

Planning and Rights of Way Panel 04 March 2025
Planning Application Report of the Director of Transport and Planning

Application address: Mercury Point, 20 Duke Street, Southampton			
Proposed development: Redevelopment of the site. Demolition of existing buildings and erection of a building of between 1 storey and 21 storeys to provide Purpose Built Student accommodation containing 783 bed spaces (166 studio flats and 84 cluster flats), and flexible commercial floorspace (Use Class E or F1), internal and external amenity spaces, public realm and associated hard and soft landscaping, servicing, cycle store, boundary treatments and other associated works (Amended).			
Application number:	24/01247/FUL	Application type:	FUL
Case officer:	Andrew Gregory	Public speaking time:	15 minutes
Last date for determination:	27.01.2025 (ETA)	Ward:	Bargate
Reason for Panel Referral:	Referred by the Director of Transport and Planning with 5 or more letters of objection	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Lambert
Applicant: Unite Student		Agent: Turley	

Recommendation Summary	Delegate to the Director of Transport and Planning to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should 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, AP17, AP34 of the City Centre Action Plan (2015) and the National Planning Policy Framework (2024).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Design Advisory Panel comments 26.06.24		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Director 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 and/or works through s.278 approvals towards site specific transport highway improvements in the vicinity of the site including pedestrian crossing facilities at the Terminus Terrace/Bernard Street junction and the Threefield Lane/Bernard Street Junction, and to relocate parking bays and install double yellow lines on Richmond Street with no net loss of parking bays. In accordance 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 – with limited non-student temporary stays outside of term time;
 - 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 Director 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 Director 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.

1. The site and its context

1.1 Mercury Point has a site area of 0.57 hectares and is located within an existing cluster of tall buildings on the eastern side of the city centre. It forms a gateway to the approach from the Itchen Bridge. The site comprises an existing 560-bed student development, which is owned and operated by UNITE (a national student accommodation provider). The existing buildings are configured in a horseshoe arrangement with perimeter block development to the eastern, southern and western boundaries which frame a central outdoor amenity and car parking area with an open boundary to the north. The existing buildings range in scale from 6-16-storeys in scale with a tower at the eastern end of the site with a distinctive butterfly roof design.

1.2 Existing soft landscaping includes a street tree within the north-eastern corner, landscaped margins to the western and northern boundaries and the outdoor amenity area is laid to grass and includes a number of trees. Site access and the main building entrance is taken from Duke Street. The development includes a vacant retail unit (formerly occupied by Co-op) at the corner of Richmond Street and Terminus Terrace.

1.3 The site is bounded by Duke Street, Charles Street, Richmond Street and Terminus Terrace with pay and display parking available within these streets.

The building known as Dukes Keep is located to the north and comprises a vacant 15-storey office building. The 3-storey Arena Office building is located to the west. The arches on the adjacent side of Terminus Terrace to the east are occupied as music rehearsal and recording studios. Richmond House is located to the south

and comprises purpose-built student accommodation up to 13-storeys which is operated by VITA. Empress Heights is also located to the south and comprises residential apartments and is up to 8-storeys in scale. The College Street public car park is located further to the south and the townhouses on the adjacent southern side of Bernard Street are Grade II listed (113-121 and 123-133 Bernard Street) and are located within the Oxford Street Conservation Area.

2. Proposal

- 2.1 The existing student accommodation at Mercury Point was constructed in 2004 and has been identified as having a number of significant fire safety deficiencies. UNITE have agreed with Hampshire Fire & Rescue to close the building to new students from the summer of 2025. Works needed to remedy the existing fire safety deficiencies would include installation of a sprinkler system, upgrading the fire protection to the building structure and the external cladding being removed and remediated with materials which prevent spread of fire. Such retrofitting works would require significant cost and undertaking. Given the extent of deficiencies and the nature of the frame construction UNITE have taken the decision that this is not viable. UNITE instead seek to address the fire safety issues with a replacement building providing updated accommodation with improved amenities and layout in the interests of student well-being, and to reflect the changing requirements of modern-purpose built student accommodation.
- 2.2 The proposal seeks to replace the existing 560-bed accommodation with 783 student bed spaces which represent **a net increase of 223 bed spaces**. The replacement buildings would include a 21-storey tower with 11-storey shoulder block within the southern part of the site with 8-storey perimeter block stepping down to 6-storeys at the corner of Richmond Street and Charles Street.
- 2.3 The main entrance into the student accommodation is proposed be taken from Richmond Street. The finished floor level of the ground floor has been raised to 4.29m AOD to address future flood safety risk, and as a consequence the building entrance requires ramped and stepped access to address the change in levels. The entrance will be softened with soft landscaping and a feature tree. The ground floor would comprise a replacement retail unit, student communal amenity to include communal lounge areas, gym / well-being space, cinema room, gaming rooms or study areas and management facilities along with a 7-bed cluster flat to the west.
- 2.4 The commercial unit fronting Terminus Terrace has a forecourt area with opportunities for landscaping and tree planting.
- 2.5 The first-floor would comprise a landscaped outdoor podium deck, which would be partially open to the northern and southern boundaries and framed by residential accommodation. The upper building floors will be occupied by a mix of cluster and studio flats with an additional landscaped outdoor amenity deck on level 8. Biodiverse green roofs are located on the flat roofs at level 8 and level 11.
- The proposed buildings have a contemporary external appearance with chamfered roof profiled and finishes with horizontal cladding panels and asymmetrical cladding

and window arrangements to create visual interest.
The schedule of accommodation and facilities are as follows:

