

Planning and Rights of Way Panel 20th February 2024
Planning Application Report of the Head of Transport and Planning

Application address: St Margarets House, 6 Hulse Road, Southampton			
Proposed development: Redevelopment of the site. Erection of purpose-built student accommodation with a 5-storey building containing 198-bed spaces with associated amenity space, cycle and refuse storage, following demolition of existing building.			
Application number:	23/01548/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	15 minutes
Last date for determination:	07.03.2024	Ward:	Banister and Polygon
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Every Cllr Leggett Cllr Windle
Applicant: Barsad Investments Ltd		Agent: Boyer Planning	

Recommendation Summary	Delegate to the Head of Transport and Planning to grant planning permission subject to criteria listed in report.
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Community Infrastructure Levy Liable	Yes
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The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (revised 2023). Policies CS4, CS5, CS13, CS14, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, HE1, HE6, H2, H7, H13, H14 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Design Advisory Panel comments 01/08/23	4	Parking Survey Summary and Survey Data.

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Transport and Planning to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
 - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development;
 - iii. Submission of a highway condition survey (both prior to and following completion of the development) to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - iv. Submission of a Employment & Skills Management Plan committing to adopting local labour and employment initiatives with financial contributions towards supporting these initiatives during both the construction and operational phases (as applicable), in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
 - vi. The submission, approval and implementation of a Travel Plan (where applicable) to promote sustainable modes of travel in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy;
 - vii. Submission, approval and implementation of a 'Student Intake Management Plan' to regulate arrangements at the beginning and end of the academic year;
 - viii. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European

designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;

- ix. Provision of relevant public art in accordance with the adopted Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document;
 - x. Financial contribution to upgrade existing CCTV camera at the junction of The Avenue and Northlands Road in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25; and
 - xi. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
3. That the Head of Transport and Planning be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
 4. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Transport and Planning be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

1. The site and its context

- 1.1 St Margaret's House, 6-8 Hulse Road, is a four-storey block of student accommodation, comprising 100 bedspaces (with a lapsed permission for 170), located to the east of Hulse Road. The building is 'T' shaped, sitting within large grounds which is a mixture of landscaping and hardstanding (car parking). The site lies within Flood Zone 1 which has the lowest probability of flooding. The site lies within a 'local area of archaeological potential'. The boundary is defined by a mix of brick walls and fences of generally 1.8m in height along with vegetation of varying species and height. To the South the boundary is defined for a significant length by Leylandii trees. The eastern boundary is also defined in part by a Laurel hedge. To the front of the site there is a group Tree Preservation Order (TPO): The Southampton (Bannister's Park (No 2) TPO 1974. The TPO description covers the following trees: Amelanchier, Walnut, 5x Lime, Cuperssus, 2x Horse Chestnut, Maple. To the rear of the site there is also a large London Plane which is also protected by the same TPO. The tree survey has identified a total of 38 trees currently being on site.
- 1.2 The site immediately adjoins The Avenue Conservation Area to the east. The existing building is not Statutory Listed and there are no immediately adjacent listed buildings. A positive character of Hulse Road is buildings set

back behind mature landscaped frontages defined by large mature trees at its northern end.

2. Proposal

2.1 Full planning permission is sought for a replacement purpose-built student housing scheme. The proposal seeks the redevelopment of the site with the demolition of the existing 4-storey block, and the erection of a 5-storey building containing 198-student bed spaces (net gain 98) with associated amenity space, cycle and refuse storage. The building would include communal amenity facilities on each floor, with the majority of the communal floor space located within the basement with gym, lounge, kitchen, cinema and laundry facilities provided; along with a lightwell garden. The basement level, with platform lift, would also provide bicycle and bin storage, parking for 15 cars and associated plant facilities. At ground floor there would also be a reception and staff facilities. The accommodation provided will be in the form of self-contained studio apartments with each studio offering a private kitchen and washing facilities. Additional secure bicycle storage is located in the external yard area which has secure gated access.

2.2 The proposed building has a contemporary design with two interconnecting blocks arranged on a north-south alignment; and the scheme has been designed to achieve high sustainability standards. The landscaping scheme is integral to the design approach with the aim of achieving significant biodiversity enhancements. The elevations are finished in a mix of pre-weathered copper panel, Suffolk white bricks, reconstituted stone and dark bronze window frames.

2.3 A schedule of accommodation, communal facilities and on-site trees is set out in the table below:

Units	Net Area/numbers
A total of 192 no. studios apartments (198 bedspaces total)	19-23sqm in area
2 no. Accessible Studios.	35sqm in area
6 x 'two - dios'	
Communal internal amenity space	413sqm
Communal external amenity space	1,360sqm (including basement lightwell garden)
Secure cycle storage	99 bikes (50% provision)
Visitor cycle storage	14
Bin storage	12 Euro Bins
Car parking	15 (3 accessible)
Trees currently on site	38
Trees to be removed	11
Trees to be planted	20

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved"

policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**.

- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 225 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The site is designated as a “Halls of Residence” whereby local planning policy seeks the retention of existing purpose-built student accommodation (Policy H14). The scheme will re-provide student accommodation on this site and this application is supported by evidence of additional student housing need to justify the proposed uplift in density.

