

Planning and Rights of Way Panel

Tuesday, 5th December, 2017
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Denness (Chair)
Councillor Savage (Vice-Chair)
Councillor Barnes-Andrews
Councillor Claisse
Councillor Hecks
Councillor Murphy
Councillor Wilkinson

Contacts

Democratic Support Officer
Ed Grimshaw
Tel: 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

Service Lead - Planning Infrastructure and
Development
Samuel Fox
Tel: 023 8083 2044
Email: samuel.fox@southampton.gov.uk

PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

PUBLIC REPRESENTATIONS

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

SMOKING POLICY – The Council operates a no-smoking policy in all civic buildings

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

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Dates of Meetings: Municipal Year 2017/18

2017	
20 June	3 October
11 July	24 October
1 August	14 November
22 August	5 December
12 September	

2018	
9 January	13 March
30 January	3 April
20 February	24 April

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 14 November 2017 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 17/00983/FUL - 133 PORTSWOOD ROAD (Pages 9 - 38)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

Monday, 27 November 2017

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

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PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2017

Present: Councillors Denness (Chair), Savage (Vice-Chair), Barnes-Andrews, Claisse (except Minute number 41), Murphy and Wilkinson

Apologies: Councillors Hecks

38. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Panel noted the apologies of Councillor Hecks.

39. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 24 October 2017 be approved and signed as a correct record.

40. **PLANNING APPLICATION - 17/01461/FUL - FORMER FORD MOTOR CO WIDE LANE**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Application for removal of condition 2 (Restricted Use and Operational Hours) of planning permission 16/02035/MMA to allow Unit 2 for use as an industrial laundry on a 24 hour basis

Steven Harley (agent) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a noise report had now been received and assessed and that Environmental Health were now content to remove their holding objection. The Panel noted that the noise report stated with the development would achieve the standards set out in the Council's policy. The presenting officer advised that a condition would secure that the development would be used in accordance with the noise report.

The Panel considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to the conditions set

out in the report and the additional condition securing compliance with the noise report and subject to the completion of a S.106 legal agreement Deed of Modification to ensure that Unit 2 is bound by the terms of the 16/00885/FUL permission (as set out in the Panel report attached at Appendix 1).

- (ii) In the event that the legal agreement is not completed within two months of the Panel the Service Lead – Planning, Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iii) That the Service Lead – Planning, Infrastructure and Development be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional condition

NOISE MITIGATION MEASURES

The development shall be implemented in accordance with the recommendations contained within the submitted Sharps Redmore Noise Impact Report as updated by the Sharps Redmore Technical Note (31st October 2016), with the exception of Unit 2, which as hereby approved shall be operated as a commercial laundry in accordance with the amended Sharps Redmore Environmental Noise Assessment (dated 9th November 2017), which confirms that the overall noise level from Unit 2, and its associated land (including plant and noise break out), shall be at least 10dB below the pre-existing background noise level as set out in further detail within the Assessment itself.

Prior to the first and subsequent occupation of each building detailed noise mitigation measures, to include a scheme of management measures to include details of reversing alarms of fork lift trucks and lorries, yard surface material and maintenance, equipment maintenance, acoustic barrier maintenance, site facilities including attenuation, design and location of external plant, vehicle management arrangements, staff management arrangements and a 'Night Time Management Plan' (detailing measures between 2300 and 0700 hours to mitigate noise; including car parking management in connection with shift change) shall have been submitted to and approved in writing by the Local Planning Authority. These measures shall confirm that all refrigeration vehicles serving the site shall use electrical hook up facilities rather than diesel engines and that all refrigeration equipment within the buildings shall utilise electric compressors and not diesel. The approved measures shall be implemented before first occupation of each building and retained thereafter.

REASON: To limit noise and disturbance and to protect the amenities of neighbours, particularly given the 24 hour nature of the proposed operation.

41. PLANNING APPLICATION - 17/01414/FUL - 170 PORTSWOOD ROAD

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Proposed change of use from shop (Class A1) to restaurant/takeaway (Class A3/A5) (with associated extraction flue)

The presenting officer updated the report explaining that 8 objections had been received and not 7 as noted in the papers. Officers noted that the development was in line with Council policy for District Centre and clarified that the hours of use condition would be until 12 Midnight.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel grant conditional planning permission as set in the report.

NOTE: Councillor Claisse declared an interest and withdrew from the meeting.

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 5th December 2017 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AL	DEL	15	17/00983/FUL 133 Portswood Road

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

AL – Anna Lee

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 5

Planning and Rights of Way Panel 5th December 2017 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: 133 Portswood Road, Southampton			
Proposed development: Erection of a 5-storey building containing 2 retail units on the ground floor and 64x self-contained student flats on upper floors with associated cycle/refuse storage, following demolition of existing building.			
Application number	17/00983/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	15 minutes
Last date for determination:	11.12.2017	Ward	Bevois

Reason for Panel Referral:	Ward councillor(s) referral and a Major Development with 5 or more objections	Ward Councillors	Cllr Barnes-Andrews, Cllr Burke Cllr Rayment
Referred to Panel by:	Cllr Barnes-Andrews, Cllr Burke and Cllr Rayment	Reason:	High level of student housing already, insufficient parking, poor design and out of character with the area.

Applicant: Lainston Brookvale Ltd.	Agent: MGA
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Recommendation Summary	Delegate to Service Lead - Infrastructure, Planning and 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 the demolition of the existing building, impact on the adjacent Portswood Residents' Gardens Conservation Area, neighbouring amenity, design, character, parking and highway safety 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 as set out in the report to the Planning & Rights of Way Panel on 5th December 2017. The scheme is judged to be in accordance with Section 38(6) of the

Planning and Compulsory Purchase Act 2004 and the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and 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 186-187 of the National Planning Policy Framework (2012).