Units	Net Area
145 no. Standard Studios Apartments	18 sqm per unit
19 no. Accessible Studios	24 sqm per unit
599 no. cluster bedrooms within 84 cluster flats	11 sqm per cluster bedroom and 23.4sqm communal lounge/kitchen per cluster flat
18 no. accessible bedrooms	22 sqm per accessible bedroom
Communal internal amenity space	869 sqm
Outdoor amenity space	787 sqm
Bike storage	406 long stay spaces and 10 short stay spaces
Bin Storage	30 x 1100L Eurobins

- 2.6 Please note the scheme has been amended following the original submission to reduce the building height from 8 to 6-storeys at the corner of Charles St/Richmond Street to address daylighting issues. As a consequence of the reduction in building height the number of student bed spaces has been reduced from 811 to 783 bed spaces. Furthermore, the landscaping has been improved at the building entrance. A re-consultation has been carried out in relation to these changes and a verbal update will be provided at the Panel meeting if further representations are received.

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 2024. 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.
- 3.3 The site falls within the wider allocation for Duke Street, Richmond Street and College Street under policy AP34 of the City Centre Action Plan (CCAP). This policy identifies student accommodation as an acceptable use for this location and requires development to respond to the increase in height towards Richmond Street and protect and enhance the setting of the adjacent conservation area and listed buildings. Development in the location is also required to achieve an appropriate degree of safety in accordance with policy in line with policy AP15 of the CCAP. The site is also identified as suitable for tall building because it falls within a tall building cluster under policy AP17 of the CCAP.

4. Relevant Planning History

- 4.1 On 26.06.2003 planning permission was granted for a 6/8 storey building and 16 storey tower to comprise 125 flats (538) for student and keyworker accommodation to include retail unit, doctors' surgery, new access and parking (Ref 02/01273/FUL). The development was completed in 2004.
- 4.2 On 13.08.2007 planning permission was granted for part change of use of ground floor to retail use (Ref 07/00638/FUL)

5. Consultation Responses and Notification Representations

- 5.1 The applicants undertook their own public consultation ahead of the submission with 904 nearby residents, businesses and stakeholders notified. Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners, posting a press notice (19.11.24) and erecting a site notice (15.11.24). At the time of writing the report **5 objections** have been received from neighbours and the City of Southampton Society and Old Town Community Forum; and **1 letter of support** from Southampton University.

Planning issues raised include:

5.2 OBJECTION

Increased density and overconcentration of students

Officer Response - Student housing is recognised as contributing towards housing supply within the city centre. The site is located within a policy allocation which identifies student housing as suitable for this area. Moreover, the site is located within a tall building cluster where higher residential densities can be supported. 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.

The site is currently occupied for high density student accommodation and the proposed replacement development would represent a net increase of 223 bed spaces. The building is highly managed and the application is supported by a student management plan setting out control measures to prevent adverse disturbance to neighbours.

5.3 Building Height and Shadowing

Officer Response – The site is situated within a tall building cluster and is a location suitable for tall buildings. The replacement tower will be 21-storeys compared to the existing 16-storey scale. This increased height gives the tower greater verticality and definition next to the 11-storey shoulder element. The building heights have been checked in relation to airport safeguarding and no objection is raised by Southampton Airport. The application is supported by a Townscape Visual Impact Assessment to demonstrate the tower will not harm key sensitive views and the setting of heritage assets. No objection has been raised by the Council's Urban Design Manager and Heritage Officer in this regard. The shading impacts will be comparable to the existing building but improvements

have been made by opening up the site to the south, thereby reducing the shading to Richmond Street.

5.4 Loss of light and privacy to Empress Heights

Officer Response – The planning application has been amended to reduce the scale of the proposed wing adjacent to Empress Height from 8-storey to 6-storeys.

Empress Height contains a number of single- aspect north facing flats and daylighting impacts on these neighbours has been carefully considered with amendments required to improve daylighting. The building height relationship is now comparable to the existing relationship and there will be no adverse loss of light to flats within Empress Heights. The introduction of a building gap within the southern elevation to the amenity podium will also assist in providing some daylighting gains.

Moreover, there will be no harmful overlooking loss of privacy between these buildings facing across a public street with building separation distances remaining similar to the existing relationship. The student accommodation will have modest sized windows and no balconies, again similar to the existing relationship.

5.5 Location of building entrance

Officer Response – The proposed location of the building entrance represents an improvement in urban design terms introducing an active frontage to Richmond Street. The block will be staffed 24/7 with management controls in place to address noise disturbance issues. The outdoor amenity areas will only be available for use during daylight hours. The proposal seeks to introduce yellow lines outside the building entrance to enable postal/delivery drivers to service the site. A student in-take management plan will be secured through the s106 agreement to ensure arrivals/departures are staggered to prevent excessive local parking demands. Students will be given 20mins slots for arrivals/departures staggered over a 3 day period. Conditions are recommended to secure noise control measures as set out within the submitted management plan and also to secure details of external lighting to ensure there is no un-neighbourly light spillage.

5.6 Inaccuracy in submission with reference to Empress Heights as being 9-storey in scale

Officer Response - This is noted, and officers are aware that Empress Heights has a scale of 8-storeys.

