

Planning and Rights of Way Panel 9th July 2024
Planning Application Report of the Head of Transport and Planning

Application address: Dolphin Hotel, 34-35 High Street, Southampton			
Proposed development: Change of use from an hotel (Class C1) to fully catered student accommodation (Sui Generis) with up to 99 bedrooms and associated spaces (no external/internal alterations)			
Application number:	24/00233/FUL	Application type:	FUL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	16.07.2024	Ward:	Bargate
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors:	Cllr Bogle Cllr Lambert Cllr Noon
Referred to Panel by:		Reason:	
Applicant: Dolphin Hotel Property Limited		Agent: Savills	

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	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. Policies – CS1, CS3, CS4, CS6, CS15, CS16, CS19, CS20 and CS22 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP10, SDP12, SDP13, SDP14, H1, H2, H7, H13, HE1 and HE3 of the City of Southampton Local Plan Review (Amended 2015). Policies AP8, AP9, AP12, AP16 and AP18 of the City Centre Action Plan March 2015.

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Selected Consultation Comments in Full

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:
 - i. The completion of a S.106 Legal agreement to secure 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, namely an enhanced bus shelter to the front of the site to accommodate an increase in usage by students, 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. The submission of plans for the cycle and refuse storage prior to planning permission being granted.
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.

1. The site and its context

- 1.1 The application site is located in the Old Town North Conservation Area and is a Grade II* Listed Building. The property has most recently been used as a hotel (albeit for short term lettings during the covid 19 pandemic) and is currently vacant. To the rear of the existing hotel is an associated car parking area, although this is excluded from the application site. The former Dolphin Hotel building is an 18th Century, 4-storey building which is one of the last coaching inns in the city. The English Heritage Listing Description sets out that there are elements of 16th Century buildings at the back of the site. The property also has a range of 2, 3 and 4 storey 19th Century extensions to the rear. There is an information plaque on the High Street frontage of the building which explains that the Author, Jane Austen, was believed to have visited the Dolphin Hotel on three occasions, when staying with family in St Mary's Street.
- 1.2 When viewed from the High Street, the building is split, by a carriage arch, into two parts with a three-storey, pitched roof section and a four-storey section with mansard roof and distinctive double-height bay windows at first and second floors. Both parts of the building are rendered at ground floor and brick on the other floors, bar the rendered bays. A historic lane, known as Dolphin Lane, crosses the site from the High Street to the Back of Walls to the rear, although this is not a public Right of Way.

1.3 The site adjoins the locally listed 'Old Bank', currently being extended and converted into student accommodation with café, and the Grade II Listed Building at 36-37 High Street. The site lies within the defined city centre and adjoins an area safeguarded for secondary shopping frontages. The site is also located in a nighttime area as defined within policy AP8 of the City Centre Action plan.

2. Proposal

2.1 Although the property is a Grade II* listed building no listed building application is required since no physical alterations to the fabric of the building are proposed. The proposal is solely for the change of use from an established hotel to student accommodation providing up to 99 bedrooms. Unlike other recent purpose built student accommodation in the city these bedrooms do not have their own cooking facilities.

2.2 No on-site car parking is proposed to serve the development. Within the existing courtyard, adjacent to 31-33 High Street, cycle storage is proposed providing 100 secure spaces.

2.3 At ground floor, a dining room, lounge and reception area will be provided for the students. The dining area will also be accessible to the public. The existing kitchen will be used for on-site food preparation to cater for the students, since no in-room cooking facilities are provided. There is a lower-ground floor/basement that could be used for ancillary storage if required.

2.4 The ground floor also accommodates twenty-five bedrooms within the main building and 5 rooms within the two-storey element adjacent to 36 and 37 High Street. At first floor, a further twenty-seven (inc. one 2-bed) rooms are provided with large communal rooms at the front (retaining the existing meeting/events space) and a further four rooms within first floor of the two-storey element. It is proposed that the frontage communal rooms would be available to the general public to view/use via a booking system.