4. Relevant Planning History

- 4.1 The planning history confirms that the existing student accommodation was approved in 1973 and allowed for 100 rooms, comprising a mix of single occupancy rooms and rooms for married couples, all of which had to attend the University of Southampton. The 2018 consent (ref: 17/02423/FUL) varied a number of conditions to allow all student bedrooms to be single occupancy by students attending the University of Southampton, Southampton Solent University or other higher establishments within Southampton, which is how the building currently operates.
- 4.2 The building was refurbished in 2018, which was when the new entrance lobby was added, and in 2019 planning permission was granted for proposals which sought to intensify the site (ref: 18/01968/FUL). Rather than a comprehensive redevelopment scheme, the proposals involved the retention of the existing building and the construction of three new buildings around the eastern and southern sides of the building, increasing the quantum of student rooms by 70, to a total of 170 bedrooms. This permission has now lapsed.

5. Consultation Responses and Notification Representations

- 5.1 Ahead of submission the applicants undertook their own community engagement exercise on 5th October 2023 at the Unity12 Accessible Conference Centre. Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and placing a press

advertisement and erecting a site notice on **15/12/2023**. At the time of writing the report **12 objections** have been received from surrounding residents. The following is a summary of the planning points raised:

- 5.2 ***The design of the building is out of keeping with the rest of the road and the roof line breaks through the level of nearby buildings. This is not a corner plot, so 5 storeys is inappropriate.***

Response

The existing buildings in Hulse Road are not homogenous in design terms and the street can accommodate the proposed contemporary building design having regard to the existing design variety in the street and landscaped setting. The 5th floor set back enables the proposed scale and mass to be accommodated within the street scene without appearing unduly dominant. The Council's Urban Design Manager and Historic Environment Officer raise no objection to the proposal, and have worked closely with the applicants following an initial preapplication submission for a taller building.

- 5.3 ***Loss of trees on the boundary would result in harm to neighbouring amenity.***

Response

The proposal seeks to retain 27 of the existing trees and plant 20 more to replace the 11 that are to be removed. The additional trees will be of a size that has an immediate impact and the proposal is now supported by the Council's Tree Officer following concerns about the location of the proposed substation.

- 5.4 ***Accuracy of plans questioned with regard to tree information.***

Response

The scheme has been reviewed by and, subject to conditions, supported by the Council's Tree Officer.

- 5.5 ***Southampton doesn't need any more student accommodation where residents do not pay Council tax.***

Response

Student housing is recognised as contributing towards housing supply within the city – with 2.89 study rooms accounting for 1 dwelling when the Council reports its housing supply. Crucially, the application site is safeguarded by saved policy H14 of the Local Plan for student accommodation. The proposed purpose-built student accommodation comprises self-contained studio apartments, which are considered by the Local Planning Authority to fall within use class C3 as self-contained dwellings, however a student occupancy clause is required in the S106 legal agreement in lieu of an affordable housing contribution. The application is supported by a student needs assessment in accordance with policy H13 of the Local Plan, which evidences ongoing need for student accommodation. Council tax exemption is set by Central Government and planning permission cannot be refused on the grounds that students do not pay Council tax.

- 5.6 ***Overlooking properties and gardens to the rear and side. No guarantee that existing trees and laurels, which provide a partial screen, will be***

retained throughout the lifetime of the development.

Response

Obscure glazing can be used for side facing windows. The trees on site are protected so cannot be removed without permission. The landscaping and tree planting scheme are integral to the project's success so can be conditioned to be retained throughout the lifetime of the development with any trees or shrubs that die being replaced in the next planting season.

5.7 *Reduced sunlight to neighbouring plots in the late afternoon and evening.*

Response

The applicant's submitted daylight /sunlight assessment identifies that the proposed development follows the BRE guidelines, and will not significantly reduce sunlight or daylight to existing surrounding properties.

Consultation Responses

5.8

Consultee	Comments
SCC Planning Policy	No objection. The findings as set out in the Student Housing Needs Assessment are accepted.
SCC Urban Design	No objection. Given the scale of the proposal the architecture has sought to mitigate the impact on the street scene and the conservation area in the arrangement, proportion, and fenestration of the elevations and in the quality of materials selected. Although the existing undeveloped area of the site has appreciably reduced in scale the landscape proposals have much greater biodiversity and aesthetic interest than the current mown lawn. Overall, the scheme represents good design based on National Design Guidance and the requirements of the NPPF section 12. Achieving well designed and beautiful places.
Historic Environment	No objection. The existing property is a modern building of limited heritage interest and its loss would be acceptable. Section 6: Heritage Assets of the `Townscape Heritage & Visual Assessment` has identified all the heritage assets near the site. Of the assets likely to be impacted, it surmises that the proposed development would be completely obscured behind intervening townscape and trees and would have no adverse effect on the significance or setting of St Andrews Church, a Grade II listed building to the east. It does recognise that the new scheme would have some impact on the gardens of Cavendish