5.7 Loss of existing building and its embedded energy

Officer Response – It is unfortunate that the proposal seeks to demolish a building which is only 20 years old, and the loss of embedded carbon is a shortcoming of this scheme. However, a case has been made for demolition on fire safety grounds and this needs to be considered as part of the planning balance. No objection has been raised by the Council's Sustainability officer. The proposed energy efficiency measures will mean that the larger replacement building will require no additional electricity capacity. The scheme is supported by a whole life carbon assessment for the new building, which is line with the Council's suggested targets in the guidance and emerging local plan.

- 5.8 **Insufficient size of living accommodation for students**
Officer Response – The Local Planning Authority does not have up to date adopted policy or supplementary planning guidance setting out minimum standards for student accommodation. The national prescribed space standards are not considered appropriate given the transient nature of students, and the nature of the accommodation because the student bedrooms are supported by additional communal facilities. The proposed bedroom sizes of 11-18sqm, and the amount of supporting communal facilities, are comparable to other student scheme approved and built out within the city and nationally.
- 5.9 **Futureproofing**
Officer Response – The applicants are aware that should student demand fall and a request is made to convert the accommodation in open market residential accommodation, the proposed room sizes would not be supported. The architects have advised that the internal layout can be reconfigured to provide larger flats.
- 5.10 **The proposed green cladding colour is not aesthetically pleasing.**
Officer Response – Colour choice is a subjective matter however the architects have provided a narrative in relation to the colour palette which is linked to the various shades of green of the Solent shoreline. The proposed façade strategy suggests a glazed terracotta cladding with varying hues and profile to create visual interest.
The Design Review Panel felt that this design approach is of the required standard to achieve a landmark tall building.
- 5.11 **Disruption during the construction phase**
Officer Response – There is inevitably some disruption during the construction phase and planning permission cannot be refused for this reason however the impacts can be managed. Planning conditions are recommended to control the hours of work and to secure a construction environmental management plan. These measures will take into account access and parking demands of neighbouring properties.
- 5.12 **SUPPORT**

The provision of good quality, well-managed accommodation is an important factor for many students in their choice of study location University and we (Southampton University) are supportive of UNITE's proposals to redevelop their existing building at Mercury Point to provide increased capacity and an improved quality of accommodation. Features such as communal lounges, external amenity spaces and study lounges are all appreciated by students and are an important contributor to student well-being.

Consultation Responses

5.13

Consultee	Comments
SCC Highways DM	No objection. Car free development can be supported in this city centre location and existing controls are in place to prevent parking overspill. The proposed bin and cycle storage arrangements are acceptable. The servicing and delivery arrangements are acceptable in principle with changes to the parking arrangements on Richmond Street which results in no net loss of on-street parking. Conditions are recommended to secure servicing and delivery management. Planning obligations are sought to secure a pedestrian crossing to Bernard Street to improve pedestrian safety at the junction with Terminus Terrace and for changes to the parking arrangement on Richmond Street to enable on-street servicing at the building entrance.
SCC Urban Design Manager	No objection. The proposed scheme has less shading than the existing and overall the proposal has the makings of a very good scheme if it's delivered to the quality shown in the application.
SCC Historic Environment Officer	No objection The site itself contains no aboveground heritage assets whereas the existing building is a modern office block built in 2004 and as such, would be not considered to present enough architectural merit or historic interest to warrant its retention from a heritage perspective. Furthermore, the submitted Heritage Statement (dated September 2024) is comprehensive in scope. It has identified all the nearby heritage assets and their settings that would be affected by the proposals. It then goes on to assess the impact of the development on each identified asset and their settings/important views, with particular reference to the council's Tall Buildings Study. It then concludes that the significance of all the identified designated and non-designated heritage assets would be sustained and no harm would arise with regards to the development proposed. It would be difficult to disagree with these findings. For instance, the nearest aboveground heritage asset/s affected by the proposals would be the late-C19 Central Bridge located to the east of the development site, and which is a grade II listed building. This road overbridge was originally built to connect Terminus Terrace with the Itchen Ferry at Floating Bridge Road, however, its original context and wider setting (which once consisted of Victorian housing and a cattle market), has long since been redeveloped and the area is now predominantly urban in character with large modern buildings fronting the road/s. Therefore, given that the proposals would have no

		<p>direct, or physical impact on this asset, redeveloping the plot with similar scaled buildings would not be considered to adversely harm how you appreciate the setting and significance of this listed building.</p> <p>With regards to the remaining heritage assets, it is agreed that the impact on how many of these would be experienced would be considered neutral, given that many lack a visual relationship with, and/or are obscured from, the development plot by the topography of the site and the intervening urban landscape. It is also agreed that where the increase in the height of the building would be visible in some mid-to-long term vistas in certain streetscapes and/or view corridors out of the nearby conservation areas, these would not be considered adversely harmful in terms of the affected asset`s significance or setting when you compare the proposals with the built form and character of the existing skyline. For these reasons, no objections to the proposals would be raised from a conservation perspective at this time.</p>
	<p>SCC Environmental Health</p>	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> • To secure a full plant noise and vibration assessment (taking into account any recommendations from an overheating assessment). • A condition to secure the recommendations of the acoustic report.
	<p>SCC Flood</p>	<p>No objection</p> <p>This comment is formed of two parts: Part One - Flood Risk Management (advice to the Local Planning Authority for consideration on all sources of flood risk) and Part Two - Lead Local Flood Authority (as Statutory Consultee for surface water drainage)</p> <p>Part One: SCC Flood Risk Management (advice to the Local Planning Authority for consideration on all sources of flood risk)</p> <p>The site is located within Environment Agency Flood Zone 2 which is land carrying between a 0.1% and 1% annual probability of flooding in any given year (typically considered medium risk), and in the Southampton Strategic Flood Risk Assessment as high risk within the lifetime of the development as a result of climate change. In line with paragraph 181 of the National Planning Policy Framework (version as revised December 2024), and Southampton Core Strategy Policy CS23 (Flood Risk) a site-specific Flood Risk Assessment is required for sites located within Flood Zone 2, and where identified as being at risk within the Strategic Flood Risk Assessment. The Site Specific Flood Risk Assessment should assess the risk of</p>