“Saved” Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, HE6, H1, H2, H7, H13, and REI5 of the Local Development Framework Core Strategy Development Plan Document (March 2015)

Policies – CS3, CS4, CS5, CS6, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the City of Southampton Local Plan Review (March 2015) and as supported by the adopted Residential Design Guide SPD (2006) and the Portswood Residents’ Gardens conservation Area Appraisal and Management Plan.

Appendix attached		
1	Development Plan Policies	

Recommendation in Full

1. Delegate to the Service Lead - Infrastructure, Planning and Development to grant planning permission, subject to the planning conditions recommended at the end of this report and to 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, including the bus stop relocation, service bay, and any necessary Traffic Regulation Orders to facilitate any changes, 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 from the student residential block an undertaking by the developer that only students in full time higher education be permitted to occupy the identified blocks and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v);
 - iii. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and 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);
 - iv. Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer
 - v. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets;

- vi. Submission, approval and implementation of a 'Student Intake Management Plan' to regulate arrangements at the beginning and end of the academic year;
 - vii. Submission and implementation of a Servicing Management Plan
 - viii. Submission and implementation of a Travel Plan.
 - ix. Submission and implementation of a Waste Management Plan.
 - x. 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;
 - xi. 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
 - xii. 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).
2. In the event that the legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, the Service Lead - Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
 3. That the Service Lead - Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1.0 The site and its context

- 1.1 The site is located on a prominent corner at the junction of Portswood Road with Brookvale Road within the defined Portswood District Centre. It lies adjacent to (but outside of) the Portswood Residents' Gardens Conservation Area. Opposite the site Addis Square, a locally listed art deco style building, forms the corner. The locally listed Victory Centre is also in close proximity to the site. Portswood Road is characterised by commercial frontages and the application building is next to a Waitrose and its associated parking. The area beyond the district centre is residential in nature.
- 1.2 The existing building on the site was built and used as a car showroom between 1933 and 1941. The building later became a carpet shop, and was Blockbuster Videos until fairly recently. It is a distinctive art deco style building, particularly the clock tower which forms a landmark on this corner site. The building is not listed nor is it locally listed. The building is in a poor state of repair as it has been vacant for a number of years. The Council's heritage advisor does not think the building could be listed.

2.0 Proposal

- 2.1 The proposal seeks to redevelop the site to provide a mixed use scheme for student housing and provide two retail units at ground floor. The scheme proposes 64 (four units are two bed) self-contained units with access taken via Portswood Road and Brookvale Road as two entrance points are proposed. The scheme has been amended since it was initially submitted to relocate the roof top plant room away from 3 Brookvale Road so as to remove the bulk from the rear and also remove the roof terrace due to concerns from the residents

relating to potential noise. The building height proposed is five storeys, with the top floor recessed and only a part-storey, with a modern design using the following materials; cladding system in grey for the main external walls, reconstituted stone precast pilaster and spandrel in Portland Stone colour, reconstituted stone precast cladding, curtain wall glazing, glass balustrade and stainless steel handrail and vertical glass panels for the stair core element. The development would comprise one building, with three main parts. The main element is a full five storey with a corner rotunda feature, the central element fronting Brookvale Road is four storey with external access at roof level, and the rear element fronting the service road is five storey to provide the stair core.

- 2.2 On the ground floor there are two retail units; one is accessed via an entrance on Portswood Road and the other via an entrance on Brookvale Road. The area within the site between the building and the public highway is to be laid as a piazza with landscaping. A bus stop is retained but it will be repositioned, and a layby will be provided to service the development. A condition is recommended to secure the landscaping. On the first floor 20 units are provided with a communal study room and a private courtyard which is not accessible to occupiers. On the second and third floor a further 20 units per floor are provided. The first floor courtyard is viewable from the additional floors and brings light into the centre of the development. On the fourth floor a further four units are provided with the addition of a second communal study room and plant room. Two stair cores are provided; one at each end of the building. The refuse and cycle storage is located adjacent to the service/access road and close to the layby. This area serves the student element and the refuse storage for the retail units lies next to each unit.
- 2.3 The building provides a residential outlook towards 3 Brookvale Road, which was approved as a 10 bedroom HMO in 2005 following the erection of a two storey rear extension in 1982, to the side facing the flats at Addis House and Addis Square and to the front facing the units in the Portswood Centre. The distance with the side elevation at 3 Brookvale road is 13 metres across the car park entrance, there are 27 metres to the flats at Addis house and 26 metres to units in the Portswood centre. These latter distances are across public streets.
- 2.4 No on-site external amenity space is provided for the students but there are two areas of internal communal space provided; a small study room at first floor and a larger study room within the rotunda at the fourth floor. The site is located close to a good selection of local facilities and public transport routes, and the site lies approximately 15 minutes' walk from Southampton Common and the University. No car parking is proposed for the residents due to the highly sustainable location. Cycle storage is provided to encourage modes of sustainable travel. Brookvale Road forms part of a larger controlled parking zone with Russell Place and Abbots Way where parking restrictions apply.

3.0 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). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material

weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1

Until recently the site was used as a retail unit for 'blockbusters' but it has been vacant for about four years. The only relevant planning history for this site relates to a current pending application (LPA ref: 17/01017/FUL) for the change of use from retail (Class A1) to a car sales lot (Sui Generis use) which is retrospective and follows an Enforcement Notice in May 2017, which sought the cessation of the unauthorised use, the removal of its associated fences and the removal of vehicles for sale. (LPA ref: 17/00008/ENCOU).

