

Planning and Rights of Way Panel 13 November 2018
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 119-122 High Street & 55-59 Castle Way, Southampton			
Proposed development: Demolition of existing buildings and re-development of the site with a 5 - 6 storey building to accommodate 188 student bedrooms in the form of 18 cluster flats with associated communal facilities, management office and cycle store; 4 separate retail units; vehicular, pedestrian and cycle access; access for adjoining properties, and landscaping.			
Application number:	17/01683/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	15 minutes
Last date for determination:	30/11/2018	Ward:	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	N/A.	Reason:	N/A.
Applicant: Lainston Lupa LLP		Agent: Goadsby Planning & Environment	

Recommendation Summary	Delegate to Service Lead - Infrastructure, Planning & Development 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 including impact on nearby listed buildings and conservations areas, neighbouring residential amenity and the quality of the residential environment proposed 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 (2018).

Policies – CS4, CS5, CS13, CS14, CS15, CS16, CS19, CS20, CS22, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, HE1, HE3, HE6, CLT14, CLT15, H2, H7, H13 REI4 and REI7 of the City of Southampton

Local Plan Review (Amended 2015). Policies AP5, AP8, AP9, AP16 and AP17 of the City Centre Action Plan March 2015.

Appendix attached	
1	Development Plan Policies
2	Relevant Planning History
3	Habitat Regulation Assessment (HRA)

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 3** of this report.
2. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
 - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (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. The submission and implementation of a Construction Management Plan which includes the routing of construction traffic and timing of deliveries to avoid peak hours.
 - viii. Submission and implementation of a Waste Management Plan.
 - ix. Submission and implementation of a Travel Plan.
 - x. Submission and implementation of a Public Route Management Plan.

- xi. Submission, details and implementation of a turning area.
 - xii. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
 - xiii. Submission, approval and implementation of a 'Student Intake Management Plan' to regulate arrangements at the beginning and end of the academic year;
 - xiv. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners (if required); and
 - xv. Submission, details and implementation of a scheme of public art.
3. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
 4. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1 The site and its context

- 1.1 The site is located within the city centre and it is on the boundary of the Old Town West and Old Town North Conservation areas thereby forming their setting. The surrounding area has a mix of commercial units fronting High Street and residential units above and within the wider local area. Immediately to the east of the site, on the opposite side of High Street, is the Fruit and Vegetable Market which has relatively recently gained planning permission for re-development of the site for a predominantly residential scheme. The development is near completion.
- 1.2 The site itself fronts both High Street and Castle Way. The site occupies 30m of High Street frontage and thus a replacement building has the potential to become very prominent in the street scene within the southern part of the City Centre. The site is directly adjacent to 123 - 124 High Street which is Grade II listed. In addition there are other listed buildings close to the site including the Grade II* Red Lion Public House (55 High Street), 56 High Street (Grade II listed), 57 - 58 High Street (Grade II listed), 125 High Street (Grade II listed), 126 High Street (Grade II listed), 129 High Street (Grade II* listed), Holy Rood Church (Grade II* listed), St. Michaels Church (Grade I listed) and 58 French Street (Grade I listed). Nearby to the site there are also a number of contemporary buildings which are occupied by commercial uses at ground floor fronting High Street with residential units above. Residential led contemporary development is also found on Briton Street which is nearby to the south.

- 1.3 The site contains 119 High Street which is a three storey building and 122 High Street which is a part 3 and part 4 storey building, both of which are terraced buildings with commercial uses. Servicing of the two buildings takes place from Castle Way. In addition the site also contains 55 - 59 Castle Way which is a two storey detached building.
- 1.4 There is a change in levels across the site whereby the High Street ground floor frontage is an additional storey lower than the Castle Way ground floor frontage.