	<p>Road, however, it concludes that due to the heavily treed boundary (which would be retained), and the level of separation from the conservation area boundary, and its bespoke design, the development would not cause adverse harm to the wider character or appearance of this part of the conservation area. It also goes on to say that whilst there is an oblique view westwards out from the conservation area to the development site between two houses along Cavendish Grove, View 5 of Section 7: Assessment of Visual Effect demonstrates that the prominence of these two-storey semi-detached houses would remain extant and where the mid-distance views above their roofline would only be impacted in the winter months, and even then the impact would not be considered adversely harmful any more so than the existing arrangement.</p> <p>On balance, it would be difficult to disagree with the above conclusions. A site visit revealed that the property is relatively enclosed behind heavily treed boundaries on all sides. It is acknowledged that the new build would be seen in some oblique views through the conservation area (mainly in the winter months), but these are either private views which are already impeded by the existing accommodation block or are transitory or glimpsed views that are not an identified in the conservation area appraisal as a view or vista of merit.</p> <p>As such, it is considered that the proposals would have no physical adverse impacts on the existing character or appearance, or setting, of the adjacent conservation area, or any nearby listed building/s. No objections would be raised from a conservation perspective on this basis.</p> <p>That said, it is noted that a large area of solar arrays would be introduced on the roof. It is therefore advised that full installation details of these arrays should be controlled by way of condition/s to ensure they would be sufficiently set back from the roof edge and would not project above the parapet to avoid appearing visually obtrusive in views referred to above.</p>
<p>SCC Highways</p>	<p>No objection</p> <p>The main impact from a student scheme would be the potential of overspill parking and the concentration of traffic generated during student</p>

moving in and out periods.

As most of the kerb-side parking in the local streets is restricted a broader parking survey has been agreed. The parking occupancy over the captured area was 75.6% (65 occupied spaces out of 86 available) on Tuesday 17/10/23 and 69.8% (60 occupied spaces on Wednesday 18/10/23) with the existing car park showing the biggest spare capacity indicating that local on street parking is not likely to be related to the current student use.

Additionally, data was provided using the TRICS database to help predict likely parking demand. The Transport Assessment makes a worst-case assessment, assuming all vehicular trips are from car owners (not passengers). Therefore, demand for 36 cars is considered a conservative estimate as it is likely that the majority of those vehicle movements were pick up and drop offs. Therefore, the need to accommodate 36 cars on site and within the surrounding streets is not considered to be reasonable in this instance.

The parking survey shows some capacity and taking the above points into account, the level of car parking demand caused by the proposal is not considered to be significantly harmful to the amenity of exiting highway users who park on surrounding streets.

Due to the anticipated trips linked to the site (including pedestrian, cycle and public transport) highway improvements will be needed to encourage active travel.

Due to the basement parking accessed via a single car-width ramp, a barrier and detection system is proposed. 15% of the total parking spaces should be available for electric vehicles. Cycle parking is provided at 50% provision (99 spaces for 198 students). Servicing for bins can be achieved from the kerb side and informal parking and manoeuvring space for delivery/servicing vehicles is provided.

The proposed development is considered acceptable subject to recommended conditions and planning obligations.

SCC Archaeology	No objection subject to conditions to secure archaeological investigation.
SCC CIL Officer	No objection. The development is CIL liable as there is a net gain of residential units. With an index of inflation applied the residential CIL rate is currently £110.94 per sq.m to be measured on the Gross Internal Area floorspace of the building. For permissions granted in 2024 the residential CIL rate will be £119.06 per sq. m.
SCC Employment and Skills	No objection. An Employment and Skills Plan obligation will be required for this development and applied via the section 106 Agreement.
SCC Contamination	No objection subject to investigation of contaminated land risk and any necessary remediation.
SCC Environmental Health	No objection subject to the following conditions: <ul style="list-style-type: none"> • Hours of construction • Demolition statement; and • Construction environment management plan.
SCC Air Quality	No objection. If parking spaces are provided, consideration should be given to lay electric cables under the car park to facilitate EV charger installation in the future.
SCC Sustainability (Flood Risk)	<p>No objection. This is a brownfield site with approximately 80% impermeable cover. The Drainage Strategy (dated November 2023) states that the management of surface water will be through a combination of attenuation within a green roof and blue roof, plus permeable paving at ground level. Use of a green roof is a welcome addition as also helps support biodiversity on site.</p> <p>The flow from site will be to an existing public sewer, with a peak discharge restricted 4l/s for all rainfall events up to the 1 in 100 year plus 45% climate change allowance. This represents a significant betterment from the existing site.</p> <p>If the case officer is minded to approve the application, it is recommended that sustainable drainage is secured by the following planning conditions: Sustainable Drainage (pre-commencement) & Verification Report</p>

	(pre-occupation).
SCC Housing Management	No objection. As the proposed scheme comprises of student accommodation we would not seek affordable housing, but we would expect a student restriction to be put in place, plus we would hope that the provider would sign up to Southampton Accreditation Scheme for student housing.
SCC Public Health	No objection. Some reservations made regarding size of units and outside space however this is comparable with other student schemes in the city. Other public health benefits of the scheme, including job creation, sustainability, active travel, landscaping and construction impact mitigation have been recognised.
SCC Ecology	<p>No objection. A Preliminary Ecological Appraisal has been provided which concludes that habitats on the site are of low to negligible value.</p> <p>Proposed mitigation and enhancement measures include provision of biodiverse green roofs, native tree and shrub planting and a native hedgerow around the boundary; helping to achieve a 14% biodiversity net gain.</p> <p>A number of biodiversity enhancement features including bat boxes, bird boxes and insect boxes are included, I would like to see bird and bat boxes incorporated into the fabric of the building and bird boxes mounted on the building should be designed to accommodate swifts and black redstart, The latter of which has recently started breeding in the city.</p> <p>The use of the boundary vegetation by foraging bats has been highlighted. External lighting will need to be carefully designed to avoid light spill onto adjacent vegetation.</p> <p>The trees are also likely to provide nesting habitat for birds. Site clearance and demolition must be timed to avoid the bird nesting season. Where this is not practical, any trees scheduled for removal and the roof of the main building will need to be surveyed for active nests by an ecologist. If active nests are present vegetation removal and/or demolition must be delayed until after the chicks have fledged.</p>