4.2

In terms of other student residential schemes along Portswood Road the following have recently been determined:

17/00325/FUL - Land to rear of The Broadway – Refused 08.08.2017

Redevelopment of the site. Erection of a part 2-storey, part 4-storey building to contain 43 units of student accommodation with communal facilities and cycle/refuse storage

16/01778/MMA – Former Portswood Bus Depot – Approved 13.01.2017

Development to provide purpose built student residential accommodation (435 bedspaces) in three buildings of between 3-storeys and 6-storeys plus lower ground floor level with vehicle access from Belmont Road and associated landscaping (amendment to previous planning permission reference 15/01510/FUL - changes relate to the type of accommodation and changes to elevations).

15/02401/FUL - 536 - 540 Portswood Road – Approved 15.08.2016

Redevelopment of the site. Demolition of the existing buildings and erection of two linked buildings of 5 and 6 storeys above basement to provide 199 units of student residential accommodation with associated communal living spaces, landscaping and parking

14/02045/FUL - 68-76 and 80-84 Portswood Road – Approved 26.07.2016

Redevelopment of the site to provide 71 student flats (10 x one bedroom, 45 x two bedroom and 16 x three bedroom) in 3, 4 and 5 -storey buildings with associated facilities and an office/commercial unit with parking and storage - Description amended following validation

13/01015/FUL - The Talking Heads 320 Portswood Road – Allowed at appeal

Alterations and conversion to provide 18 flats for student accommodation with a part two-storey and part single-storey rear extension and associated parking (re-submission of 12/01764/FUL).

12/01201/OUT – 158-168A Portswood Road - Approved 28.11.2012

Part three/part four storey extension (following part demolition of existing building) to form student accommodation (19 self-contained studios and cluster flats comprising 62 study bedrooms) managed as a hall of residence above and to the rear of retained ground floor commercial units with associated amenity space, parking and other facilities and vehicular access from Westridge Road. (Outline application seeking approval for Access, Appearance, Layout and Scale with Landscaping reserved) (amended with revised design and internal layout, removal of rear pedestrian entrance and

introduction of mangers flat).

09/01377/OUT - Belgravia, 468 - 480 Portswood Road – Approved
13.05.2010

Redevelopment of the site. Erection of a new building (part two-storey, part three-storey, part four-storey plus lower ground floor) to provide 50 student housing units and a retail unit - Class A1 with associated parking (outline application seeking approval for layout, access, appearance and scale)

5.0 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, erecting a site notice (14.07.2017) and by posting an advertisement in the local press (19.07.2017). At the time of writing the report **31 representations** have been received (including a letter of support) from surrounding residents/businesses (including comments from all three Ward Cllrs, the Highfield Residents' Association, the Outer Avenue Residents' Association, the Portswood Central Residents' Association and Waitrose). The following is a summary of the points raised:

5.2 Loss of the building and that it should be retained for a community use Response

The building is not listed nor is it locally listed, but is an 'Undesignated Heritage Asset'. This is defined as buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. However, the Council's Conservation Officer has advised that the building is in a poor state and would need a great deal of work to be undertaken to it to bring it back in use. The building itself is unprotected from demolition, albeit prior approval for the method of doing so would be required. Therefore, in planning terms the state of the building, the potential for redevelopment of the site and bringing the site back into use needs to be weighed against the loss of the building. In this case officers accept the applicant's case that a redevelopment of the site is an acceptable alternative in principle. Officers did discuss the retention of the building with the applicant but were advised of its current state. With respect to the use officers are unable to refuse the application for failure to provide a community use. The Council has to assess the application before them.

5.3 Concern with the practicality of drop-off and collection arrangements for new students and that insufficient car parking on site will result in cars being parked in the adjacent supermarket car park Response

The application is supported by a Student Intake Management Plan, which sets out how the arrivals and departures of students will be managed. A layby is proposed as part of the S106 legal agreement highway works to allow for students to be dropped off and picked up via time slots within the parking bay. The implementation of this management plan is proposed to be secured through the section 106 legal agreement (see S.106 recommendation above). There is also a public car park at Westridge Road, which is some 250 metres from the application site. The Waitrose car park is a privately run car park and controls are afforded the owners in terms of enforcing overspill parking from the development.

5.4 Poor Design Response

The Council's Design Officer has not raised an objection to the design of the proposal as it picks up themes and colours of the art deco architecture found in vicinity. There is no uniform character to the building within the vicinity and therefore the materials and design chosen are acceptable. The Council's Design Advisory Panel agreed that the design is acceptable for this location.

5.5 **Access and servicing for the development will conflict with the adjoining supermarket**

Response

Highway Development Management Officers have assessed the application on these grounds and no objection has been access raised. It is noted that the layby is located close to the junction with the service/access road but in comparison to the existing car park on site it is a betterment. The service road is wide and there are views before and at the junction that will allow acceptable sight lines.

5.6 **Overdevelopment of the site**

Response

The site is located within Portswood District Centre where mixed use developments are encouraged and supported. This development provides suitable policy compliant retail units on the ground floor and residential accommodation to meet the housing need at first floor. The density of the development is 703 dwellings per hectare (dph) based on a site area of 911 square metres, and as the site lies in an area of high accessibility where the principle of a development over 100 dph is supported.