2 Proposal

- 2.1 The proposal is to demolish the existing buildings and construct two separate buildings. The main building would range from 5 - 6 storeys and would accommodate 188 student bedrooms in the form of 18 cluster flats with associated communal facilities; three separate commercial units are also proposed at ground floor level facing the High Street. The second building would be 4 storeys and would accommodate the management office at ground floor and three levels of accommodation above.
- 2.2 The shape of the building is distinguished by three separate elements, one fronting onto the High Street and attaching to the southern neighbour, one fronting Castle Way and a link at right angles to those elements, in-between. The middle element of the building and the one fronting Castle Way will include (student) residential accommodation at ground floor level, this would link to the first floor of the building element fronting High Street. The High Street elevation would be composed of 5 storeys, the middle link section of building would be 5 storeys and the rear section fronting onto Castle Way would be 4 storeys.
- 2.3 To reinforce the local distinctiveness of the Old Town the existing width and alignment of Castle Way will be amended in line with wider aspirations to reinstate historic street pattern. This would reflect the width of Castle Way to the South which has been narrowed as a consequence of the adjacent development granted in 2005.
- 2.4 There is proposed to be a pedestrian route through the site leading from High Street to Castle Way. The route would re-establish a historic route, the former '*Market Lane*' which is a requirement of the Old Town Development Strategy. It is proposed that the route closed to non-residents at night for security purposes, residents access will be achieved via pedestrian gates set within the vehicular gates and will be keypad accessed.
- 2.5 Access to the residential part of the development would be achieved from the newly proposed Market Lane and there would also be a second access on the southern side of the building as accessed from Castle Way.
- 2.6 At ground floor level (when viewed from High Street) a student lounge/café area is proposed within the middle section of the building. To the north and south of the café/lounge there would be outside space for occupiers to use. On the opposite side of the pedestrian link through the site to the lounge/café would be the management office and access to basement cycle storage. Access to the bike storage is achieved via a lift for convenience. Within the basement there is also a gym, a communal recreation area, plant room and toilets.
- 2.7 The upper floors of the building would accommodate a total of 188 student bedrooms in the form of 18 cluster flats whereby each cluster of flats would have access to communal lounges. 9 completely independent flats (not sharing any of the communal lounges) are also proposed. Within each bedroom space would be facilities for cooking as well as WC and shower.

- 2.8 Four car parking spaces, accessed off Castle Way, are proposed to serve the development. The spaces will be used for the dropping off and picking up at the end of academic periods along with providing parking for the staff within the management offices. The spaces can also be used for the servicing of the café and for staff associated with the café and three commercial units fronting High Street.
- 2.9 As a consequence of the development a street Lime tree (semi-mature) will need to be felled. This tree has already outgrown its tree-pit and is creating lift in the pavement. The Tree Team object to the loss of this tree.

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 site is not identified for development within the adopted Development Plan but does lie within the defined city centre and within an area of High Accessibility to public transport. The City Centre Action Plan identifies the area in which the site is located as being the ‘Old Town’ quarter.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 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.
- 3.5 The Old Town Development Strategy was published by Southampton City Council in April 2004 as a supplementary planning document to support development plan policies. It should be afforded weight in the Panel’s decision.

4 Relevant Planning History

- 4.1 There have been no recent planning applications relating to this site – *Appendix 2* provides further details.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement **03/11/2017** and erecting a site notice **03/11/2017**. At the time of writing the report **10 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***Late night noise and anti-social behaviour.***

Response:

Students developments are well sited in the City Centre, where the necessary infrastructure is in place. Environmental Health have been notified of this application and have not objected. There is no evidence to suggest that this residential scheme will exhibit unusually harmful noise levels, and if it did there

are other enforcement powers that can be called upon to deal with this unreasonable behaviour. There is proposed to be onsite management associated with the development which will cover the management of the development, this can be controlled by planning condition.

- 5.3 ***Localised increased traffic congestion in particular at the start and end of the university year; and as a result of commercial vehicles serving the commercial units reducing highways safety.***

Response:

The location of the site, within the city centre, means it has excellent links to public transport, shops, services, convenient local parking and the educational institutions that the development would serve. As such, the proposal does not incorporate any on-site car parking and is, therefore, not expected to have a significant impact on transport generation.

- 5.4 ***Contrary to the area's importance for tourism.***

Response:

In policy terms there are no objections to the principle of the development. The design is considered acceptable; design is discussed in more detail in section 6, below. Creating active city centre development supports the role and vibrancy of the city centre and also encourages tourism.

- 5.5 ***Student accommodation is out of character with the Old Town.***

Response:

The design of the building is acceptable, as will be discussed in section 6 below. Occupation by students in itself and the impact on local character is not a justifiable reason to oppose the development. For reference the recent Bargate Centre redevelopment proposals (within the old town) was approved with 451 student bedrooms.

- 5.6 ***Loss of Tree.***

Response: Whilst the Council Trees' Team object to the loss of the Lime Tree the purpose of changing the building line on the High Street Frontage results in street pattern being returned more closely to the historic layout of buildings along this section of the High Street. It is noted that the Council's Urban Design Manger and Heritage Consultant have not opposed the loss of the tree and support the amended street frontage. 4 trees are proposed on-site.