flooding from all sources, and clearly demonstrate how the site will be safe over lifetime of the development (100 years for residential use) including assessment of the impact of climate change and sea level rise and how this may change extent, frequency and depth of flood water. Clear information on proposed finished floor levels and flood resistance and resilience measures that will be in place to mitigate flood risk to the development should be included. Safe access and egress routes should also be assessed against changing flood depths to ensure the safety of future occupants and site users.

Further discussion with the developer in relation to the flood modelling presented within the Flood Risk Assessment (dated September 2024) has taken place, with the discrepancy identified with the input data. It has been agreed that ground floor bedroom accommodation and management meeting spaces will be raised to a minimum level of 4.48mAOD to account for the best estimate of future flood risk, inclusive of the 0.3m freeboard allowance. This enables the units to remain free from inundation during the 2125 design flood event, and enables provision of safe refuge, which is typically defined as habitable areas remaining dry with an appropriate exit point to street level to facilitate emergency service assisted evacuation if required (noting, depths external to the building during the 2125 design flood will exceed safe depths and be classified as a 'danger to most').

Other ground floor areas, including amenity space are to remain at 4.29mAOD which accounts for a freeboard allowance of 0.11m, however will be accompanied by flood resilient design and construction to a minimum of 0.6m above this level, as set out within section 7 of the Flood Risk Assessment. This includes exclusion of hydrophilic materials, installation of non-return valves, raised electrical sockets and utility meters, and provision of a low capacity submersible pump to assist removal of any flood water reaching these areas. These resilience measures are recommended to be secured by planning condition.

Section 6.6 of the Flood Risk Assessment identifies that flood depths to external areas during the 2125 design flood will exceed 2.0m, which represents a 'danger to all' hazard rating, including emergency services. It is noted that the flood map sets referenced within the Flood Risk Assessment are missing, therefore it is difficult to determine areas that will carry a significant hazard rating and which year this is likely to become an unacceptable risk. This means that the site does not meet National Planning Policy Framework paragraph 181(e) whereby of definition of safe access and egress within the Planning Practice Guidance is for a dry route, or low flood hazard, from the building to an area outside of the flood risk area.

To offset the inability to achieve the safe access and egress for the full design life of the development, the proposed mitigation is to adopt a 'sit and wait' approach, with provision of safe refuge achieved for all occupants. This approach is a last resort for flood risk management as services and utilities including electricity, water supply and sewerage provisions are likely to be disrupted during a flood event (likely to exceed 12 hours), and given the transient nature associated with student dwellings this carries additional risks for example limited local awareness of flood risks and how to avoid them. To offset this, the developer is proposing that a Flood Wardens will be trained and based on site to ensure the Site Flood Plan is implemented as appropriate and plans are kept up to date and issued to occupants over the lifetime of the development to reflect changes in flood risk and warning procedures (Section 7.1 of the Flood Risk Assessment). This approach is welcomed and recommended that it is secured as a condition. The Local Planning Authority will however need to consider, in conjunction with any necessary advice from Emergency Planning and/or Local Resilience Forum, whether, given the likely external depths and 'danger to most' rating, the reliance on a Site Flood Plan is acceptable, to ensure safety of occupants and reduced burden on emergency services.

Should the Local Planning Authority decide that the Sequential Test and both parts of the Exception Test have been met and seek to approve the application it is recommended that conditions are applied to secure resilience and support the safety of future occupants of the site.

Recommended Conditions to secure flood resilience and Site Flood Plan and Flood Wardens.

Part Two - Lead Local Flood Authority (as Statutory Consultee for surface water drainage)

In line with National Planning Policy Framework (revised December 2024) paragraphs 172(c), 181(c) and 182, and the Southampton Core Strategy Policy CS20 (Adapting to Climate Change) (amended 2015), all major developments (10 or more dwellings, including student accommodation) are required to incorporate sustainable drainage into the site unless there is clear evidence that this would be inappropriate. This is to manage and reduce the risk of surface water flooding, including the impacts of climate change, to the site and wider catchment area, largely by reducing the volume and rate at which surface water runoff reaches a public sewer.

The Drainage Strategy (dated September 2024) identifies that the management of surface water will be through a combination