<p>SCC Sustainability</p>	<p>No objection. Pleased to see that sustainability has been genuinely integrated from the conception of the development, which is very welcome and includes:</p> <ul style="list-style-type: none"> • BREEAM Outstanding • Proper consideration of both embodied carbon and overheating • 36.5% improvement on 2021 target emission rates • Passive design measures • Use of ASHP for space heating • Ventilation with heat recovery • High efficiency lighting and intelligent controls • Smart Building Management System for heat control • Green roof with photovoltaics • Circular economy principles in design including; building in layers; designing out waste; designing for longevity; designing for adaptability or flexibility; designing for disassembly; using systems, elements or materials that can be re-used and recycled. <p>Request conditions relating to energy and water building performance, green roof specification & sustainability statement implementation.</p>
<p>SCC Trees & Open Spaces</p>	<p>No objection. Following receipt and review of letter from Boyer dated 26 January 2024, with the proposal to move the substation 1.5m south to allow for the retention of the Yew T12 on the plan, this is an acceptable compromise to the proposal.</p> <p>In total the council is consenting to the removal of 11 trees with 20 new trees proposed (landscaping plan by Turkington Martin ref Hr 600 TM zz GF DR L 0510 P01) which are of good size and should make an immediate impact. These new trees are acceptable as replacement for the trees to be lost.</p>
<p>Crime Prevention Design Advisor</p>	<p>No objection.</p>
<p>Hampshire Fire & Rescue Service HQ</p>	<p>No objection.</p>
<p>Southern Water</p>	<p>No objection subject to a condition's and foul and surface water disposal. Informative also requested regarding connection to the public sewer.</p>

Natural England	<p>Objection. Adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site through increasing visitor numbers.</p> <p><i>Officer Response – The Council has committed to an interim position which allocates CIL funding to mitigate against New Forest Recreational Disturbance. 4% of CIL receipts are ringfenced for Southampton based measures and 1% is to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to, “work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest’s international nature conservation designations in perpetuity – Appendix 1 refers.</i></p>
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6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and effect on character;
 - Residential amenity;
 - Impact on neighbouring properties;
 - Parking, highways and transport; and
 - Impact on protected sites & the Habitats Regulations.

Principle of Development

- 6.2 The site is safeguarded for student accommodation under saved policy H14. The principle of providing replacement purpose-built student accommodation based on identified student housing need is therefore acceptable.
- 6.3 The LDF Core Strategy identifies the Council’s current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF, and our saved policies, seeks to maximise previously developed land potential in accessible locations.

- 6.4 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs and Government has advised that student housing can be included in the land supply. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than five years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:
- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- [the so-called “tilted balance”]
- 6.5 There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council’s five-year housing land supply, albeit it not at a 1:1 basis. There would also be social and economic benefits resulting from the construction of the new dwellings, and their subsequent occupation, and these are set out in further detail below to enable the Panel to determine ‘the Planning Balance’ in this case.
- 6.6 Policy CS16 of the Core Strategy confirms that *‘in response to concern about the concentration of student accommodation within parts of the city, the Council will work in partnership with universities and developers to assist in the provision of suitable, affordable accommodation for students to relieve the pressure on housing markets’*. This policy confirms the Council’s dual approach of delivering purpose-built student accommodation whilst simultaneously managing the conversion of existing family housing to HMOs to relieve the pressure on local markets; the Council recognises that there is a need for housing across the city and specialist student housing schemes have the potential to free up student occupied housing. 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 site is positioned in between each university, being approximately 1 mile from Southampton University and 0.9 miles from Solent University. The location of the site, in a medium accessibility area, has good public transport links to both universities and the city centre.
- 6.7 The application is accompanied by a detailed student Housing Needs Assessment (Cushman and Wakefield Oct 2023). This advises that, when taking into account existing purpose-built accommodation, development within the pipeline and, the number of students within the city, there is an unmet demand of 10,582 full time students seeking purpose-built student

accommodation. It is however recognised that not all full-time students choose to live in purpose-built accommodation and some students live within the private rental sector or in their own/parental home. The submitted needs assessment nevertheless demonstrates a student housing need and provision of purpose-built student accommodation would reduce demand for the private rental sector and may assist in reducing the growth of HMOs in areas with existing high concentrations.

- 6.8 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50 - 100 dph, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided.
- 6.9 The proposed student scheme seeks 198 student flats. Each flat will provide all the facilities necessary for day to day living although shared communal facilities would also be provided. Therefore, based on a site area of 3830sq.m, the proposal would achieve a density of 516dph however, as noted above, this also needs to be tested in terms of the merits of the scheme as a whole; this is discussed in more detail below. In addition to this it is worth remembering that in 2019 planning permission was granted for proposals which achieved 170 student flats (447dph) on this site.