- 5.7 ***Family homes are needed to improve the mix and character of the area not short term accommodation for students.***

Response:

The application site is not allocated for general purpose residential accommodation in the adopted Development Plan, and the Council has identified a supply of sites to meet its housing need, which does not include the application site. The application needs to be assessed in terms of whether the principle of the proposed use is acceptable and not whether an alternative use may be preferable. Student schemes do not trigger the requirements for family housing set out in the LDF Policy CS16.

- 5.8 ***Overdevelopment/too tall – impacting on the character of the conservation area.***

Response: Officers have negotiated a scheme which they are able to support in design terms. Relevant advice has been received when assessing plans and amendments have been negotiated to improve the quality of the design. This issue is discussed in more detail in section 6, below.

5.9 ***Additional commercial units will generate congestion and pollution generating vehicles.***

Response: The site within a secondary retail frontage area where it is appropriate to locate commercial units. The Council has a clear air quality strategy which does not seek to restrict commercial units in the city centre.

5.10 ***Site should be developed for community use.***

Response: Each application must be judged on its own merits and there is no policy requirement for the site to be used for community purposes.

5.11 ***Waste Management Plan does not solve problem of wheelie bins on Bugle Street.***

Response: There is sufficient space to store bins within the building preventing the need for on street storage. A waste management plan will be included within the legal agreement. Planning conditions can also be added.

5.12 **Historic England** – No objection to the redevelopment of the site, satisfied that detailed design improvements can be negotiated by SCC's specialist conservation and design staff.

5.13 **SCC Heritage** – Following the amendments made to the design; no objection subject to conditions.

5.14 **SCC Urban Design Manager** – Following the amendments made to the design; no objection subject to conditions.

5.15 **SCC Planning Policy** - The submitted housing needs assessment has been reviewed and as a consequence no objection is raised on this basis.

5.16 **SCC Highways** - The revised Transport Statement has now addressed the main concern regarding the loss of the parking bays. These bays will now be relocated a short distance just north of the site whereby the scheme to provide these bays will involve highway works which will aid in traffic calming this section whilst maintaining traffic flow even for the buses. Road construction/surface finishes will be managed via the Section 106/Section 278 process. No objection subject to relevant conditions and planning agreement obligations.

5.17 **SCC Environmental Health (Pollution & Safety)** – No comment received.

5.18 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions.

5.19 **SCC Employ** - An Employment and Skills Plan Obligation will be required via the Section 106 Agreement.

5.20 **SCC Ecology** – No objection subject to recommended conditions.

5.21 **SCC Trees** – Objection

The tree proposed to be removed is a semi mature Lime, in good health but very close to the building, roots have started to disrupt the pavement around the base, is situated in an older style tree pit with inadequate space for future growth without giving future pressure to the maintenance of the pavement. The visual amenity value is very high, this is a prominent tree with no neighbouring trees and very few along the Road in both directions.

- 5.21.1 The proposal indicates planting four trees within the inner section of the new build which, though welcome, does not replace the public amenity that would be lost following the removal of the Lime. The four replants are small and short lived species compared with the size and potential longevity of the Lime.
- 5.21.2 It would be very welcome to see some replacement amenity planting which potentially could be achieved by creating new purpose built tree pits, either; on the High Street by closing one or two parking spaces and utilising the space for a 'built-out' tree pit or similarly new pits on Castle way. I am aware that both of these options would likely have to be agreed as part of a 106 agreement and the closure of parking spaces may be too much of a constraint, however this would be neat solution to the loss of amenity by providing new purpose built pits where larger species trees could thrive on a long term basis.

5.21.3 **RESPONSE:**

Replacing the historic building line on the High Street frontage is a higher priority than the retention of the Lime tree. On site tree planting is deemed to be acceptable to the Case Officer however should Panel choose off site tree planting can be required through the Section 106 legal agreement.

5.22 **SCC Flood** – No objection subject to recommended conditions.

5.23 **SCC CIL** - The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the new development. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

5.24 **SCC Sustainability** – No objection, apply recommended conditions.

5.25 **SCC Archaeology** - The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 8 (City Centre and Itchen Ferry). The site is located in the heart of the Late-Saxon and Medieval town. Accordingly a phased programme of archaeological investigations will be required.

5.26 **Southern Water** – No objection subject to recommended conditions.

5.27 **Natural England** – No objection is raised subject to suggested mitigation measures and financial obligations being secured.

6 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character of conservation areas and listed buildings;
- Quality of residential environment;
- Neighbouring residential amenity;
- Parking, highways and transport and;
- Mitigation of direct local impacts.