	<p>of blue roofs (to all roof spaces) and permeable paving at street level. It is proposed that discharge to the public surface water sewer restricted to 2l/s via hydrobrake or similar flow control, for all rainfall events up to and including the 1 in 100 year plus 45% climate change allowance This will provide sufficient storage on site to reduce runoff from the site achieving significant betterment from the existing development. Management and maintenance of the surface water drainage strategy is yet to be confirmed.</p> <p>The Lead Local Flood Authority accepts the principles of the submitted Drainage Strategy, however full detailed design and maintenance agreements will be required.</p> <p>Conditions recommended to secure sustainable drainage.</p>
SCC Sustainability	<p>No objection following a whole life carbon assessment and fire safety arguments for demolition of the existing building. The replacement building will achieve BREEAM 'excellent'. Conditions recommended to secure BREEAM 'excellent', zero or low carbon energy sources and green infrastructure and/or permeable features.</p>
SCC Archaeology	<p>No objection subject to conditions to secure archaeological damage-assessment and investigation and completion of work programme.</p>
SCC Contamination	<p>No objection subject to investigation of contaminated land risk and any necessary remediation.</p>
SCC Ecology	<p>No objection subject to conditions to secure ecological mitigation, protection of nesting birds and Biodiversity Gain.</p>
SCC Housing	<p>No objection</p> <p>As the proposed scheme comprises of student accommodation, we would not seek affordable housing, but we would expect a student restriction to be put in place, plus we would hope that the provider would sign up to SASSH – Southampton Accreditation Scheme for student housing.</p>
SCC Trees	<p>No objection</p> <p>Very little direct impact to trees from this proposal, with a few small trees being removed from the central courtyard area. These appear to have been planted as part of the landscaping from the current buildings construction and have had only moderate success since. Still, they do offer some amenity to the area, alongside the grass within the central section being lost but I can see this has been addressed as part of the BNG assessment and I am satisfied the loss of amenity is minimal.</p>

	<p>Provision of a some new trees on the NE corner, within an outdoor amenity area, though presumably only space for smaller species and yet to be determined. Species selection should be taken with care and with the lower light levels in mind due to positioning on the North side of this tall building.</p>
Southern Water	<p>Southern Water have identified inadequate capacity in the foul sewer network and will work with the developer to provide upgrades and will endeavour to provide reinforcements within 24 months of planning consent being granted.</p> <p><i>Officer Response - The Courts have determined that planning permission cannot be refused because of inadequate network capacity grounds (Barrett Homes Ltd v Welsh Water). However it is recommended that a condition be imposed to require the reinforcement to be carried out prior to occupation of the student accommodation.</i></p>
Natural England	<p>Objection</p> <p>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 subject to a condition regarding cranes and tall tall construction equipment – to comply with Advice Note 4 - Cranes (available at https://www.aoa.org.uk/policy-campaigns/operations-safety/).</p>
Hampshire Fire and Rescue	<p>Currently unable to engage in non-statutory consultation work.</p>
Health and Safety Executive	<p>HSE is content with the design in fire safety terms to the extent it effects land use planning considerations.</p>
Environment Agency	<p>This application falls outside of our remit as it is in Flood Zone 2 only; therefore, we have no comments to make.</p>

SCC Air
Quality Officer

No objection
I agree with the conclusion of their Air Quality Assessment.
I have no air quality concerns as it is a car free development.

I would recommend the developer adheres to their Assessments recommendations for mitigation to ventilate the flats from a high-level intake on the roof. To ensure the cleanest air is used for ventilation purposes.

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 in the city centre is strongly supported. The site is currently occupied by purpose-built student accommodation, and the proposed net addition in student bed spaces and commercial unit is supported by the policy allocation for Duke Street, Richmond Street and College Street under policy AP34 of the City Centre Action Plan (CCAP). 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 National Planning Policy Framework (NPPF) requires Local Planning Authorities to significantly boost the supply of housing, and to achieve this requires planning policies to identify specific deliverable sites for five years. Currently, the Council is unable to demonstrate a supply of deliverable sites for more than 3.5 years. As such, in accordance with paragraph 11 d) of the NPPF, a presumption in favour of sustainable development applies to the proposal. This means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

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 The site is located within an area suitable for tall buildings under policies and higher residential densities and 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 0.8 miles walking distance to the Solent University, is appropriate for student accommodation.
- 6.7 Saved policy H13 of the City of Southampton Local Plan Review indicates that Development by private sector providers and higher education institutions, which would result in an increase in student numbers, will only be permitted where suitably located and where residential accommodation is provided at a level to be agreed with the council. Strand (i) of this policy requires planning applications to be supported by an assessment of the number of additional full time undergraduate and postgraduate students requiring full time accommodation, in order to ensure that a demonstrable need for such provision is satisfied.
- 6.8 The application is supported by an up-to-date PBSA Demand and Needs Assessment by Frank Knight, dated 10 September 2024. This report advises that the student population in Southampton of 29,779 is projected to increase by 2.3% over the next five years, which represents an increase of approximately 699 full time students. The housing need of existing students is met by 14,788 PBSA bedspaces, 12,298 in the private rental/HMO sector and 2,693 students living in their parental or guardian home. The report indicates a pipeline of an additional 728 bed spaces. It is recognised that this pipeline would be increased to 951 if the net additional student accommodation is approved on the Mercury Point site. Therefore, based on the forecast growth of students over the next 5 years and PBSA pipeline it would appear that student housing need is met by existing PBSA accommodation (including pipeline), the existing private rental/HMO sector and by

students living in their parental or guardian home. However the proposed increase in PBSA accommodation will assist in relieving pressure on the private housing sector from additional student HMOs and can, therefore, be supported.

- 6.9 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 439 dwellings per hectare. The proposed scheme comprises 166 student studio flats and 84 cluster flats with shared communal facilities is suitable for a student housing site and in keeping with the character and density of the neighbourhood.