Design and effect on character

- 6.10 The proposed design approach has evolved following thorough pre-application discussions and an assessment of the building's relationship with nearby heritage assets, which include The Avenue Conservation Area and St Andrews Church which is grade II listed. In addition to this, the applicant has engaged with and incorporated the advice of the Southampton Design Review Panel (advice attached at **Appendix 3**).
- 6.11 Policy SDP1 of the Amended City of Southampton Local Plan Review sets out that planning permission will only be granted for development that does not unacceptably affect the amenity of Southampton. Furthermore, Policies SDP7 and SDP9 seek to protect the character and appearance of the area in which development is located through quality design that has regard to context, scale, massing and appearance. Policy CS13 of the Amended Core Strategy sets out the fundamentals of design which include that development should respond positively and integrate with its local surroundings, and make higher densities work being of appropriate scale, height, massing and appearance. These policies are also supported by section 12 of the NPPF - achieving well designed and beautiful places – and the National Design Guide, which requires development to enhance positive local qualities, relate well to their surroundings in terms of layout, scale and appearance and contribute to local distinctiveness.
- 6.12 The design objective has been to produce the most sustainable purpose-built student accommodation in Southampton; and seeks to work with the

landscape character of the site which is defined by mature protected trees. In order to achieve this design objective, the existing 4 storey building would be replaced by a part 4 storey development with 5th floor set back; the footprint would also be increased. The set-back to the top floor seeks to reduce bulk and mass to therefore lessen visual impact. Fundamental to the success of the architecture is the high-quality materials/finish, the retention of 27 trees including large mature trees on the frontage, retention of boundary hedging and the incorporation of significant sustainability and biodiversity improvements that include the planting of an additional 20 trees.

- 6.13 The statutory tests for the heritage impact of the proposal, as set out in sections 16 (Listed Buildings), 66 (Listed Buildings) and 72 (Conservation Areas) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest (Listed Buildings) and; whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.14 Paragraph 194 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. NPPF Paragraph 202 confirms that where less than substantial harm is caused to the designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 203 confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 6.15 The application is supported by a townscape, heritage and visual assessment to demonstrate the proposed building will not impact on key strategic views, the setting of nearby heritage assets which include The Avenue Conservation Area and St Andrews Church, a Grade II listed building. The Council's Historic Environment Officer raises no objection and is satisfied the impacts of this building on nearby heritage assets will have less than substantial harm.
- 6.16 The proposed layout works with the existing landscape constraints and protected trees of site. The scheme has been amended to retain a Yew tree on the frontage by moving the necessary electrical substation further south; and thus will retain the largest evergreen tree to the front of the site. Further to this, although the proposal represents a fairly substantial increase in

building to plot ratio much of the existing site is laid to turf with low ecological value, and the proposed landscape design will incorporate biodiversity improvements (gains of more than 10%). The proposed layout and building position also respects the established building line on Hulse Road. It is also acknowledged that the street is not homogenous and the existing building contributes little to the quality of the built environment found locally. It must also be recognised that higher densities are needed in order to meet housing need in the City. Therefore, the proposed building height and mass is considered appropriate in this context.

Residential amenity

6.17 The proposed studio apartments range in size from 19-23sqm with accessible units being 35sq.m in area; this is comparable to other consented student schemes in the city centre and this size of unit is suitable given the transient nature of students. Owing to the shape of the building there will be some units with compromised access to daylight, sunlight and outlook. It must, however, be appreciated that the occupants would also have access to generous shared amenity space within the block, including at least one communal area, that will receive direct sunlight, on each floor. There is also a communal study space proposed at first floor level and the basement contains a gym, laundry, kitchen/dining space, cinema and lightwell garden. The landscape garden also includes numerous sitting out spaces, barbeque area and table tennis tables. The floor area of communal space provided is detailed below:

Communal internal amenity space	413sqm
Communal external amenity space	1360sqm (including basement lightwell garden)

6.18 Overall, the communal facilities on offer will significantly improve over the existing facilities, both inside and out, and will provide adequate compensation for the occupants of the units with compromised outlook and daylight. The proposed living environment is considered acceptable for student living and as such the scheme is considered to be compliant with saved Local Plan Policy SDP1(i).

Impact on neighbouring properties:

6.19 Impact on neighbouring properties will be mitigated by the existing and retained boundary vegetation which includes mature trees and shrubs positioned both within and outside of the application site boundary. The impact on neighbouring amenity will also be mitigated by the proposed landscaping scheme which includes 20 additional trees.

6.20 Further to this, there are no habitable rooms proposed to be facing the neighbour to the south and the only habitable room windows that will face

towards the northern boundary will be adequately distanced from the boundary to prevent harmful loss of privacy (26m). Notwithstanding this the windows in the southern elevation of the Ashwood Court (to the north) are secondary windows and are not likely to be exclusively serving habitable rooms.

- 6.21 The Council's Residential Design Guide does not provide a design standard for a back-to-back separation distance between a 5 storey building and its neighbours. In this case the neighbours to the east (Cavendish Grove) are either 2 or 3 storey in height, 2nd floors being rooms within roof spaces. The Residential Design Guide does, however, recommend that a distance of 35m should be used between buildings of 4 storey scale and, it is noted, the proposal seeks to maintain a separation distance of no shorter than approximately 40m. This separation distance can be achieved by maintaining the existing rear building line; and due to Cavendish Road properties (9 – 15) benefitting from unusually deep rear gardens. Accordingly, the privacy enjoyed by residents within 9 – 15 Cavendish Grove, whilst within habitable rooms, would not be significantly harmed as a consequence of the development.
- 6.22 The proposed development is not considered to be unduly dominant or overbearing when viewed from neighbouring residential gardens owing to the separation distance involved, the substantial evergreen boundary treatment, facade treatment which seeks to break up the single architectural aesthetic of the rear elevation and the most usable part of resident's gardens tending to be areas closest to the buildings themselves. It is also noteworthy that some of the 'gardens' backing onto the site are instead occupied as parking areas.
- 6.23 Visual amenity is also not judged to be a concern, again, based on the substantial evergreen boundary, generous separation distances and owing the facade treatment which seeks to break up the single architectural aesthetic of the rear elevation.
- 6.24 A Daylight and Sunlight Assessment has been undertaken to assess the effects of the proposed development upon neighbouring properties. The results demonstrate that the proposed development follows the BRE guidelines and will not significantly reduce the sunlight or daylight conditions to the existing surrounding properties.
- 6.25 The Daylight and Sunlight assessment also includes a shadow survey which demonstrates this building will not lead to adverse shadowing of surrounding streets and gardens, taking 21st March as the average circumstance. The shadowing analysis shows minor increased shadowing of neighbour's gardens during the early afternoon, with the greatest influence on shadowing over neighbour's gardens being caused by mature trees.
- 6.26 Therefore, with respect to the neighbouring occupiers, whilst it is understood that their outlook will alter, given the distance between the properties and mitigating landscape features it is considered that significant harm to neighbouring amenity will not occur and the scheme is considered to comply