Principle of Development

- 6.2 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 0.6 miles walking distance to the Solent University, is appropriate for a significant level of student accommodation.
- 6.3 The application is accompanied by a detailed student Housing Needs Assessment. This sets out that, when taking into account existing purpose built accommodation, development within the pipeline and, the number of students within the city, there is a shortfall of 13,507 student bedspaces in the city. The applicant’s assessment seems to imply that all students should be housed in purpose built accommodation, which clearly isn’t the case. The residual students either live in their own/parental home or rely on private sector landlord markets in HMOs. However, the proposal would meet a demonstrable need for further student accommodation and would make efficient use of this previously developed site to meet the need. The principle of development is, therefore, acceptable.
- 6.4 It is agreed that the site has the potential for more floor space than the existing building and residential accommodation on the upper floors would assist the Council in meeting its housing need. With a site area of 2440 and with 188 separate dwellings the proposed density is 770 dph which complies with Policy CS5 of the Core Strategy and the Old Town Development Strategy, which sets a minimum density of 100 dwellings per hectare for new housing developments in the City Centre.

Design and effect on character of conservation areas and listed buildings

- 6.5 This is an important city centre site redeveloped in the Post War period within the setting of several listed buildings. The current buildings on the site are of little historic or architectural significance and redevelopment therefore offers an opportunity to enhance the special character of the conservation area and the setting of adjacent designated heritage assets through the design of the replacement buildings.
- 6.6 The proposed design approach has evolved following thorough pre-application discussions and an assessment of the building’s relationship with nearby heritage assets, which include the adjacent 123 - 124 High Street which is Grade II listed, the Grade II* Red Lion Public House (55 High Street), 56 High Street (Grade II listed), 57 - 58 High Street (Grade II listed), 125 High Street (Grade II listed), 126 High Street (Grade II listed), 129 High Street (Grade II* listed), Holy Rood Church (Grade II* listed), St. Michaels Church (Grade I listed) and 58 French Street (Grade I listed). In addition to this, the applicant has engaged with Southampton Planning Department, Urban Design Manager and

Heritage Consultant whilst evolving the design of the proposal throughout the life span of this application and the chosen design has been revised accordingly.

- 6.7 The scale of the building has been carefully considered in terms of its impact on the setting of the adjacent listed buildings and other buildings within the two conservation areas near to the site. The CCAP states:
- 6.8 *'High quality design which respects the best of the historic built environment and compliments the existing palette of materials is fundamental to accommodating growth in ways that improve the city centre and maximise Southampton's assets.'*
- 6.9 *A high standard of locally distinctive design will help shape the city as a unique and memorable place which attracts people in to do business, live and visit. It ensures that individual developments contribute to an attractive and distinctive centre and reflect the city's character and rich heritage.'* (Paragraph 4.155)
- 6.10 Policy AP16 (Design) states that *'design should meet the design principles set out for the quarters and key sites'*. The most relevant design principles set out within the design guidance for the Old Town Quarter states:
- 6.11 *"...Particular effort should be made in regard to scale and massing of development and new development must respond sympathetically to the strong historic character of the Old Town taking opportunities to reinstate the Medieval street pattern rhythm of development fronting the High Street and other streets where appropriate.."*
- 6.12 Policy AP16 of the CCAP goes on to say that design must: *relate well to the predominant scale and mass of existing buildings in the street...strengthen the unique distinctiveness of the city's heritage...*
- 6.13 Policy AP17 Tall Buildings, from the CCAP is also very relevant given that the proposal would result in a building of five storeys in height. Policy AP17 defines tall buildings as buildings with five or more storeys. *Tall buildings are restricted in the old town in order to respect the historic low rise development and its skyline profile.*
- 6.14 Paragraph 4.167: *Buildings in the Old Town should respect the heights of neighbouring historic buildings and generally be less than five storeys in height in accordance with the Old Town Development Strategy (2004).*
- 6.15 Paragraph 4.169: *All tall buildings should set exemplary standards in design... They must be designed with an appreciation and understanding of their context...*
- 6.16 Paragraph 4.170: *Care must be taken with their impact on the setting of historic buildings and structures, conservation areas and the waterfront.*
- 6.17 Officers consider that the proposed building is justified against the policies and paragraphs listed above. The building is not judged to appear unduly dominant when viewed from High Street or Castle Way and when judged against the surrounding context the setting of nearby heritage assets would not be significantly harmed. The height bulk and mass of the development along with its appearance is judged to sit comfortably within its context this has been achieved by respecting neighbouring building heights on High Street and Castle Way, including a vertical emphasis on the High Street and Castle Way frontages and by returning front building lines closer to their previous positions.