2.5 At second floor, twenty rooms are proposed (inc. one 2-bed) and third floor seventeen rooms. Bedrooms are typically 15-16sq.m in size.

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 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.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 3** of this report.
- 4.2 The most relevant recent permission was for the redevelopment over the rear car park (planning permission 20/00521/FUL) for a development of four to seven storey blocks comprising 72 flats (50 x 1-bed and 22 x 2-bed) with the retention of the car parking for the sole use of the hotel. This permission expired earlier this year.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners, placing a press advertisement **05.04.2024** and erecting a site notice **29.03.2024**. At the time of writing the report, **23 (21 objections, 2 neutral)** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***There have been recent applications for hotel development in the city suggesting that there is a need for hotels. In addition, no figures have been provided to prove the use is not viable.***

Response

It is accepted that there is a need for hotels to meet the tourism demand in the City, although there are neither local nor national policies in place which require the retention of hotel bedspaces. This is typically left to the market to determine. Furthermore, the Council's Planning Team doesn't hold a record of all existing provision, or occupancy levels, and has not adopted a cap on the number of rooms provided or a policy that prevents further conversion and loss.

The applicant has set out in the submission that the hotel is no longer a viable enterprise, and as a consequent it closed for business following brief use for as short-term lettings. The Council have no reason or counter evidence to dispute this. Whilst there have been several planning permissions for hotels in recent years in the city, many of these have yet to be implemented (including Leisure World, 171-172 High Street, 12 High Street, Nelson Gate and Cedar Press). As such, whilst not a material consideration due to the absence of a policy, the Planning team consider that there remains a good supply of hotel rooms in the city and it would be difficult to oppose the principle of this building moving to an alternative use.

- 5.3 ***This is an important heritage site that attracts visitors to the city and should be at least partially accessible to the public.***

Response

There is no planning requirement for the building to be accessible to the public. Many hotels prevent full public access and others offer only some public use. An alternative hotel operator for the Dolphin could prevent any access to their building by non-paying guests and that would be out of scope for the Planning system.

The proposal would, however, bring this vacant heritage asset back into active use with minimal changes to the historic fabric of the building, which is a key planning consideration when assessing changes to Listed Buildings (paragraph 208 of the National Planning Policy Framework and the National Planning Practice Guidance Para 019 Ref ID:18a-018-20190723 refers). Failure to support the ongoing use of the building could see it deteriorate; and it is always good practice for listed buildings to find an active and (preferably) a viable use.

The applicant proposes to enable members of the public to have access to some parts of the building of interest, via appointment. This access will be secured by a Public Access Management Plan condition to ensure that public access does not harm the amenities of the future occupants of the building. This compromise position is deemed to be acceptable.

5.4 ***Student accommodation is already catered for elsewhere in the city and there is too much student accommodation in this area.***

Response

There is a current need for student accommodation and the location within the city centre is ideal for this use. Research carried out as part of other proposals show that the two universities together have an overall capacity of some 32,000 full-time students. Although there is a significant amount of development in the pipeline, the research indicates that there remains an unmet demand for student bedspaces in the city. Until the Council has its own up to date student needs survey the Planning Team agree with the applicant that this proposal will contribute to meeting existing need whilst reducing pressure on existing housing stock to be lost to shared housing.

5.5 ***The Dolphin Hotel is ideally located, quite near the cruise ports, making it perfect for passengers to stay either before their cruises, or to stay afterwards to enjoy the city before moving on in their journey home. The hotel guests can enjoy the history of this hotel.***

Response

The Planning Team agree that this building makes for a good hotel in a great location and serves an existing tourist demand. That in itself is not sufficient for the Planning Team to refuse a planning application for an alternative use. The applicant has set out that it is not feasible, from a cost perspective, to bring the building back up to the necessary standard for it to be used as a hotel.