Design & Heritage Impact

- 6.10 The application is supported by a heritage assessment and Townscape Visual Impact Assessment, which demonstrate that the proposed development will not harm the cityscape and the setting/important views of identified heritage assets.
- 6.11 The proposed perimeter block arrangement with a landmark tower at the eastern end of the site is considered an appropriate urban design response. Improvements are made over the existing development by opening up the wing to Richmond Street to improve daylight and sunlight and to reduce the sense of enclosure to the street. The street is also activated placing the building entrance at the corner of Richmond Street/Charles Street with additional landscaping features including a feature tree. The uplift in building scale is compliant with Policy AP17 of the City Centre Action Plan which identifies the site as located within a tall building cluster and suitable for tall buildings of scale. This policy requires landmark buildings or structures to be of high-quality design and materials; respond well to their site and context, enhance the skyline and should not detract from, or close, strategic views. The proposed design has been through a design review process and no objections have been raised by the Design Review Panel (see **Appendix 3**) and Urban Design Manager. The proposed façade strategy comprising suggests glazed terracotta cladding with varying hues and profile has the potential to create a striking building of high design quality to enhance the cityscape. The Design Review Panel felt that this design approach is of the standard to achieve a landmark tall building. Conditions are recommended to secure suitable building detailing and materials palette in order to achieve a high-quality design suitable for a landmark tall building.
- 6.12 The application is supported by a microclimate analysis, which demonstrates there are no significant wind safety risks for pedestrians or residents and that cumulative wind impacts would be negligible.

Residential Environment

The proposed living environment is considered acceptable for student city centre

6.14 living with all habitable rooms receiving genuine outlook and natural lighting and ventilation. Reasonable daylighting is provided for the proposed accommodation having regard to the transient nature of the occupiers and density of the neighbourhood. North facing bedrooms will benefit from the use of communal/lounge/amenity areas which contain windows within 90 degrees of due south. The existing external amenity area on site is north facing and the replacement development provides opportunity for the amenity to open out towards the south, that said the level 1 outdoor amenity area will be shaded from by the tall buildings but the upper level roof garden is BRE compliant in terms of the amount of sunlight.

6.15 The proposed internal room sizes are acceptable and comparable to other consented student schemes in the city centre. Furthermore, there is sufficient communal spaces within the building for students to meet and interact with significant improvement over the existing offer in the interests of student well-being. Conditions are recommended to ensure the acoustic performance of the building is sufficient to prevent disturbance from external noise sources such as road traffic and plant.

Impact on neighbouring Occupiers

6.16 The application has been amended to reduce the height of the proposed building adjacent to Empress Heights (reduced from 8 to 6-storeys). Empress Heights contains existing north facing single-aspect flats, which currently receive limited daylighting. It is important that the condition of those neighbouring flats is not worsened to an extent where they have to rely on increased artificial lighting with associated energy costs. To this end, the BRE daylight and sunlight guidance advises that properties with existing limited daylighting should not see a further diminishing of daylight by 20%. As a consequence, the proposed building height has been reduced to match the existing 6-storey building height and, therefore, the daylighting impacts are now negligible and can be supported.

The location and orientation of the tower in relation to neighbouring properties will not give rise to harmful overshadowing having regard to the character and density of the neighbourhood. Furthermore, the inter-looking with adjacent apartments will be comparable to the existing environment with views across public streets. Planning conditions are recommended to secure noise control measures through a student management plan and also to control hours of operations of the commercial units and during construction works to ensure there is no harmful disturbance to neighbours. As such the scheme is considered to be compliant with saved Local Plan Policy SDP1(i).

Highways

6.17 The Development Plan seeks to reduce the reliance on the 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. 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. Students will not be eligible for parking permits.

6.18 There will be some alterations to the highway including the relocation of some on street parking bays to facilitate a stretch of double yellow lines which can provide some light servicing (designed for postal and food deliveries etc.) with the 'heavier' servicing such as the commercial and refuse to be carried out along Duke Street. Commercial unit is in a similar position and therefore is expected that servicing arrangements will remain unchanged. Tracking diagrams have been provided to demonstrate that the refuse collection vehicle can turn around the bend on Duke Street.

6.19 It is recognised that student take up on cycling is lower than traditional residential developments and, therefore, it is acceptable to provide cycle parking at 50% (1 long stay space per student).

6.20 There are a lack of pedestrian crossing points in the near vicinity which students will likely travel on a daily basis. The main routes would include to the West to access nearest bus stops and South towards nearest University Campus (Oceanography) as well as Oxford St and Ocean Village. As such, financial contributions towards highway works to improve sustainable travel and accessibility to these routes would be required to support the development; and can be secured by the suggested s.106.

Habitat Regulations

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

6.22 The development is also required to mitigate against its nitrogen load of 76.72kg/TN/yr and a condition is recommended to secure appropriate mitigation as set out within the Habitats Regulations Assessment.

7 Summary

7.1 The site is currently occupied for high density student housing and the proposed development would see a net increase of 223 student bed spaces. The

application is supported by a student housing needs assessment to evidence demand for the accommodation, and will contribute towards meeting housing need in the city. The area is designated for tall buildings and the uplift in scale and policy compliant and acceptable in urban design terms. As set out above despite offering accommodation for students the application is still making a contribution to the Council's housing need and without a 5 year housing land supply or up to date local plan the 'tilted balance' is engaged (as explained above) meaning that significant weight should be afforded towards housing delivery from this application when assessed against the other issues identified.

- 7.2 The replacement building has the potential to create a high-quality landmark tower to 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. The application is supported by a townscape visual impact assessment to demonstrate that the proposed tall buildings will not harm key views or the setting of heritage assets and are appropriate for the local context. Overall the scheme, as amended, 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**

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Andrew Gregory for 04.03.25 PROW Panel

Planning Conditions to include:-

01. Full Permission Timing (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)

Notwithstanding the information shown on the approved drawings and application form, 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, 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, extruded vertical cladding tile or batten, 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 or similar and not guard rail visible above the parapet. The development shall be implemented in accordance with these approved details and shall be maintained in accordance with these details for the lifetime of the development.