5.7 **Portswood already has an excessive student population which has an impact on existing residents in terms of noise and disturbance as well as the mix and balance of the character of the area. The proposal will exacerbate these impacts significantly.**

Response

Research carried out as part of other proposals show that the two universities together have an overall capacity of some 32,000 full-time students whereas the purpose built accommodation is only approximately 3,000 student rooms. Although there is a significant amount of development in the pipeline, the research indicates that there remains demand for well-located purpose built student accommodation within the city and student numbers are also likely to rise further: this proposal will contribute to meeting that need. The evidence isn't available to suggest that no further student housing is needed or that Portswood is now at capacity.

5.8 **Saved policy H13 of the Local Plan Review guides the location of student accommodation to locations that are easily accessible to the educational establishments by foot, cycle or public transport. It states that development by private sector providers will only be permitted where suitably located and where an assessment of need has been adequately presented. Currently, it is recognised that since the site is 15-20 minutes walking distance from the University of Southampton, and accessible by public transport to the Solent University, the proposal would fulfil this aim. As the site lies within the District Centre, with its shops and facilities and public transport links to the city centre, occupiers can avoid quieter residential streets on their return from a night out. A student management plan supports the application for the student population, which should assist in any direct local impacts. Finally, there is anecdotal evidence that the support of purpose built housing assists in the release of family housing stock currently occupied by HMOs. This application**

can also assist with this aim whilst raising standards in the HMO sector.

5.9 **Impact on the street scene due to the height of the proposed development.**

Response

The adjacent locally listed building, Addis Square, is 13.5 metres high and the proposal is 16.2 metres. Part of Waitrose is only 1.2 metres lower than the proposal. However, the site is located on the corner and separated by roads resulting in a significant gap between the site, Addis Square and the properties at Brookvale. Although there is a height difference with local buildings the proposed building is judged to be an acceptable height for this part of the city as agreed by the Council's City Design Officer given its key position on the corner. LPR Policy SDP9(e) is supportive of tall(er) buildings at junctions.

5.10 **The proposal is designed with insufficient car parking. The development would therefore lead to overspill car parking on the surrounding streets exacerbating existing parking pressures experienced by residents.**

Response

The proposal has zero parking for the students. Portswood Road is protected by traffic restrictions to prevent long stay parking but there are unrestricted streets in the locality. The nearest controlled parking zone (CPZ) affects Brookvale Road which is adjacent to the site. Whilst it is acknowledged that some students will bring their cars to University this number is likely to be small and as parking on site is impossible it becomes a less attractive option. As part of the section 106 agreement, future occupants of the development would be restricted from obtaining parking permits in nearby (and future) controlled roads. As such, the development is unlikely to result in significant overspill car parking on the surrounding streets. The Council's approach to student housing has been consistent; it is not to provide parking as even a few spaces encourages students to bring their car in the hope that they can use the allocated spaces and this may then lead to an overspill issue. As the most convenient streets are protected by CPZ's officers are satisfied that the application can be supported on this issue.

5.11 **Concern with the lack on on-site management.**

Response

The application submission sets out that there would be a manager available during working hours Monday to Friday and out of hours there is an emergency contact number which will be manned 24 hours a day. The applicants also propose to sign up to the Southampton Accreditation Scheme for Student Housing (SASSH) or similar. This is proposed to be secured through the section 106 legal agreement.

5.12 **Relocation of the bus stop and insertion of a layby will result in highway safety issues**

Response

The Highway Development Management Officers have assessed the application on these grounds. The removal of the car parking to the front adjacent to the junction, and that the proposed scheme is car free, is a betterment in highway terms. The relocation of the bus stop and layby are a significant distance away from the junction to prevent highway safety issues arising.

5.13 **Lack of amenity space for students**

Response

There is, currently, no adopted guidance regarding external amenity space standards for student development. However, the site is located within walking distance of the Common and has direct links with the City Centre and the many public parks. Students are likely to have good access to sports and activities offered by the University and the scheme provides two internal communal break out spaces to serve the needs of students.

5.14 **Concern over noise resulting from the roof garden**

Response

The scheme has been amended to replace the roof garden with a green roof that is no longer assessable to the residents. Therefore, there will be no occupiers using this space and therefore no resulting noise and disturbance caused.

5.15 **Concern about antisocial behaviour (noise) and littering**

Response

Environmental Health have been notified of this application and no objection has been received on these grounds. 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. A management plan is to be secured via the Section 106 Legal Agreement which will cover the management of the development both in terms of anti-social behaviour and refuse.

5.16 **Consultation Responses**

5.17 **SCC Highway Development Management: No objection**

The proposal is acceptable in terms of providing zero car parking. The lower level of bins are acceptable if a robust waste management plan is secured which states that the site will be serviced by a private management company which will increase its frequency as and when required in order to avoid insufficient capacity and overspill. A servicing management plan will also be required to restrict the size of servicing vehicles and management systems so deliveries are booked in and/or alerts the site management so that the loading bay will be free for its intended purpose and also can avoid multiple deliveries taking place at the same time. Overall, the current layout of the site has on-site parking and access close to the Portswood Road and Brookvale Road junction, the proposed car-free scheme, it is a betterment in terms of highway safety. Cycle parking needs to be provided for the retail units and its staff.

5.18 **SCC Sustainability Team – No objection** Subject to the imposition of conditions securing BREEAM 'Excellent'.

5.19 **SCC Conservation Officer – no objection**

The scheme is generally acceptable and is not detrimental. The current building is in such poor condition that its regeneration would be economically impossible. Its loss is regrettable but cannot be avoided in these circumstances. The onus is therefore in finding a suitable replacement and the scheme meets this requirement although stringent conditions regarding its finish, landscaping etc. need to be imposed to ensure a suitable outcome.