- 6.18 Currently the width and alignment of Castle Way adjacent to the rear of the site reflects the 1960's standards of road building which is alien to the traditional street pattern of the Old Town. The principle of this form of development, involving building across the road in Castle Way, is therefore considered acceptable to return the street pattern to a more traditional form and thus achieve compliance with the CCAP. By achieving this the development will also be continuing the road realignment works initiated by the French Quarter development located directly to the South under permission 04/00866/FUL granted in 2005.
- 6.19 On the High Street frontage the building line will also shift. The purpose is also to shift the building line to a position which is closer to the traditional frontage building line found within the Old Town in order to comply with the CCAP.
- 6.20 The statutory tests for the proposal, as set out in sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, are whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest and whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.21 In accordance with para 189 of the NPPF, an assessment of the significance of the building within/edge of the Conservation Area has been undertaken. On this basis, in accordance with sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposal would preserve the character of the building and the appearance of the Conservation Area whilst contributing to its setting.

Quality of residential environment

- 6.22 The application is surrounded by a mix of commercial and residential uses. The accommodation proposed would be served by windows facing the public realm as well as windows within the development facing onto the internal courtyard; and the windows serving neighbouring buildings to the north and south. The application has been designed to elevate habitable accommodation above street level and the windows on the Castle Way elevation have defensible space in front of them to improve the privacy enjoyed by occupants of ground floor rooms.
- 6.23 Whilst some west-facing units would have constrained outlook, it is important to note that residents would have access to good-quality communal spaces within the development, meaning that overall the quality of accommodation would be acceptable. In addition to this, the location of the site offers other benefits to residents in terms of its excellent access to shops, facilities, central parks and the educational institutions. The development does provide a communal garden, café, gym and recreation area. Mayflower Park is also within easy walking distance to the south. As such, overall it is considered that a high-quality residential environment would be achieved.

Neighbouring residential amenity

- 6.24 The scheme has been designed to include views onto public elevations of adjacent properties on Castle Way (12m separation distance) and High Street (17m separation). Views across highways where habitable rooms face one another is common place in the city and is acceptable in privacy terms.
- 6.25 Windows within the development will also face north and south, separation distances to neighbouring habitable room windows to the north would be approximately 28m and to the south 29m. These distances are considered acceptable for this city centre location where high density development is most suited. Officers are satisfied that the privacy enjoyed by neighbours will be acceptable. The building has been designed with a slim middle section to maximise the distance between habitable room windows of the proposed block and those of neighbouring buildings.
- 6.26 The scale of the building is such that neighbours will continue to enjoy sufficient day light without significantly harmful overshadowing occurring by the proposed development.
- 6.27 Owing to the position of the building on the plot and the footprint proposed, including the narrow mid-section, outlook from neighbouring habitable rooms will also not be significantly harmed as a consequence of the development. The application is considered to be compliant with LPR Policy SDP1(i).

Parking, highways and transport

- 6.28 Saved policy SDP5 of the Local Plan confirms that the provision of car parking is a key determinant in the mode of travel. The adopted Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would be a 'car free' scheme where the residents of the accommodation are 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. The site lies a short walk from the Solent University and is within walking distance to bus route connections to the University of Southampton. 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. The section 106 legal agreement would include a clause to secure an intake management plan to agree measures to manage, in particular, the arrivals of students at the start of a new academic year. The four car parking spaces on site, which will generally be reserved for the site manager(s) and use by staff accessing the café and other commercial units/servicing can also be used on student arrival and departure days.
- 6.29 To service the commercial units our highways team have agreed that servicing can be achieved from the parking restricted areas in front of the site defined by double yellow lines either side of the pay and display bays.
- 6.30 On Castle Way the width of the highway is proposed to be narrowed as a consequence of the development. This was a requirement set out by the Council in its raft of planning design guidance so that the historic street pattern is replaced. As a consequence three on street public parking bays will be relocated further to the north, still on Castle Way before the junction with West Street. The spaces are required to be moved to ensure that the road width is sufficient and given that there are parking bays located on the opposite side of

Castle Way adjacent to the application site. Footway alterations will also be required. Both will be secured via the s.106 process.

- 6.31 The construction of a vehicular crossover at the main vehicular access point will also be required. The cross over will be constructed in granite setts or similar in order to match surrounding materials whilst providing sufficient support for heavy vehicular loads.
- 6.32 With storage of bikes in the basement the applicant has proposed to include a lift. Adequate bin and cycle storage is provided.
- 6.33 The accessible nature of the site coupled with the limited car parking will meet the aim for sustainable patterns of development, as required by the Council's adopted policies.