Reason: To achieve a building of high-quality design.

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.

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

05. Noise Assessment (Performance)

The development shall be carried out in accordance with the recommendations of the Acoustic Assessment Report by Blackbird Acoustics Ref 2116.Rep.AAR. As set out in the report openable window as the sole means to help combat overheating would not be acceptable to outer-facing bedrooms. The development shall be maintained in accordance with these details for the lifetime of the development.

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

06. Noise - plant and machinery (Pre-Commencement)

No external plant and/or machinery shall be installed until details of measures to minimise noise from plant and machinery associated with the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and thereafter retained as approved. This shall take into account any additional M&E as required following the completion of a full overheating assessment.

Reason: In the interests of residential amenity.

07. 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 by 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.

08. 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, with details of cranes and other tall construction equipment to be agreed in consultation with Southampton Airport, 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) - to comply with Advice Note 4 - Cranes (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>).
- (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. To ensure that construction work and construction equipment on the site and any adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Southampton Airport and endanger aircraft movements and the safe operation of the aerodrome

09. 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.

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

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

- (a) proposed finished ground levels or contours; means of enclosure; circulations areas, hard surfacing materials including permeable surfacing where appropriate, external lighting, structures and ancillary objects (refuse bins etc.);
- (b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (c) The Green Space Factor Tool;
- (d) An accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (e) details of any proposed boundary treatment, including retaining walls and;

(f) a landscape management scheme.

Note: Until the sustainability credentials of artificial grass have been proven it is unlikely that the Local Planning Authority will be able to support its use as part of the sign off of this planning condition.

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

Any approved trees which die, fail to establish, are removed or become damaged or diseased following their planting shall be replaced by the Developer (or their successor) in the next planting season with others of a similar size and species.

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

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

11. 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.

12. 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:

- Ventilation;
- Outwardly opening doors, or roller shutter doors which do not encroach onto the public highway, with no less than 1.4 metre wide opening and capable of being secured in place whilst bins are moved;

- Level threshold access;
- A lock system to be operated by a coded key pad;
- Internal lighting;
- Facilities for cleaning and draining the store and;
- Dropped kerb access to the adjacent highway.

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

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

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

13. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation/use, the storage for a minimum of 392 bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved for the lifetime of the development.

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

14. 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 for the lifetime of the development.

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

15. APPROVAL CONDITION Archaeological damage-assessment [Pre-Commencement Condition]

No ground disturbance (including below-ground demolition and enabling works but excluding ground investigation works) 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.

16. APPROVAL CONDITION Archaeological investigation [Pre-Commencement Condition]

No ground disturbance (including below-ground demolition and enabling works) 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.

17. APPROVAL CONDITION Archaeological work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

18. Sustainable Drainage (pre-commencement)

No development, other than demolition, site clearance and associated survey works, shall take place until full detailed details of the surface water Drainage Strategy have been submitted and approved by the Local Planning Authority. The Drainage Strategy should include the 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, based around the principles of the Drainage Strategy supplied at full application stage. Confirmation of the final point of discharge with written approval from the asset owner should be supplied (if proposing discharge to a surface water sewer) and management and maintenance plan identifying who will be responsible for the maintenance of the drainage assets over the design life.

Reason: To secure inclusion of sustainable drainage for the management of surface water flood risk on and off site, meeting the requirements of the National Planning Policy Framework and Policy CS20 (adapting to climate change) of the Southampton Core Strategy (amended 2015).

19. 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 surface water drainage system is constructed as per the approved surface water drainage strategy in line with the National Non-Statutory Technical Standards for SuDS and will be maintained appropriately over the lifetime of the development.

20. Flood Resilience (Pre-Occupation)

Finished floor levels containing all habitable areas should be set no lower than 4.48mAOD. Flood resilience measures as outlined within section 6.6 of the Flood Risk Assessment (dated September 2024) should be implemented to a minimum of 0.6m above the design flood level stated, and verified through submission of appropriate evidence (including but not limited to final design drawings, verification report and photographs showing measure in place) to the Local Authority.

Reason: To ensure that the development is appropriately resilient to flooding in line with paragraph 181(b) and reduce the time and costs associated with recovery should a flood occur.

21. Site Flood Plan and Flood Warden (Pre-occupation)

Prior to the first occupation of the development a Site Flood Plan should be submitted to and approved by the Local Planning Authority. This should include the procedures in place for flood alerts and warnings, clearly identify the safe access and egress routes in the a flood event and detail the procedures for onsite safe refuge should evacuation not be achieved prior to flooding. The Site Flood Plan shall be accompanied by a trained and equipped Flood Warden based on site at all times (as per Section 7.1 of the Flood Risk Assessment dated September 2024) and be implemented before the development first comes into use and thereafter updated and adhered to throughout the lifetime of the development.

Reason: To demonstrate that the site and its users are safe from the hazard presented by flooding over the lifetime of the development

22. 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).

23. 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).

24. APPROVAL CONDITION - Zero or Low Carbon Energy Sources (Pre-Commencement Condition)

Confirmation of the energy strategy, including zero or low carbon energy technologies that will aspire to achieve net zero emissions in accordance with Southampton City Council Energy Guidance for New Developments 2021-2025 and achieve a minimum reduction in CO2 emissions of at least 15% above building regulation requirements must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent.