with saved Local Plan Review Policy SDP1(i).

Parking highways and transport

- 6.27 The Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would include a basement with 15 car parking spaces, which would be specifically allocated to certain residents, controlled by tenancy agreements.
- 6.28 Having regard to the nature of the proposed use and the location of the site, this approach is considered to be appropriate. This is a sustainable location close to the city centre which is accessible to both universities and amenities necessary for day to day living on foot, by bike or by using public transport and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets. The S106 includes restrictions preventing the occupiers from having parking permits and the applicant's ethos is to discourage students from bringing cars unless they are allocated on-site parking. In the evening when the permit restrictions are lifted parking can occur, but the parking survey does show some capacity. The parking survey results are summarised below:

Survey Date	Spaces Available (of a total of 86)
Tuesday 17/10/23 (00:30 – 05:30)	21
Wednesday 18/10/23 October 2023 (00:24)	26

- 6.29 A student in-take management plan will need to be secured through the S106 agreement to manage transport demands at peak times at the start and end of terms, to include measures such as an online booking system and arranging arrivals to be staggered.
- 6.30 Bins are located in the basement with access via a service lift. A waste management plan will be required to ensure waste will be moved to street level on collection days. Frequency of collection will need to be adjusted to suit demand to avoid waste overflow. Cycle parking with 50% provision is being provided which is considered acceptable for student development.

Impact on protected sites & the Habitats Regulations.

- 6.31 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation

Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites. The development is also required to mitigate against its nitrogen load of 44.03kg/TN/yr and a condition is recommended to secure appropriate mitigation as set out within the Habitats Regulations Assessment.

7. Summary

7.1 The principle of replacement purpose-built student accommodation is supported and although the site coverage, height and density will increase, the proposal is supported by a student housing needs assessment to support an uplift in density in this sustainable location. The proposal is considered to represent good design and the scale and massing can be accommodated within the street scene without appearing unduly dominant. Visual impact and privacy are considered acceptable based on the separation distances and landscape proposals with tree loss justified by the proposed planting scheme; and the proposal would also not cause significant loss of daylight or sunlight to neighbouring residents. The scheme also provides communal internal space and a high quality external landscaped area for students to enjoy which will offset unit size. The proposal would not detrimentally harm the adjacent conservation area and support has been given to the impact of the scheme on the streetscape by the Urban Design Manager and independent Design Advisory Panel. Furthermore the proposal will not have any adverse highway impacts. As such, planning permission is recommended.

7.2 It is acknowledged that the proposal would make a contribution to the Council's five-year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising from the development as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

8 Conclusion

8.1 It is recommended that a conditional planning permission is granted following the completion of the suggested s.106 using the delegations sought.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

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

Mathew Pidgeon for 20/02/2024 PROW Panel

PLANNING CONDITIONS to include:

1. Full Permission Timing Condition (Performance)

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

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

2. Approved Plans (Performance)

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

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

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

Notwithstanding the information shown on the approved drawings which are agreed and include pre-weathered copper panel, Suffolk white bricks, reconstituted stone and dark bronze window frames, 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 (including electrical substation). 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.

4. Details of external appearance (Pre-commencement)

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

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

5. Obscure Glazing (Performance)

All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

6. Euro Bin Storage (Performance)

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

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

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

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

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

7. Cycle parking (Performance)

Before the development hereby approved first comes into occupation, the storage for bicycles and platform lift access to the basement shall be provided and made available for use in accordance with the plans hereby approved with storage for a minimum of 74 bicycles within the basement and 25 within external storage facilities. 14 short stay cycle hoops shall also be provided, in the form of Sheffield stands, outside. The storage and platform lift shall thereafter be retained as approved.

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

8. Car park management plan. (Pre-Occupation)

Prior to the occupation of the development hereby approved details to ensure the provision and maintenance of a detection and barrier system to allow one car to access the ramp leading to/from the basement car park at any one time shall be submitted to and approved in writing by the local planning authority. The development shall operate in accordance with the approved management plan whilst the basement is used for vehicular parking purposes.

Reason: In the interests of pedestrian and vehicle user safety.

9. Electric Vehicle Spaces (Performance)

Prior to the development hereby approved first coming into use at least 2 parking spaces (15% rounded down) shall include charging facilities for electric vehicles. The spaces and charging infrastructure shall be thereafter retained as approved and made available for use by electric vehicles throughout the lifetime of the

development.

Reason: In the interest of reducing emissions from private vehicles and improving the city's air quality.