Given the city centre location of the site there are other hotel offerings in the vicinity of the site. As set out above, there are no planning policies in place that specifically require the retention of hotel accommodation within the city, and no evidence has been provided to show that the City's existing hotel stock is fully booked.

5.6 ***A condition of approval should be included to keep the historic walkway through the site open to the public.***

Response

Agreed and a condition is suggested to ensure this as it has been with earlier proposed redevelopment proposals for the car park area.

5.7 ***If approved, the City is sending a message that student accommodation is more important than retaining historic buildings in terms of their value and history.***

Response

It's not that binary. The application seeks to retain and convert the existing building with no impact on the actual historic fabric of the building proposed. The National Planning Practice Guidance sets out that:

“The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation. (Paragraph: 015 Reference ID: 18a-015-20190723)”

Keeping historic buildings in active use is the best way to ensure their upkeep and maintenance. Leaving a listed building in the Conservation Area vacant is deleterious to the character of the Conservation Area and leaves the building at risk of further deterioration. Refusing this planning application does not mean that the building will reopen as a hotel.

5.8 ***The development is out of character with the rest of the High Street and its vibrancy and well as the conservation area.***

Response

The key tests for development within a conservation area is whether or not the special character has been preserved or enhanced as a consequence of the proposal. No objection has been raised to the principle of the use by the Council's Historic Environment officer. The Conservation Area already contains a variety of uses as you'd expect on most high streets, which includes student and other residential buildings, and the proposal would accord with this. The proposal will retain an active ground floor frontage to the High Street and the fabric of the building (including the High Street elevation) will appear unaltered as viewed from public vantage points in the Conservation Area. On this basis the development would preserve the character of the Conservation Area. Furthermore, a vacant Listed Building does, and would continue to, have a significant adverse impact on the vibrancy and vitality of the Conservation Area.

5.9 ***The proposed change of use application cannot be evaluated accurately without understanding what changes are being considered as no listed building application is proposed.***

Response

The application, as proposed, does not require the submission of an application for Listed Building Consent because there are no physical alterations proposed.

5.10 ***Student accommodation is different from a hotel, and a management plan is required as well as a management plan regarding the mechanism within which the arrival and departures are controlled at the beginning and end of academic years.***

Response

Agreed and a student management plan is suggested to address this aspect.

5.11 ***The development should create accommodation for sale or rent to the general public as its historic character will attract visitors.***

Response

The UK Planning system doesn't allow for this. The provision of potential (preferable) alternative uses is not a material planning consideration and the Panel must assess this application on its own merits against the adopted Development Plan. It is noted, however, that the fabric of the building would need significant alteration to convert it to individual flats and this could, therefore, be more damaging than the current proposals to the historic fabric.

5.12 ***Further information regarding public access to parts of the hotel should be provided upfront and not conditioned.***

Response

The applicant has proposed that public access would be provided to the ground floor dining room and first floor communal lounge and events space, via an appointment system for 5 hours during the week. Whilst there is no planning reason to secure public access to the building, sufficient information has been provided to assess the acceptability of public access to the building.

5.13 ***Concern with the impact of the proposal on local drainage.***

Response

There is no intensification of the site so the impact on the local drainage is not altering.

Consultation Responses

5.14	Consultee	Comments
	Cllr Bogle	<p>Objection</p> <ul style="list-style-type: none"> • The Principle of this application <ul style="list-style-type: none"> - This is an historic and public-facing building with a rich heritage. - Need to have regard to the Destination Management Plan. - I understand hotels are a viable commercial concern, this needs to be explored further with a new operator rather than allow this change of use. - It is a building that works well as a hotel and allows public and visitors to use its facilities. - The loss of access to private student residence is not in keeping with such a prominent site on the High Street and will close off more of our heritage assets to the public. • Out of character <ul style="list-style-type: none"> - The proposal does not fit with a thriving High Street with commercial and publicly accessible frontages. - There are a number of conversions to student residential properties in this area.

