings showing all components that form part of the surface water drainage system, supported by cross sections drawings, locations of all inlets, outlets and flow control structures and appropriate drainage calculations. Confirmation of the final point of discharge (with written approval to connect if required) and management and maintenance plan identifying who will be responsible for the maintenance over the design life.

Reason: To secure inclusion of sustainable drainage to manage surface water on site, meeting the requirements of the National Planning Policy Framework and Policy CS20 of the Southampton Core Strategy (amended 2015)

20. Sustainable Drainage Verification Report (pre-occupation)

Prior to the first occupation of the development, a Drainage Verification Report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations) with as built drawings and photographs showing that the key components have been installed (i.e. surface water attenuation devices/areas, flow restriction devices and outfalls etc). The full details of the appointed management company or person(s) who will be responsible for the ongoing management and maintenance of the drainage system should also be included, with appropriate evidence for example a letter or contract agreement.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS and will be maintained appropriately over the lifetime of the development.

21. APPROVAL CONDITION - BREEAM Standards

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 an overall score Excellent, against the BREEAM Standard, in the form of a design stage report, is submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

22. APPROVAL CONDITION - BREEAM Standards [performance condition]

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

REASON:

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

23. APPROVAL CONDITION - Sustainability statement implementation [Pre-Occupation Condition]

Prior to the first occupation of the development hereby granted consent, written documentary evidence proving that the development has implemented the approved sustainability measures as contained in the report FIREHOUSE, VINCENTS WALK AND 10-12 POUND TREE ROAD, SOUTHAMPTON ENERGY STRATEGY AND CARBON MANAGEMENT PLAN dated August 2023 shall be submitted to the Local Planning Authority for its approval. Technologies that meet the agreed specifications must be retained thereafter.

Reason

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

24. Approval Condition - Green roof specification

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until a specification for the green roof is submitted and agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter by a qualified maintenance company.

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)

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

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

1. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in the Desk Study/ Preliminary Risk Assessment report) to be assessed.

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

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

Reason:

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

26. Use of uncontaminated soils and fill (Performance)

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

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

Unsuspected Contamination (Performance)

27. Unsuspected Contamination

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

28. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out within the Ecological Appraisal by Syntegra Consulting Ltd July 2023 (Ref: 18-4414), 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.

29. Protection of nesting birds (Performance)

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

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

30. External Lighting Scheme (Pre-Occupation)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

31. Public Sewer protection (Performance)

The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Reason: In order to safeguard the public sewer.

32. 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 have 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.

33. APPROVAL CONDITION - Active Ground Floor Frontage

The ground floor windows shall retain clear glazing along the length of the shop frontages hereby approved (without the installation of window vinyl or equivalent).

Reason: In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development.

34. APPROVAL CONDITION - Details of a Student Management Plan [Pre-Occupation Condition]

Notwithstanding the information provided as part of the application, a management plan setting out measures for the day to day operation of the building shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The management plan shall include details of staffing levels, measures for mitigating noise and disturbance which might affect the amenities of neighbours.

The development shall operate in accordance with the approved management plan for the lifetime of the use of the site for student residential accommodation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To satisfy the Council that the operation of the site would not be to the detriment of the residential amenities of neighbouring occupiers. To provide a safe living environment for students.

35. APPROVAL CONDITION - Provision and retention of facilities (Performance Condition)

The ancillary facilities for the student accommodation as shown on the approved plans, to include the ground floor gym and social study/area and lounge on the 8th floor, shall be provided before the residential accommodation is first occupied and retained thereafter for the duration of the use of the building as student accommodation.

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

36. Nitrates

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from Eastleigh Borough Council (tbc with applicant) Nutrient Offset Scheme for the development has been submitted to the council.

Reason: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

37. Approved Plans

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

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

Appendix 1

Habitats Regulations Assessment (HRA)

| | |
|---------------------------------|--|
| Application reference: | 23/01158/FUL |
| Application address: | The Firehouse Vincents Walk and 10 - 12 Pound Tree Road Southampton |
| Application description: | Redevelopment of the site. Erection of a purpose-built student accommodation, up to 13 storeys in height, including 139 studios, a gym, study area, laundry room, communal space, staff room, reception office and associated bin storage and cycle parking, following demolition of the existing buildings. |
| HRA completion date: | 8 September 2023 |

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, i.e. 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 (provided 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 (44.03kg/TN/yr) 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.

SCC is satisfied that, at this point in the application process, the quantum of nitrogen likely to be generated can be satisfactorily mitigated. This judgement is based on the following measures:

- SCC has adopted a Position Statement, 'Southampton Nitrogen Mitigation Position Statement' which is designed to ensure that new residential and hotel accommodation achieves 'nitrogen neutrality' with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);

- The key aspects of Southampton's specific approach, as set out in the Position Statement, have been discussed and agreed with Natural England ahead of approval by the Council's Cabinet in June 2022;
- The Position Statement sets out a number of potential mitigation approaches. The principle underpinning these measures is that they must be counted solely for a specific development, are implemented prior to occupation, are maintained for the duration of the impact of the development (generally taken to be 80 – 125 years) and are enforceable;
- SCC has signed a Section 33 Legal Agreement with Eastleigh Borough Council to enable the use of mitigation land outside Southampton's administrative boundary, thereby ensuring the required ongoing cross-boundary monitoring and enforcement of the mitigation;
- The applicant has indicated that it will purchase the required number of credits from the Eastleigh BC mitigation scheme to offset the nutrient loading detailed within the nitrogen budget calculator (Appendix 2);
- The initial approach was to ensure an appropriate mitigation strategy was secured through a s.106 legal agreement but following further engagement with Natural England a Grampian condition, requiring implementation of specified mitigation measures prior to first occupation, will be attached to the planning permission. The proposed text of the Grampian condition is as follows:

The development hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the Eastleigh Borough Council – tbc with applicant Nutrient Offset Scheme for the development has been submitted to the council.