5.20 **SCC Ecologist – No objection**

The application site consists of a building and area of hard standing which have negligible biodiversity value. The building is relatively modern and

appears to have limited opportunities for bat access. In addition, the surrounding area has little suitable foraging habitat and high levels of night time illumination. The likelihood of bat roosts being present is therefore negligible. The development is therefore unlikely to have any adverse impacts on local biodiversity. The Council's Ecologist request the inclusion of some biodiversity enhancements. In particular, a biodiverse green roof to be added to the flat roofs below the PV panels. Not only with this benefit biodiversity but will also enhance performance of the PV panels by maintaining appropriate ambient air temperatures and some swift roosting boxes integrated into the fabric of the building. Request a condition requiring an ecological mitigation statement.

5.21 **SCC Archaeology: No objection**

The existing building on the site was built between 1933 and 1941, probably by 1935/6 when the Brookvale Service Station is listed at this location in the street directory. The building later became a carpet shop, and was Blockbuster Videos until fairly recently. It is a distinctive building, particularly the clock tower which forms a landmark on this corner site. While neither locally nor nationally listed, the building is on the Southampton City Council Historic Environment Record (MSH4819) and is an Undesignated Heritage Asset as defined under the National Planning Policy Framework.

5.22 The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 16 (The Rest of Southampton). Recent archaeological work at the site of the former Wickes depot, c150m to the south-west, revealed archaeological evidence for prehistoric, Roman and later occupation (SOU 1518) and there are a number of chance finds of prehistoric artefacts from the surrounding area. Similar remains may be present on the site, and these would be undesignated heritage assets under the National Planning Policy Framework.

5.23 Development here threatens to damage archaeological deposits, and an archaeological investigation will be needed to mitigate this. An archaeological evaluation excavation will need to be undertaken, to determine the potential for survival of archaeological deposits. This may lead to additional archaeological excavation prior to the start of development, and/or to a watching brief on certain groundworks works during development. The demolition of the existing building below ground level should not be carried out until the archaeological potential of the site has been evaluated, and may then need to be done under archaeological supervision and control. All ground investigation (geotechnical) works will need to be observed as an archaeological watching brief. Full details of all groundworks will need to be supplied, to enable an assessment of potential damage to archaeological deposits (groundworks here defined as including piling, foundations, services, level reductions and landscaping).

5.24 To secure the archaeological building recording and other archaeological investigations conditions are recommended.

5.25 **SCC Environmental Health (Contaminated Land): No objection**

No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.

5.26 **SCC Environmental Health (Pollution & Safety) – No objection** subject to conditions securing, a construction environment management plan, no bonfires (not secured as can be dealt with under separate legislation) demolition suppression and working hours.

5.27 **SCC Design – No objection**

From a design point of view this remains a pretty good scheme, the only concern relates to achieving the quality of the materials to create the relative complex nature of the floor plan/façade, with curved elements. The materials are key for the development.

5.28 The Rotunda study room looks a little squat in the close quarter view from the junction. It might be better if the corner/canopy were raised slightly and the impression created that the canopy was hovering or floating from the structure.

5.29 The overall height of the development is supported, the extent of the roof top plant room in effect creates a full five storey. Naturally the Design Officer supports the desire to hide plant from view but this additional height is slightly over-powering to the residential properties beyond. It may well be that if this part of the building were in a matching brick to the residential that it may be ok

5.30 It would be good to incorporate some 'rest-stop' seating into the mini piazza, although I accept that this space will be largely overshadowed by the building.

5.31 **Officer comment** – The scheme has been amended to relocate the plant room away from the rear and the seating has been provided in the piazza area. The materials will be secured by condition to ensure their quality. -

5.32 **Design Advisory Panel (DAP) – No objection**

The item was taken to the Council's local Design Advisory Panel (the panel comprises a mix of architects and landscaping officers who are independent of the Council) and they advised the following:

- The Panel welcomed the proposal feeling that the scale and mass were appropriate in this location;
- Support for the 'rotunda' on the corner, but this needs to be a pure circle as shown, not dumbed down later to a faceted design;
- Unsure that the scheme needs the second 'tower'/relationship to residential properties on Brookvale Road;
- Is it actually intended that floor to ceiling windows will be provided to the student rooms as if this changes the whole look/proportion of the building will change;
- Good to see the suggestion of an improved public realm, seating etc. in front of the building;
- Concerned about the quality of space/light to the courtyard/lightwell. Not sure about the study room eating into the space;
- Corner entrance from Portswood Road is a positive but would prefer to see the second entrance facing Brookvale Rd possibly between the two retail units, rather from the side access to the Waitrose car park where there appears to be no footway; and
- Roof garden needs a considered design/planting not just a large paved space on the roof. May be difficult to establish/maintain trees as shown on the roof.

5.33 Officer comment – the second stair core is a fire escape and is needed, the windows are to be full glazing to comply with the daylight levels required. Sufficient space is provided to allow safe access when leaving the building adjacent to the service area. DAP support welcomed.

5.34 **SCC Tree Team – No objection**

Tree officers have no objection to the proposal on arboricultural grounds and welcome the inclusion of trees in the street scene here as a valuable addition to the public realm. Officers would argue for larger, shade-giving trees as of greater benefit to the street scene, biodiversity and the future tenants than the small trees illustrated in the plans. Any tree needs to be given sufficient soil volume to establish well, and sufficient above ground space to develop a mature canopy for the selected species. Tree Officers would press the opportunity to include at least one larger tree such as London Plane, Southern Beech or Gingko, perhaps nearer the seating.