		<ul style="list-style-type: none"> - A decision needs to be put into context of what a balanced level of types of use in a High Street should look like. • Interested to hear the views from Historic England on this change of use for such an important listed asset.
	Cllr Noon	<p>Objection</p> <ul style="list-style-type: none"> • The loss of the use as an hotel will have detrimental effect on the cultural offering of the city for residents and visitors. • The proposal does not fit well with a thriving city centre offer and could lead to a decline in the city centre economy. • Concerns about the saturation of new students blocks on the High Street.
	Cllr Paffey (previous ward Cllr at the time of submission)	<p>Objection</p> <p>I request that it is brought to the Planning & Rights of Way panel so the public can have their say.</p> <ul style="list-style-type: none"> • Although the economic climate is difficult we cannot allow short-term, unimaginative responses to this, to lead to the loss of important sites of historical value, in prime, high-street locations • Many other cities have found ways of ensuring that heritage sites are not lost to this kind of unnecessary development - it would be remiss of SCC to allow this without ensuring that all other possibilities have been exhausted. • The proposed student accommodation is out of character with the area and does not need to be on a prime high-street location. • There seems to be utter confusion over the state of the various markets (hotels, student accommodation). There have been new hotels developed or newly built in recent years, yet we hear the claim that the hotel market is failing (and yet more hotels) - what is the real situation here? • Similarly, just a few years ago it was accepted that the student accommodation market had reached saturation point, and yet now it's claimed there is significant demand. • Clear evidence should be provided for the current status of these markets before any

		<p>decision is made on this.</p> <ul style="list-style-type: none"> This site needs long-term thinking, and that is not what this application currently represents. <p>Officer comment: These questions are answered in the report.</p>
	Cllr Everyy	<p>Objection</p> <p>As the City Councils Heritage Champion, I ask that this application be considered at the Planning & Rights of Way panel so the public can have their say.</p> <ul style="list-style-type: none"> From a heritage building point of view there is very little to argue, there are the bare minimum of alterations to the existing building and the use is not at much variance to that of a hotel. Historic England have made no objection to it. Until recently it has been a public building that people have had free access to and is an important part of Southampton's heritage. From an economic point to view I can see the importance of having hotels on the High Street. However one look at reviews can see that the Dolphin has been run down for years. Given the few changes to the building as is could we ask that to revert to a hotel in the summer months, outside term time to meet the tourist/cruise trade? Could a temporary permission be given for use as a student hostel being reviewed in 5- 7 years to see what the hotel market is doing and if there are opportunities to bring it back into hotel use? If approved no significant alteration to the building either now or in the future should be allowed. As I would not like to see an application in the future for alterations to form self-catering student flats or other schemes that would prevent a future reversion to the intended use of this building as a hotel. <p>Officer comment: A temporary consent would not be reasonable or practicable in this instance.</p>
	CIL Officer	<p>No objection</p> <p>The proposal does not appear to be CIL liable as the layout is similar to a conventional halls of residence, which is not chargeable, rather than self-contained student units/cluster flats which we do charge for as they are similar to C3 use. Provided that the units</p>

	<p>remain reliant on a communal kitchen, dining and communal facilities the proposal will not be CIL liable.</p>
Historic England	<p>No comment In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.</p>
Historic Environment Team	<p>No objection (<i>full comments in Appendix 2 of the report</i>) The proposals would have no direct impact on the character or appearance of this part of the conservation area, whereas the physical impact of the proposals on the significance of the listed building itself would be considered low. As such, the proposals would be considered to fall on the low end of the spectrum of `less than substantial harm`.</p> <p>It would be difficult to sustain a refusal of the proposals from a purely heritage perspective at this time. That said, should the proposals be considered acceptable, then attaching condition/s to secure continued public access, and ensuring an area is set aside at ground floor level for interpretive measures would be requested.</p>
SCC Highways Development Management	<p>No objection subject to conditions/s106 In principle, this development is considered acceptable given the same number of occupants/bedspaces and nature of use. However, given the student use, the level of bus usage would be higher and more concentrated. As such the use of bus stop located to the front of the site would be increased and it does not currently have capacity to deal with this. Furthermore, our policies require new student developments to be supported by sustainable modes of transport. Therefore, the provision of an enlarged shelter to accommodate these users should be secured via a legal agreement.</p>
SCC Sustainability Team	<p>No objection As no internal or external changes are proposed, there are no sustainability requirements, however the applicant is advised to consider sustainability where possible, e.g. if any water and energy efficiency upgrades are required.</p>