Mitigation of direct local impacts

- 6.34 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Developer Contributions Supplementary Planning Document. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application.
- 6.35 A private residential development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. The S.106 legal agreement would include a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).
- 6.36 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 3**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7. Summary

- 7.1 Currently the site has a poor-quality appearance, the proposal, by contrast would introduce genuine active frontages to the street, aided by the incorporation of ground floor commercial units fronting High Street, habitable room windows facing Castle Way, support facilities for the students use including cafe and a landscaping.
- 7.2 Having regard to the city centre and highly accessible location of the site, it is considered to be appropriate to accommodate a significant body of student accommodation. The provision of a ground floor commercial use assists in providing an active frontage whilst retaining an employment use on the site. The proposal would meet an identified need for this type of housing in the city and submitted information demonstrates that a high-quality development would be achieved that has a positive relationship with the surrounding area.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below, following the approval of the HRA.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) 4.(a) (b) (c) (d) (e) (f) (g) (r) (ll) (vv) 6 (a) (b)

MP for 13/11/2018 PROW Panel

PLANNING CONDITIONS

1.Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

2.Approved Plans

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

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

3.Details of building materials to be used (Pre-Above Ground Work)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works and below ground works, no development works shall be carried out above ground 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.

NOTE: Stone work as shown on the approved plans and as agreed will be reconstituted stone and not render.

4.Building façade detailed construction (Performance Condition)

The detailed construction of the facade to High Street and Castle Way shall be carried out in accordance with the submitted and approved plans in particular:

846-D-530 rev B

846-D-531 rev -

846-D-532 rev A

846-D-533 revision A

846-D-534 rev A

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 and given the local context of conservation areas and listed buildings.

5.Active Ground Floor Frontage (Performance Condition)

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 ground floor frontage to the High Street hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

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

6.Landscaping, lighting & means of enclosure (Pre- Above Ground Work)

Notwithstanding the submitted and agreed landscape layout plan, before any internal fit out to the building (post shall and core construction) is carried out a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours;
- ii. means of enclosure (gates, fences and walls);
- iii. construction specification for all hard landscaping – in particular vehicle cross over and servicing areas
- iv. hard surfacing materials,
- v. structures and ancillary objects (refuse bins, lighting columns etc.);
- vi. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate and to include two for one (as a minimum) replacement for the tree to be removed from the front of the site; and
- vii. a landscape management scheme.

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

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

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

7.Safety and security (Pre-Occupation Condition)

Prior to the occupation of the development a scheme of safety and security measures including on-site management, security of the public route through the site (identifying how and when it will be closed to the public whilst remaining accessible by residents), a lighting plan, a plan showing location and type of CCTV cameras and access to the site at its south

western corner has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the development to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety and security.

8.Parking/loading/unloading (Pre-occupation Condition)

The development hereby permitted shall not be brought into use until the areas of the site to be used as parking; and for loading and unloading have been provided in accordance with the landscaping condition. The areas shall be surfaced as agreed and subsequently retained and kept available at all times for these purposes to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

9.Parking allocation (Pre-occupation condition)

No part of the development shall be occupied until a car parking allocation scheme, to show how car parking spaces will be allocated to the various uses and occupiers, has been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be allocated and provided in accordance with the approved scheme and thereafter shall be retained for use in connection with the approved development and for no other purpose.

Reason: To ensure that the car parking is provided in accordance with Council policies.

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

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

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

11.Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording 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 recording of a significant structure is initiated at an appropriate point in development procedure.

12.Archaeological evaluation investigation [Pre-Commencement Condition]

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

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

13.Archaeological evaluation work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

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

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

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

15. Archaeological work programme (further works) [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

16. Contamination investigation & 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.

17. Use of uncontaminated soils and fill (Performance)

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

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

18. 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.

19.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.

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

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

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

21.Public Route

The pedestrian route (shown as Market Lane) shall be retained for public access in accordance with further details that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development. The Plan shall include details of when the gates will be locked to the public and this arrangement shall be managed in accordance with the agreed details for the lifetime of the development.

Reason:

In order to provide permeability through the development

22.Piling (Pre-Commencement)

Prior to the commencement of any piling taking place, 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.

23.Wheel Cleaning (Performance Condition)

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site

and no lorry shall leave the site until its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

24.Sustainable Drainage (Pre-Commencement Condition).

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

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

25.BREEAM Standards (Pre-Occupation)

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

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

26.Green Roof implementation [Pre- Above Ground Work]

Prior to any above ground works commencing full details of the proposed green roof to be incorporated within the development shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of water conservation and to ensure the development is compliant with the City of Southampton Local Plan (March 2006) policy SDP21.