This includes demonstrating the development has incorporated means for future connection to the district heating system. This shall include plans showing the pipework specifications and the location within the building. Detailed design to demonstrate cooling hierarchy to reduce overheating risk. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason: To 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).

25. Green Roof Implementation (Pre-commencement)

Prior to the commencement of the development hereby approved, with the exception of site clearance, demolition and preparation works, a specification and management plan for the biodiverse green roofs on level 8 and level 11 shall be submitted to and agreed in writing by the Local Planning Authority. The green roofs must be installed to the approved specification before the building hereby approved first comes into use or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision. If the green roof dies, fails to establish or becomes damaged or diseased within a period of 5 years from the date of planting, shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

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

26. Ecological Mitigation Measures (Performance)

The habitat and species mitigation and enhancement measures shall be provided in accordance with the details and programme within the Ecology Appraisal Ref 1441/Version 2.0 hereby approved prior to the first occupation of the development, and shall thereafter be retained for the lifetime of the development.

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

27. 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 first submitted to and 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

28. Biodiversity Net Gain

Prior to the commencement of the development hereby approved, with the exception of site clearance, demolition and preparation works, a Biodiversity Gain Plan setting out the final iteration of the habitats to be created on the site shall be submitted and agreed in writing with the Local Planning Authority. The plan should be accompanied by a completed copy of the metric demonstrating the final net gain achieved.

Reason: To secure biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

29. Student Management Plan (Performance)

The development shall be carried out and managed in accordance with the submitted student management plan dated January 2025.

Reason: In the interests of neighbouring residential amenity.

30. Southern Water - Sewer Capacity (Pre-occupation)

No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Sewage network capacity needs to be reinforced to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid foul flooding incidents.

31. Flexible Class E/Class F (Performance Condition)

The flexible uses hereby permitted for the commercial unit hereby approved, under Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) shall be for a limited period of 10 years only from the date of the Decision Notice for the final Reserved Matters application. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

32. Commercial Unit Hours of Use and Delivery Restriction (Performance Condition)

The commercial unit hereby permitted shall not operate, and no deliveries shall be taken or despatched, outside the following hours:
07:00 to 23:00 daily.

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the Class E/F commercial Units hereby approved shall retain some form of 'active window display' on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl).

Reason: To protect the amenity of nearby residential occupiers. In the interests of good design and to retain a lively and attractive street scene whilst ensuring adequate natural surveillance is offered to the public realm.

33. 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 communal lounge areas, gym / well-being space, cinema room, gaming rooms or study areas (869 sqm in area) and external amenity areas (787 sqm in area) shall be provided before the residential accommodation is first occupied and retained thereafter for the lifetime of the development.

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

34. Nitrate Mitigation

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 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.

35. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

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

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

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

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

36. 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 development hereby approved first coming into use or occupation.

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

37. Unsuspected Contamination (Performance)

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

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

38. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

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

Appendix 1

Habitats Regulations Assessment (HRA)	
Application reference:	24/01247/FUL
Application address:	Mercury Point 20 Duke Street Southampton
Application description:	Redevelopment of the site. Demolition of existing buildings and erection of a building of between 1 storey and 21 storeys to provide Purpose Built Student accommodation containing 783 bed spaces (166 studio flats and 84 cluster flats), and flexible commercial floorspace (Use Class E or F1), internal and external amenity spaces, public realm and associated hard and soft landscaping, servicing, cycle store, boundary treatments and other associated works (Amended).
HRA completion date:	12th February 2025

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed is as described above.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>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.</p>

Section 1 - details of the plan or project

European sites potentially impacted by plan or project:
European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website

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

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

No – the development is not connected to, nor necessary for, the management of any European site.

Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?

- Southampton Core Strategy (amended 2015) (<http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf>)
- City Centre Action Plan (<http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx>)
- South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm)

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

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

Whilst the dates of the two plans do not align, it is clear that the proposed development of this site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment provisions, ie. Regulations 63 and 64 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- **This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 63(1) (a) of the Habitats Regulations.**

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

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

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

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 63(1)(a) of the Habitats Regulations.

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

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, wastewater generated by the development could result in the release of nitrogen into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the

implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives
The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations

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

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152>.

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

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

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

TEMPORARY, CONSTRUCTION PHASE EFFECTS

Mobilisation of contaminants

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

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

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust, and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

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

Disturbance

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

Sites considered: Solent and Southampton Water SPA

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

Collision risk

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

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

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

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

New Forest SPA/Ramsar site/New Forest SAC

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

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

Nightjar

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

Woodlark

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

Dartford warbler

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

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

Visitor levels in the New Forest

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths.

Research undertaken by Footprint Ecology, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

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

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

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

Mitigation

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

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

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

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

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

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

sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

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

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

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

Funding mechanism

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

“work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure

works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest's international nature conservation designations in perpetuity."

has been agreed.

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

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

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

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

Solent and Southampton Water SPA/Ramsar site

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

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

Water quality

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

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

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

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

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

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

A methodology provided by Natural England has been used to calculate a nutrient budget and the full workings have been provided by the applicant as part of the planning application submission. The calculations conclude that there is a predicted Total Nitrogen surplus arising from the development. This is based on the additional population from the residential units using 110litres of wastewater per person per day. Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. At present strategic mitigation measures are still under development and it is therefore proposed that a record of the outstanding amount of nitrogen is made.

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

Conclusions

The following conclusions can be drawn from the evidence provided:

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

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

Demolition and Construction phase

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

Operational

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

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

References

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

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 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 (2024)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)