Environmental Health	<p>No objection subject to conditions. Conditions restricting the construction hours, no bonfires and that the applicant should specify the windows to be provided in the bedrooms overlooking the High Street to ensure future inhabitants have living conditions that aren't affected by external noise.</p> <p>Officer comment: The proposal is for a change of use with no external alterations. Any works to windows will form part of a listed building application. In addition, the site already provides sleeping accommodation so it is not a new use.</p>
Natural England	<p>Further information required to determine impacts on designated sites As submitted, the application could have potential significant effects on the below designated sites;</p> <ul style="list-style-type: none"> • Solent and Southampton Water Special Protection Area (SPA) / Ramsar • Solent Maritime Special Area of Conservation (SAC), • Solent and Isle of Wight Lagoons SAC • New Forest SPA, SAC and Ramsar, • New Forest Site of Special Scientific Interest (SSSI). <p>Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine whether the proposal is likely to have a significant effect on the sites named above, proceeding to the appropriate assessment stage where significant effects cannot be ruled out.</p> <p>Without this information, Natural England may need to object to the proposal.</p> <p>Officer comment: An HRA has been carried out and it concluded that as there was no intensification of the site use there would be no significant adverse impacts on the designated area set out above.</p>
SCC Head of Culture and Tourism	<p>Objection: Summary (full comments in Appendix 2 of the report) As it currently stands, not supportive of the application for change of use.</p> <ul style="list-style-type: none"> - Concerned with the impact on the Visitor Economy of the city - Not in accordance with the Council's Destination Management Plan which indicates a demand for hotel accommodation - Concerned at the oversupply of student

		<p>accommodation on the High Street and its potential impact in effect other potential uses.</p> <ul style="list-style-type: none"> - Query the impact on public access on occupants <p>Officer Response: This is discussed in the Planning Considerations section below. The current Development Plan policies do not prevent the loss of existing hotel use.</p>
	<p>Southampton Forward Tourism Manager</p>	<p>Objection</p> <ul style="list-style-type: none"> • Work is underway to implement the Southampton Destination Management Plan (DMP). • Latest information from Carnival indicates that that the cruise sector is set to overtake pre pandemic figures and continue to grow. • The city cannot afford to lose any hotel rooms, if we also want our visitors to explore more of what the city has to offer and spend money. • Noted the hotel requires investment but this should not be a reason to just convert it to student accommodation when there is already a considerable amount of student accommodation in the area already. • It could set a precedent for other similar hotels. • A property such as the Dolphin Hotel not only has distinctive features on its frontage/buildings generally but has historical connections in particular Jane Austen (plans being developed to mark 250 years since the birth of the famed author this year). <p>Officer Response: This is addressed in the Considerations Section, below.</p>
	<p>Tourism South East</p>	<p>Objection:</p> <ul style="list-style-type: none"> • The historic status and the story behind the hotel is particularly suited to positioning in the visitor economy. • The Destination Management Plan highlights that accommodation is critical to the city to support the growth of the cruise market and ensure that the revenue is retained within the city. • There is significant projected expansion of cruise in the city. • The Dolphin Hotel has a unique heritage which has particular appeal for international