10. Delivery and Servicing Management Plan (Pre-occupation)

Prior to first occupation of the development hereby approved a Delivery and Servicing Management Plan shall be submitted and agreed in writing with the Local Planning Authority. The plan shall include details of bin management and private bin collection arrangements to ensure bins are not stored on the public highway. Furthermore, the plan shall set out delivery and servicing arrangements for the retail units to prevent harmful obstruction to the footway and carriageway. The development shall be retained in accordance with the agreed Delivery and Servicing Management Plan.

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

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

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery within each phase.

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

12. Demolition Statement (Pre-commencement)

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

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

13. Construction Management Plan (Pre-commencement)

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

- a) parking of vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- d) details of temporary lighting

- e) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- f) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- g) measures to be used for the suppression of dust and dirt throughout the course of construction;
- h) details of construction vehicles wheel cleaning; and,
- i) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

14. Piling (Pre-commencement)

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

Reason: In the interest of residential amenity.

15. 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.

16. Sustainable Drainage (Pre-commencement)

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

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

17. Sustainable Drainage Verification Report (Pre-occupation)

Prior to the first occupation of the development, a Drainage Verification Report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations) with as built drawings and photographs showing that the key components have been installed (i.e. surface water attenuation devices/areas, flow restriction devices and

outfalls etc). The full details of the appointed management company or person(s) who will be responsible for the ongoing management and maintenance of the drainage system should also be included, with appropriate evidence for example a letter or contract agreement.

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

18. BREEAM Standards (Performance)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum an overall of Outstanding against the BREEAM Standard, in the form of a design stage report, is submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

19. BREEAM Standards (Performance)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum an overall score of Outstanding 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).

20. Sustainability statement implementation (Pre-Occupation)

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures in the Energy & Sustainability statement 4453-4-2-REP-ME2-A dated 22 Nov 2023 shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

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).

21. Green Roof Specification (Pre-superstructure)

Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/ brown) roof(s) shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plans hereby approved;
- c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum);

- d) the biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency;
- e) the biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter by a qualified maintenance company.

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

22. Archaeological watching brief investigation (Pre-Commencement)

No below-ground disturbance 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.

23. Archaeological watching brief work programme (Performance)

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.

24. 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 report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in the Desk Study/ Preliminary Risk Assessment report) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

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

25. Use of uncontaminated soils and fill (Performance)

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

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

Unsuspected Contamination (Performance)

26. 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.

27. Arboricultural Method Statement & Tree Protection (Performance)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement, which includes tree protection measures set out in Appendix 5 to that document: Tree Protection Plan & Arboricultural Method Statement drawing 'MJC 23 0174 - 03 rev 0 dated 26.10.23, and with the following amendments: digging within the root protection area of trees T31, T32 and T33 shall be undertaken by hand only and with supervision by an arboriculturalist, throughout the duration of the site clearance, demolition and development works on site & also with the retention of the Yew T12 as shown on Level 0 plan:450 _PL_00_240 Rev B.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

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

Notwithstanding the supported Landscape Design and Access Statement (TM600-TM-ZZ-ZZ-RP-L-0004) including proposed hard surface materials and planting general arrangement plan, which includes 20 replacement trees (ref Hr 600 TM zz GF DR L 0510 P01 by Turkington Martin); and the amended ground floor plan showing the retained Yew tree (Level 0 Plan 450 PL 00 240 Rev B), before the

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

- a) proposed finished ground levels or contours;
- b) means of enclosure;
- c) car parking layouts;
- d) other vehicle pedestrian access and circulations areas,
- e) hard surfacing materials including permeable surfacing where appropriate;
- f) external lighting, structures and ancillary objects (refuse bins etc.);
- g) detailed planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules noting species, plant sizes and proposed numbers/planting densities where appropriate; and;
- h) a landscape management scheme.

The approved scheme 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 shall be maintained throughout the lifetime of the development.

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

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.

29. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out within the submitted 'Post-development Habitat Plan 15165/P02', which will also include bird boxes, designed to accommodate swifts and black redstart, and bat boxes incorporated into the fabric of the building, 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.

30. Protection of nesting birds (Performance)

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

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

31. External Lighting Scheme (Pre-Occupation)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and

approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved. External lighting will need to be carefully designed to avoid light spill onto adjacent vegetation. Light from internal and external lighting should be minimised and light spill onto tree canopies must not exceed 0.5lux. In addition, warm white (2700 - 3000K) LED luminaires with a peak wavelength greater than 550nm should be used.

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

32. Nitrates (Performance)

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

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

33. Details of a Student Management Plan (Pre-Occupation)

Notwithstanding the information provided as part of the application, a management plan setting out measures for the day to day operation of the building shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The management plan shall include details of staffing levels, measures for mitigating noise and disturbance which might affect the amenities of neighbours. The development shall operate in accordance with the approved management plan for the lifetime of the use of the site for student residential accommodation unless otherwise agreed in writing by the Local Planning Authority.

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

34. Provision and retention of communal facilities (Performance)

The ancillary facilities for the student accommodation as shown on the approved plans, to include the social study/areas, communal kitchen/dining space, cinema, laundry, lightwell garden and external garden areas, with associated barbeque and table tennis facilities, shall be provided before the residential accommodation is first occupied and retained thereafter for the duration of the use of the building as student accommodation.