27.Provision and retention of ancillary facilities (Performance Condition)

The ancillary facilities for the student accommodation as shown on the approved plans, to include the communal lounges, communal recreation area (basement), gym, student leisure/café, bin and cycle storage; and associated external amenity spaces, shall be provided in accordance with the approved plans before the residential accommodation is first occupied and retained thereafter for the duration of the use of the building as student accommodation. Suitable lift access shall be provided to the basement during the lifetime of the development in accordance with the approved plans.

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

Note to applicant: 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.

28.Commercial Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for commercial refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

29.Refuse storage not on highway (Performance)

At no time shall refuse be stored on the public highway other than on collection days.

Reason: In the interest of visual and residential amenity.

30.Euro Bin Storage (Performance)

The bin store shall be constructed of masonry under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.

Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor. Internal doors/walls/pipework/tap/conduits to be suitably protected to avoid damage cause by bin movements.

The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard coded keypad detail.

The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.

A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

The site management must contact SCC refuse team 8 weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. E mail waste.management@southampton.gov.uk

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.

31.Glazing- Soundproofing from external noise (Performance Condition)

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation shall be either:

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

Any trickle vents must be acoustically rated. The above specified glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

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

32.Extract Ventilation [Pre-Occupation Condition]

The student cafe shall not be used for the sale of hot food until extraction and ventilation equipment has first been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority in writing. The equipment shall thereafter be retained in accordance with the agreed details whilst a restaurant or café use is operating.
Reason: To protect the amenities of the occupiers of existing nearby properties.

33.Noise & Vibration (external noise sources) (Pre-Above Ground Work)

Prior to any above ground works taking place associated with the development hereby approved, a scheme of measures to protect the residential occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.
Reason: To protect the occupiers of the development from excessive external noise.

34.Restricted use of flat roof area (Performance Condition)

The roof area of the development hereby approved, which incorporates a flat roof surface, shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
Reason: In order to protect the privacy and amenity of adjoining occupiers.

35.Details of a Management Plan [Pre-Occupation Condition]

Notwithstanding the information provided as part of the application, a management plan setting out measures for the day to day operation of the building shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The management plan shall include details of staffing levels, car parking arrangements and measures for mitigating noise and disturbance which might affect the amenities of neighbours. The development shall operate in accordance with the approved management plan for the lifetime of the use of the site for student residential accommodation unless otherwise agreed in writing by the Local Planning Authority.
Reason: To satisfy the Council that the operation of the site would not be to the detriment of the residential amenities of neighbouring occupiers.

36.Ecological Mitigation Statement (Pre-Above Ground Works)

Prior to any above ground works commencing, the developer shall submit a programme of habitat and species mitigation and enhancement measures (which will include swift nesting boxes to be installed on the north elevation) and unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme prior to first occupation of the building.
Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

37.Hours of Use & Delivery Non-residential uses [Performance Condition]

The non-residential use hereby permitted shall not operate outside the following hours:

Monday to Saturdays 06:30 to 00:00 hours

Sunday and recognised public holidays 07:00 to 23:00 hours

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 06:00 to 23:00 daily.

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

38.Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the four commercial units fronting High Street within the development hereby approved shall be used only for A1 retail use purposes indicated on the submitted plans and not for any other purpose, without further planning permission.

Reason: In the interest of the amenities of neighbouring occupiers.

39.Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect and divert the public sewers and water apparatus, prior to the commencement of the development.

Reason: In order to safeguard the public sewer.

40.Drainage Details [Pre-Commencement Condition]

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure satisfactory drainage provision for the area.

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT14	City Centre Night Time Zones and Hubs
CLT15	Night Time Uses in Town, District and Local Centres
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
REI4	Secondary Retail Frontages
REI7	Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 5	Supporting existing retail areas
AP 8	The Night time economy
AP 9	Housing supply
AP 10	Supporting primary and secondary education facilities
AP 16	Design
AP 17	Tall buildings

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

04/00866/FUL - Redevelopment of the site to provide a mixed use development of 175 residential units; retail (Class A1), food & drink use (Classes A3, A4 or A5) or financial & professional services office use (Class A2); offices (Class B1) or a health & medical use (Class D1), within 4 buildings ranging in height from 3-storeys to 6-storeys; 85 off-street car parking spaces; closure of existing road in Castle Way and formation of a new pedestrian route through the site. Conditionally Approved 25.05.2005.