		<p>visitors.</p> <ul style="list-style-type: none"> • The proposed change of use to the current Dolphin Hotel would have widespread negative economic impacts to the local Southampton economy. • It is considered that the proposed student accommodation would impact the area's visitor offering, reduce the economic multiplier effect and will not support Southampton's long-term economic ambitions.
	<p>Southampton Tourist Guides Association</p>	<p>Objection</p> <ul style="list-style-type: none"> • The Dolphin Hotel is an historic building with close connections to local and national figures. • Access to the building for tourists with their guides is essential and must be preserved for the future as it has been in the past. • There has been inadequate time given to consultation on this matter and we feel it has been poorly advertised as being considered. • Finding the application on Southampton City Council website has been very difficult, this may have restricted potential commenters. • During covid and the subsequent short-term letting it has been impossible to request access to the building for purposes of tourist guiding, with particular reference to tours with a Jane Austen theme. • Inadequate time has passed to assess the continued impact of post-Covid and economic factors on the need for hotel accommodation. • Seeking to change the use of the building to student accommodation is short-sighted and denies the contribution of this building and the site to the overall preservation and conservation of Southampton and its historic connections. • This application must be disallowed. Should the planning department decide otherwise, it must be considered whether the processes have been adequate by which this application has been advertised and consultation been conducted - our Association argues that the process has been flawed. <p>Officer comment: The Planning related points are addressed later in this report. Officers can confirm that, in response to the final point, that the application has been advertised in line with</p>

		Government procedures.
	<p>Hampshire Branch of the Jane Austen Society.</p>	<p>Part of its long history is its link with Jane Austen. It is the only surviving site in Southampton that we know she visited. She attended at least two Balls at the Dolphin.</p> <p>It is to be hoped, and expected, as a listed building, the significant historic features such as the facade and internal features, such as the Ballroom, will be preserved and maintained.</p> <p>Whilst we are not enthusiastic about this proposed change of use, it does mean that the building will have a future which it currently does not. This is preferable to the building allowed to become derelict.</p> <p>There will be many celebrations during 2025 for the 250th anniversary of Jane Austen's birth (JA250). Southampton will be involved with these celebrations and will benefit from the increased interest in Jane Austen.</p> <p>It is hoped that ongoing limited public access, at least annually, will be permitted to the Dolphin Hotel, especially to visit the Ballroom. During 2025, it would be ideal if more frequent access was available as part of the JA250 celebrations.</p> <p>In the present economic climate we are realistic in our recognition of there being no available funds to develop this building into a heritage asset. However, we would hope this important historic site will not be completely lost to those of us who love Jane Austen and her novels.</p>
	<p>City of Southampton Society</p>	<p>Objection:</p> <ul style="list-style-type: none"> • Concern with the maintenance backlog as the building needs a great deal of work. • Need to maintain the building's contribution to the High Street townscape. • Contrary to Southampton's Destination Management Plan recognises the economic and social value of tourism and highlighting the important of hotel development in this. • Details of student accommodation demand needed. • Details of student management. • Clarification of catering needed and what

		<p>services will be covered by the rent.</p> <ul style="list-style-type: none"> • Need to provide good public access to the heritage parts of the building including the first floor assembly room. • The owner has generously offered limited public access based in a room at the front with High Street access. This room unfortunately has no connection with the historic Georgian heritage rooms. No approval should be granted without conditions governing catering, public access, and ensuring the assembly room is not divided. The management of the students, change overs, social events, and welfare support is key. • It is a concern that developer has not undertaken student accommodation before and it addition it is not understood why the hotel is not viable. • It Is unclear what changes to the building's fabric will occur. It is clear that some changes will be necessary. It is difficult to judge the current application without seeing the planned changes. • The ground floor must provide at least a café with interpretation boards explaining the buildings heritage and historic guests Both the city and the Dolphin itself can then properly market the building's historic connections.
	<p>Old Town Residents Association</p>	<p>Objection:</p> <ul style="list-style-type: none"> • Further details required with respect to the catering on offer in terms of whether the students have facilities in their room. This is a change from the fully catered within the application details. • The Old Town cannot assess how it will affect the area in terms of on local businesses or residents and visitors to the area. • There is a clear need for hotels so don't understand why it is not viable. • As no listed building application has been provide there are many gaps in understanding exactly what the applicant proposes to do to the building. • There needs to be clear evidence of student need as the figures are unclear. This can then be considered alongside the emerging visitor strategy to assess the comparative value of students and tourists to the city as a whole.