5.35 **SCC Flooding Team – No objection**

No suitable information has been submitted with the application in relation to how surface water runoff from the site will be managed as part of the redevelopment proposals. In accordance with the written statement made by the Secretary of State for Communities & Local Government, dated 18 December 2014, major development is expected to utilise sustainable drainage systems to manage runoff, unless demonstrated to be inappropriate. Given the lack of information it is not possible to assess the application in relation to surface water drainage, therefore, the following information is required.

5.36 The following details on the drainage strategy will be required:

- Site details
- Site constraints
- Assessment of the proposed changes to impermeable area on the site
- Justification of the proposed discharge method(s)
- Peak discharge rates & volumes (existing & proposed) for the 1 in 1, 1 in 30, 1 in 100 and 1 in 100 + climate change
- Mitigation for any proposed increase in discharge volumes (if applicable)
- Details of the proposed approach and design of the drainage system
- Requirements for the long term operation of SuDS including flood risk within the development (exceedance & flow paths), construction & structural integrity of the proposed system and its maintenance.

5.37 Sustainable drainage proposals should be developed in accordance with the non-statutory technical standards:

<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>).

5.38 Peak flow rate and runoff volume from the site should be reduced as close as reasonably practicable to greenfield rate & volume to reduce the burden on the existing drainage network which will contribute towards alleviating the flood hazard downstream of the site.

5.39 If the applicant determines that sustainable drainage is inappropriate on this site suitable evidence must be presented to demonstrate why it is deemed to be inappropriate. It is recommended that the planning condition be applied.

5.40 **Southern Water – No objection.**

Suggests a condition to secure measures to protect the public sewer during development and to secure details of the means of foul and surface water disposal.

5.41 **Southampton Airport – No objection**

Subject to an informative regarding to the use of a crane on site.

6.0 **Planning Consideration Key Issues**

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

- Principle of development;
- Design;
- Residential amenity;
- Impact the adjacent conservation area and locally listed buildings
- Highway Safety and Parking;
- Landscaping; and
- Development Mitigation

6.2 Principle of development

The site lies within an area of mixed use and architectural styles, with residential and commercial uses within Portswood District Centre (with good links to the University). The City has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. 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 is within the Portswood District Centre and within walking distance from the University of Southampton and close to excellent transport links to the Solent University. Therefore, the location is appropriate for student accommodation.

6.2.1 This is a high density scheme (702dph dwellings per hectare). Core Strategy Policy CS5 recommends high densities (over 100dph) should be limited to the most accessible areas, namely the city centre, areas close to and within Shirley Town Centre and the district centres. The application site is within Portswood District Centre and the public transport corridor of Portswood Road therefore complying with this policy. Whilst the density figure is appropriate to this location it noted that the current housing density policy sets guidelines only and it acknowledges that other criteria should also be used to determine the acceptability of a development proposal in particular development also needs to be appropriate to its context. A higher density development is considered to be acceptable in this location as it would result in making efficient and effective use of previously developed land in a sustainable location as recommended in NPPF and local planning policies. A lower density could be secured with larger flats, but single person student housing inevitably yields a high(er) density and this isn't deemed to be a suitably attractive location to encourage family housing due to the inability to provide suitable garden depths and residential

amenity levels. The NPPF introduces a presumption in favour of sustainable housing development and the use of previously developed land. Therefore the principle of a mixed use redevelopment is generally supported if it is agreed that it meets design and environmental policies as discussed further in this report.

- 6.2.2 Currently the site is unlawfully being used for car sales but the building is not in use and, therefore, due to its sustainable location and brownfield sites status, bringing this site back into full use is a positive approach. In addition to this, the proposed use of the site is the most suitable use that could be provided given the location and the requirement to provide commercial at ground floor. Open market units would attract occupiers with cars and the requirement for amenity space for these units could result in balconies and a higher density scheme causing more harm. Therefore, on balance it is considered that a student scheme is the best solution, in principle, that could be brought forward for this site.

6.3 Design

The design and materials chosen for the scheme are acceptable as stone coloured cladding relates to the existing building and the adjacent brick and rendered buildings found in this location. The modern nature of the development due to its flat roofed design reduces the height. However, the site is located a key junction and the height proposed is acceptable, albeit it is higher than the surrounding buildings by about three to four metres. The current building on site is a landmark building and any replacement building should provide the same result. Officers feel that the design of this scheme provides this.

- 6.3.1 A daylight assessment has been provided to indicate that 98.6% of the rooms have adequate levels of internal daylight. It explains that only one kitchen/dining/living on the first floor does not meet the adequate levels of lighting by providing 1.9% when 2% is required but the adjoining bedrooms do provide adequate light. Further to this 67 out of 74 rooms meet the no-sky line criteria. However, as the adequate daylight is met in these rooms the proposal is not deemed harmful. Therefore, the plans demonstrate that the accommodation provided allows all rooms to have an acceptable outlook and adequate light with access to the shared facilities including the cycle and refuse storage provided. No private amenity space is provided for the units but due to the end user, and the sites proximity to the District Centre and the Common the lack of amenity space is accepted. Furthermore, the Council has previously accepted reduced amenity standards for students as they often have access to the University's amenity and sports facilities. In summary, the development has been designed to take into consideration the context within which it is set, including the setting of the neighbouring locally listed building. The City Design Officer supports the scheme and the design is considered to achieve the requirements of Local Development Framework Policy CS13.

6.4 Residential Amenity

- 6.4.1 The scheme has views onto public elevations of adjacent properties or the side elevation of 3 Brookvale Road. The privacy distance between rear and side elevation are complaint and although no privacy distance guidelines exist between developments fronting each other the development is sufficiently separated to prevent concerns. Therefore the development does not lead to a harmful impact on neighbouring residential amenity. The distance with the side elevation 3 Brookvale Road is 13 metres and complies with the required 12.5

metres in terms of outlook. There is a distance of 27 metres across the road to the flats at Addis House and 26 metres across the road to the units in the Portswood centre. The scheme has therefore been assessed as compliant with Local Plan Policy SDP1(i) as it relates to existing neighbouring amenity.