Habitat Regulation Assessment (HRA)
 Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	02 nd November 2018
Application reference:	17/01683/FUL
Application address:	119-122 High Street & 55-59 Castle Way, Southampton, SO14 2HP
Application description:	Demolition of existing buildings and re-development of the site with a 5 - 6 storey building to accommodate 188 student bedrooms in the form of 18 cluster flats with associated communal facilities, management office and cycle store; 4 separate retail units; vehicular, pedestrian and cycle access; access for adjoining properties, and landscaping.
Lead Planning Officer:	Anna Lee
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

should have provided details)?	
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and

Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

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

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of unit (number of bedrooms)	Scale of mitigation per unit (£)
1	337.00
2	487.00
3	637.00
4	749.00
5	880.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

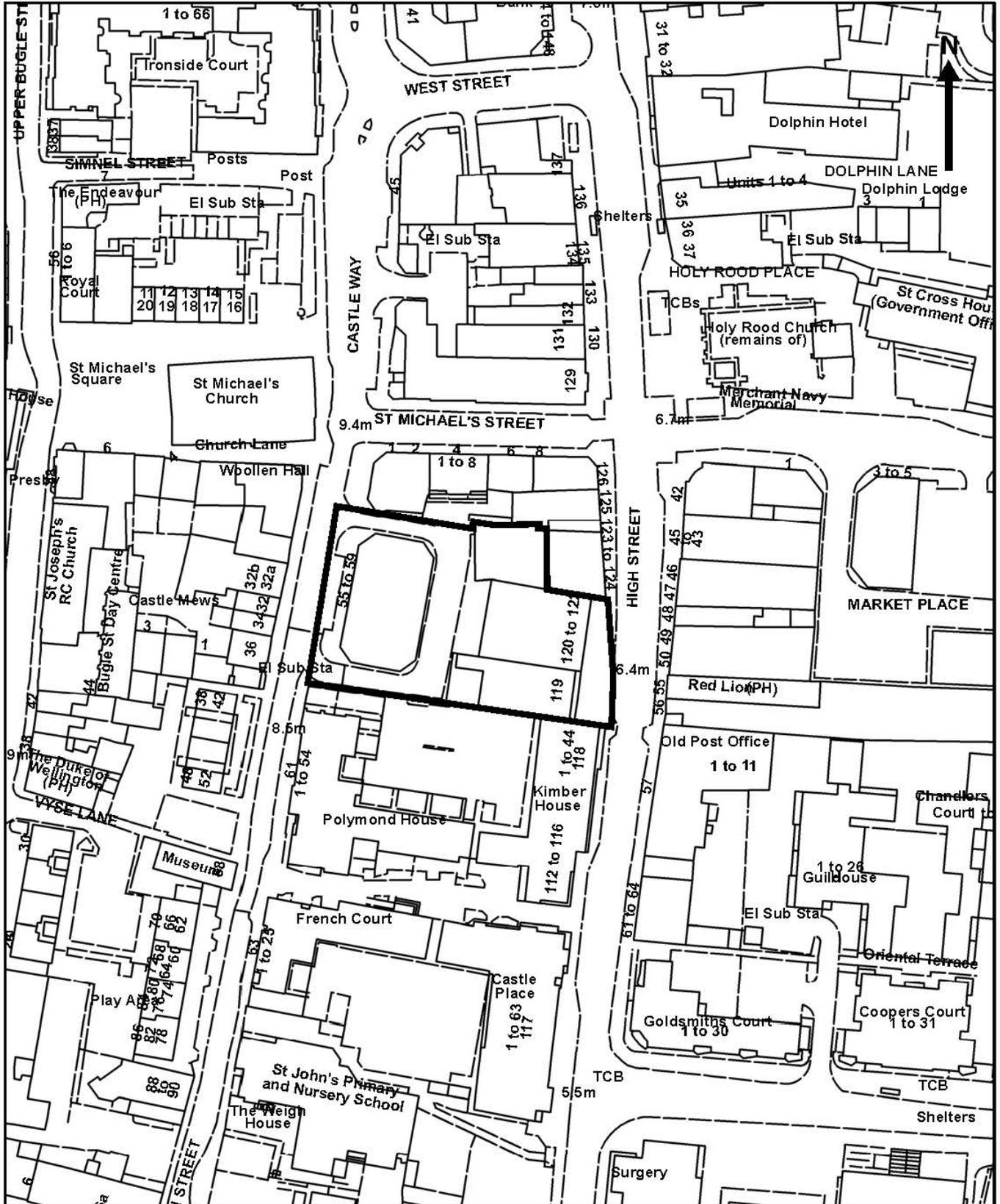
This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

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Scale: 1:1,250

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