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

35. Lift (Performance)

Prior to the development hereby approved first coming into use the lifts shall be provided in accordance with the details hereby approved. The lifts shall thereafter be retained as approved and made available for use by residents and servicing staff throughout the lifetime of the development.

Reason: In the interest of disabled access and convenience of use by staff and customers.

36. Restricted use of flat roof area (Performance)

The roof area of the building hereby approved which incorporates a flat roof surface shall not be used for storage purposes, as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason: In order to protect the privacy of adjoining occupiers.

37. Photovoltaic cells (Performance)

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) at no time shall photovoltaic cells, positioned on the roof of the development hereby approved, be visible from properties within The Avenue Conservation area, or the public realm.

Reason: In the interests of visual amenity.

38. Telecommunications Equipment (Performance)

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

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

Appendix 1

Habitats Regulations Assessment (HRA)	
Application reference:	23/01548/FUL
Application address:	St Margarets House 6 Hulse Road Southampton
Application description:	Redevelopment of the site. Erection of purpose-built student accommodation with a 5-storey building containing 198-bed spaces with associated amenity space, cycle and refuse storage, following demolition of existing building.
HRA completion date:	31st January 2024

HRA completed by:
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Summary
<p>The project being assessed is as described above.</p> <p>The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</p>

Section 1 - details of the plan or project	
European sites potentially	▪ Solent and Dorset Coast Special Protection Area

<p>impacted by plan or project: European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website</p>	<p>(SPA)</p> <ul style="list-style-type: none"> ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar Site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ River Itchen SAC ▪ New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development is not connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of this site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

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

development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

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

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

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

The following effects are possible:

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

Conclusions regarding the likelihood of a significant effect

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

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

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

Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

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

63(1) of the Habitats Regulations

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

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

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

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

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

TEMPORARY, CONSTRUCTION PHASE EFFECTS

Mobilisation of contaminants

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

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

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

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

Disturbance

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

Sites considered: Solent and Southampton Water SPA

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

Collision risk

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

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

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

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

New Forest SPA/Ramsar site/New Forest SAC

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler *Sylvia undata*, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

Nightjar

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were found to be more likely to fail as a consequence of predation,

probably due to adults being flushed from the nest by dogs allowing predators access to the eggs.

Woodlark

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

Dartford warbler

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

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

Visitor levels in the New Forest

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

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

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

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

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

as a result of the development. Mitigation measures will therefore be required.

Mitigation

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

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

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

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

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

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

The City Council has committed to ring fencing 4% of CIL receipts to cover the cost of upgrading the footpath network within the city's greenways. This division of the ring-fenced CIL allocation is considered to be appropriate based on the relatively low proportion of visitors, around 6%, recorded originating from Southampton. At present, schemes to upgrade the footpaths on Peartree Green Local Nature Reserve

(LNR) and the northern section of the Shoreburs Greenway are due to be implemented within the next twelve months, ahead of occupation of this development. Officers consider that these improvement works will serve to deflect residents from visiting the New Forest.

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

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

Funding mechanism

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

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

has been agreed.

The Revised Mitigation Scheme set out in the NFNPA SPD is based on the framework for mitigation originally established in the NFNPA Mitigation Scheme

(2012). The key elements of the Revised Scheme to which CIL monies will be released are:

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

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

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

Solent and Southampton Water SPA/Ramsar site

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

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

Water quality

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

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

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

Features of Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar

site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

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

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

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

This submitted calculation has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required.

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

- SCC has adopted a Position Statement, 'Southampton Nitrogen Mitigation Position Statement' which is designed to ensure that new residential and hotel accommodation achieves 'nitrogen neutrality' with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);
- The key aspects of Southampton's specific approach, as set out in the Position Statement, have been discussed and agreed with Natural England ahead of approval by the Council's Cabinet in June 2022;
- The Position Statement sets out a number of potential mitigation approaches. The principle underpinning these measures is that they must be counted

solely for a specific development, are implemented prior to occupation, are maintained for the duration of the impact of the development (generally taken to be 80 – 125 years) and are enforceable;

- SCC has signed a Section 33 Legal Agreement with Eastleigh Borough Council to enable the use of mitigation land outside Southampton's administrative boundary, thereby ensuring the required ongoing cross-boundary monitoring and enforcement of the mitigation;
- The applicant has indicated that it will purchase the required number of credits from the Eastleigh BC mitigation scheme to offset the nutrient loading detailed within the nitrogen budget calculator (Appendix 2);
- The initial approach was to ensure an appropriate mitigation strategy was secured through a s.106 legal agreement but following further engagement with Natural England a Grampian condition, requiring implementation of specified mitigation measures prior to first occupation, will be attached to the planning permission. The proposed text of the Grampian condition is as follows:

Outline PP where phased and/or unit quantum or mix unknown:

Not to commence the development of each phase unless the nitrogen budget for that phase has been submitted to and approved by the council. The development of each phase hereby permitted shall not be occupied unless a Nitrate Mitigation Vesting Certificate confirming the purchase of sufficient nitrates credits from the **Eastleigh Borough Council – tbc with applicant** Nutrient Offset Scheme for that phase has been submitted to the council.

Reason:

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

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

Reason:

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

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

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

Conclusions

The following conclusions can be drawn from the evidence provided:

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

The following mitigation measures have been proposed as part of the development:
Demolition and Construction phase

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

Operational

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

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

References

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

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

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP18	Hazardous Substances
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
L6	Southampton Solent University
L7	The University of Southampton
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
H13	New Student Accommodation
H14	Retention of Student Accommodation

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)