Reason:

To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

With these measures in place nitrate neutrality will be secured from this development and as a consequence there will be no adverse effect on the integrity of the protected sites.

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.
- A Grampian condition, requiring evidence of purchase of credits from the Eastleigh B C mitigation scheme prior to first occupation, will be attached to the planning permission. The mitigation measures will be consistent with the requirements of the Southampton Nitrogen Mitigation Position Statement to ensure nitrate neutrality.
- 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.

Liley, D., Stillman, R. & Fearnley, H. (2010). The Solent Disturbance and Mitigation Project Phase 2: Results of Bird Disturbance Fieldwork 2009/10. Footprint Ecology/Solent Forum.

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.

POLICY CONTEXT

Core Strategy - (Amended 2015)

| | |
|------|---|
| CS3 | Town, District and Local Centres, Community Hubs and Community Facilities |
| CS4 | Housing Delivery |
| CS5 | Housing Density |
| CS6 | Economic Growth |
| CS7 | Safeguarding Employment Sites |
| CS13 | Fundamentals of Design |
| CS15 | Affordable Housing |
| CS16 | Housing Mix and Type |
| CS18 | Transport: Reduce-Manage-Invest |
| CS19 | Car & Cycle Parking |
| CS20 | Tackling and Adapting to Climate Change |
| CS25 | The Delivery of Infrastructure and Developer Contributions |

City of Southampton Local Plan Review – (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 |
| HE3 | Listed Buildings |
| HE4 | Local List |
| HE5 | Parks and Gardens of Special Historic Interest |
| HE6 | Archaeological Remains |
| H2 | Previously Developed Land |
| H7 | The Residential Environment |
| H13 | Student Housing |

City Centre Action Plan March 2015

| | |
|------|----------------------------------|
| AP5 | Supporting Existing Retail Areas |
| AP9 | Housing Supply |
| AP16 | Design |
| AP17 | Tall Buildings |

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards 2011

Other Relevant Guidance

The National Planning Policy Framework (2023)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Please ask for: Darren Shorter
Direct dial: 07393143789
Email: darren.shorter@southampton.gov.uk
Our ref: DAP/25/07/23_SDAP_FH

Sent on behalf of:

The Southampton Design Advisory Panel – CONFIDENTIAL for PREAP

28th July 2023

Panel Members: Darren Bray, Stuart Randle, Mark Johnson, Dominic Gaunt

For the attention of Joshua Reay

Dear Joshua

THE FIREHOUSE PUBLIC HOUSE, SOUTHAMPTON
Review of the presentation to the Design Advisory Panel, 25th July 2023

On behalf of the Southampton Design Advisory Panel and the city council we would like to thank you for your attendance at the Panel along with members of the design team and your client. The thorough presentation given and information provided beforehand allowed for a constructive and engaging dialogue to take place.

As with previous submissions for this site the Panel remains supportive of the design evolution that has taken place and the detailed analysis that has informed the design of this important corner site in the city centre.

The Panel make the following observations for you to consider:

The Panel felt that the changes made to the scheme since the previous review, particularly in respect of the park elevation were a substantial improvement. The only concern the panel had was whether the recess is sufficiently deep enough between the two volumes, as in some of the 3d views this distinction appeared lost. The panel felt that either pushing back the narrower section of the elevation, or dropping one floor would make a much better visual distinction.



WEBCHAT

[southampton.gov.uk](https://www.southampton.gov.uk)



@sotoncc



@southamptoncc

DX115710 SOUTHAMPTON 17

The Panel felt that the changes shown in the presentation for the two volumes worked well together. The eight-storey elevation to Pound Tree Road being below the tree line in the parks worked well to express the contrasting elevations of the taller element in the critical view from the diagonal pathway through the listed park. It also improved views from the precinct.

The Panel felt that within the view down Portland Street, more work is needed on the articulation of the blank elevation of the lower volume, given the number of listed buildings within this view. Perhaps this elevation would be a good site for a mural as looking around the area the Panel were concerned that this blank elevation may become a target for unsightly graffiti.

The Panel supports the view that the materiality of this building should be distinct from the other nearby student development. Although supportive of the material choice, the extensive use of reconstituted stone cladding on the north elevation of the tower will need to be carefully considered from a weathering perspective. The dirt and water streaking that has blighted the otherwise good Police Headquarters must be avoided given the buildings relationship to the listed park, so parapet detailing is critical.

The Panel felt that more work is required on the plinth of the building as the disparity of solid and void between ground and first floor currently felt awkward with the first floor feeling too heavy relative to the more glazed ground floor.

Although the panel accepted that the entrance is private not a public, it still felt a bit lost and that some gesture to define it a little more obviously to the street would be welcome.

In conclusion, if the matters raised in this letter can be addressed the Panel is of the view that the building would represent a good building and a positive landmark particularly when viewed from the listed parks.

Please note that as the Panel's remit is to advise the city council on matters of design, no direct communication can be entered into with the Panel outside of the meeting. If you have any queries or require greater clarification regarding the contents of this letter, please do not hesitate to contact me.

The city council reserves its right to accept or reject, in whole or part consultee advice in the exercise of its statutory planning duty.

Yours sincerely



Darren Shorter

Urban Design Manager – Liaison Officer to the SDAP

Cc *Andrew Gregory, SCC – Regeneration Planning Manager*