6.5 Impact the adjacent conservation area and locally listed buildings

The site lies adjacent to the Portswood Residents' Gardens conservation area and therefore the impact on the conservation area is a material consideration when assessing the application. Core Strategy Policy CS14 explains the importance of protecting the setting of heritage assets and weight is also afforded within the NPPF. No objection has been raised by the Council's Conservation Officer on these grounds. The conservation area starts adjacent to Addis House. Views have been provided as part of the application process to demonstrate that overall the development would be visible from the conservation area but due to the other buildings heights such as no 3 Brookvale Road the development would not be deemed harmful. The development also needs to be assessed in relation to the adjacent local listed building at Addis Square, it is noted that the proposed development is higher but there is a separation distance of 25 metres between the two buildings. The development will have an impact on the conservation area and the locally listed buildings but officers believe the harm is not detrimental to warrant a reason for refusal on these grounds. Therefore, the development complies with core strategy policy CS14.

6.6 Highway Safety and Parking

6.6.1 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 the private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The site lies within a highly accessible location and therefore zero parking is accepted, particularly given the end use for student housing. The same conclusion would be difficult to reach for an open market flatted scheme, despite the District Centre location.

6.6.2 The proposed layby (secured through the s.106 process) would essentially serve the moving in and out of students and deliveries to retail units on site. The proposal will result in the relocation of the bus stop but this will also be secured through the S106 legal agreement. As set out above, the section 106 agreement will preclude car parking permits to residents of this development. The accessible nature of the site coupled with no car parking will meet the aim for sustainable patterns of development, as required by the Council's adopted policies. Furthermore, the controls on local parking, secured by the section 106 agreement will prevent significant over-spill parking on surrounding streets that may, otherwise, be harmful to residential amenity.

6.7 Landscaping

Currently on site the area surrounding the site is laid out for parking to serve the existing retail unit. The proposal provides a landscaping plan that shows that the area will be laid out using concrete block and slab paving with the addition of six trees (birch and hornbeam) and benches to the front and side of the development. No objection has been raised by Tree officers subject to the inclusion of one larger tree to improve the overall street scene, the suggested landscaping condition has been tailored to include this. This landscaping will

improve siting of the development and the area as a whole as it will provide an attractive area within the street scene. Therefore, a landscaping condition is suggested to secure this area and the proposed trees to be located within the internal courtyard and the terrace area. The scheme will bring betterment and improve the area around the building and reduce the harsh appearance of the existing site.

6.8 Development Mitigation

6.8.1 As with all major development the application 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 Planning Obligations SPD (2013). 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. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works including reconstructing the footway around the site perimeter in materials to be agreed, including the construction of the proposed delivery layby, altering the kerb lined and heights and dedicating some site frontage to permit a widened footway which will run behind the layby. Further to this it will secure the relocation of the bus stop and shelter to an agreed location. Residents of this scheme will be dependent on sustainable transport modes, walking, cycling and public transport. In addition the scheme triggers the Community Infrastructure Levy (CIL) and affordable housing is not triggered, providing occupation is restricted to full time students.

6.8.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £181 per unit has been adopted. The amount is slightly altered as the scheme is for students who are less likely to have a car or the need to walk a dog in these sensitive locations. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.8.3 Similarly, the Panel will need to be satisfied that the scheme mitigates against its direct impacts upon the New Forest Special Protection Area. This is normally achieved with the consideration of a Habitats Regulations Assessment. This is not currently available but is likely to be complete by the time the Panel meets. A verbal update will be given at the meeting.

7.0 Summary

7.1 The development does result in the loss of an attractive building but its current condition prevents its retention. Overall the scheme is acceptable and the level

of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or the character and appearance of the area including the adjacent conservation area. The proposed layout and density provides an acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

- 7.2 A suitable balance has been achieved between securing student housing and bringing a brownfield site back into full use whilst not detrimentally harming the residential amenity and highway safety. It is anticipated that the development will assist in freeing up suburban HMOs for family housing as originally intended.

8.0 Conclusion

- 8.1 As such, the application is recommended for approval, subject to securing the matters set out in the recommendations section of this report and the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d),4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

ARL for 05/12/2017 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition [Performance]

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

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

02. Hours of Opening [Performance]

The retail units hereby permitted shall not be open to customers outside the following hours:

Monday to Saturday	08.00 to 23:00 hours
Sundays and Public Holidays	10.00 to 16.00 hours

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

03. Details of building materials to be used [Pre-Commencement Condition]

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.

04. Window reveal and elevational details [Pre commencement Condition]

Prior to commencement of the development detailed drawings to a scale of 1:20 showing the specification of the design and materials of the window reveals and how the acute and obtuse return angles in the façade can be completed using the chosen material, these details shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall subsequently be incorporated in the construction of the development hereby approved.

Reason: To ensure the quality of all window reveals.

05. 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.

06. 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.

07. 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.

08. 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.

09. 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.

10. 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.

11. Refuse & Recycling [Performance]

Before the development hereby approved first comes into occupation, the storage for 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.

12. Cycle storage facilities [Pre-Commencement Condition]

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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

13. 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, to include:

- i. hard surfacing materials, structures, benches and lighting columns etc.;
- ii. planting plans including one larger tree such as London Plane, Southern Beech or Gingko, perhaps nearer the seating., plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including low level boundary restrictions along the soft landscaped areas to prevent parking and;
- v. a landscape management scheme of all the landscaped areas within the site.

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

14. Construction Management Plan [Pre-Commencement]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

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

15. Ecological Mitigation Statement [Pre-Commencement]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures including green roofs and swift boxes which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

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

16. BREEAM Standards [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form

of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

17. 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 Excellent against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

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

18. 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.

19. Use of uncontaminated soils and fill [Performance]

Any 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.

20. 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.

21. Surface / foul water drainage [Pre-commencement]

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

Reason: To ensure satisfactory drainage provision for the area.

22. 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. Before these details are submitted an assessment

rooms shall be provided ahead of first occupation of the development and thereafter retained for use by resident students.

Reason: In the interests of residential amenity.

Note(s) to Applicant

Informative: Public Sewerage system and water supply

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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.

Informative: Cranes advice

You are advised of the requirement within the British Standard 'code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4. 'Cranes and Other Construction Issues', available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-note-4-Cranes-2016.pdf>

The maximum height above ground level for crane operations during Southampton Airport operational hours is 34m.

Informative: Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at:

<http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or
contact the Council's CIL Officer.

Informative: S106 Legal Agreement

Please note that a Section 106 agreement has been completed in relation to this site which should be read in conjunction with this planning consent. A full copy of the Section 106 Agreement is available to view on Public Access via the Southampton City Council website.

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APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Town, district and local centres, community hubs and community facilities
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated land
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
REI5	District Centres

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Portswood Residents' Gardens conservation Area Appraisal and Management Plan

Other Relevant Guidance

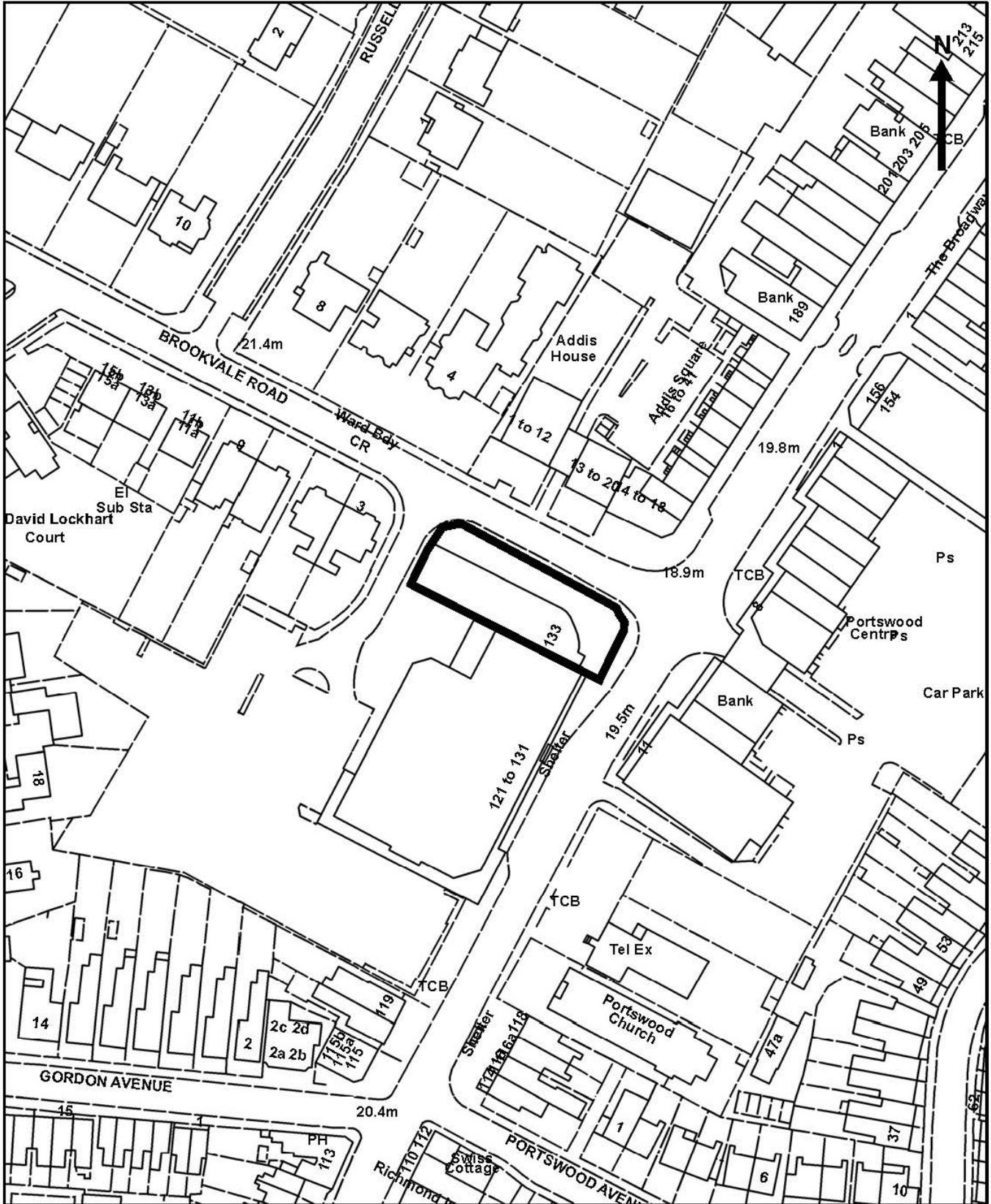
The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Agenda Item 5

17/00983/FUL

Appendix 2



Scale: 1:1,250

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