	<ul style="list-style-type: none"> • More information required with required to the access to elements of the building and how the heritage centre would work in terms of management. • There are too many student developments within the area. • More discussions with stakeholder are required and the application should be refused whilst other options (uses) are explored. • The building is completely different from modern hotels and should attract a wide variety of clientele.
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6.0 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 and Heritage Assets;
 - Residential Amenity;
 - Parking, Highways and Transport;
 - Mitigation of Direct Local Impacts; and
 - Likely Effect on Designated Habitats.

6.2 Principle of Development

6.2.1 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 student accommodation whilst simultaneously managing the conversion of existing family housing to HMOs, to relieve the pressure on local markets. 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. Details have been provided to support the application and these demonstrate there is an unmet need for student bedspaces within the city, which the development will help to address. The site is located within the city centre and within walking distance of the Solent University and has excellent transport links to the University of Southampton. Therefore, the location is appropriate for student accommodation.

6.2.2 The application will result in the loss of hotel accommodation from the city centre and, whilst core Strategy Policy CS 1 promotes further hotel development in the city centre, neither local or national planning policies safeguard existing hotel provision. Policy CS7 of the Core Strategy safeguards all existing employment sites. The accommodation proposed follows a more traditional halls of residence model with individual bedrooms and on-site catering. As such, there is an element of employment generated by the development. The application sets out that there would be an equivalent number of jobs on-site following the development to as currently exists (10 full-time equivalent). As such, the application is considered to

meet the intentions of Policy CS7.

6.2.3 The proposal seeks to retain and re-use the existing building to provide further residential accommodation, which is supported by Policy AP9 of the City Centre Action Plan. Furthermore, the proposal would help to bring a vacant building back into active use, which will assist with the vitality of the area. Furthermore, in order to safeguard the maintenance and upkeep of Listed Buildings, the National Planning Policy Framework states, in paragraph 208, that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*. This is assessed further in section 6.3, below. The principle of development is, therefore, considered acceptable.

6.3 Design and Effect on Character and Heritage Assets

6.3.1 The submitted information sets out that, prior to its closure, the hotel was operating at a loss and this resulted in the maintenance and upkeep of the building diminishing. A key rationale of the development is that the proposed use would require minimal intervention to the fabric of the building. The Council's Historic Environment Officer advises that the existing building has been heavily modernised although, where features of historic or architectural interest exists, they will be retained following the change of use. It is accepted that, other than repairs, the proposed use could be accommodated without any large-scale alterations to the building. In particular, existing fire safety measures; access and egress points; services and noise insulation measures can be made use of. Furthermore, the proposal would retain the large open plan reception and ballroom areas and the attractive façade of the building. There is no change to the floor plan of the building, other than the manner in which it will be used.

6.3.2 The statutory tests for 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.

6.3.3 In accordance with para 201 of the NPPF, it is assessed that the proposal would sustain the significance of this important Grade II* Listed heritage asset and, in accordance with paragraph 203 of the NPPF, the proposal would secure a viable use consistent with the conservation of the building.

6.3.4 Further guidance is set out in paragraph 201 which advises LPAs should seek to avoid or minimise any conflict between the heritage asset's conservation and any

aspect of the proposal. It leads on to say, in paragraph 206, that any harm needs to be clearly and convincingly justified. If a development results in 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal as set out in paragraph 208 whilst securing '*its optimum viable use*'. Historic England are content to leave this matter to our Heritage Officer and they raise no objection to the application.

6.3.5 The number of bedspaces proposed is the same as which currently exists and the ground floor dining facility is similar to the previous restaurant offer, meaning there would not be a significant change in the intensity of use of the building. This also assists in preserving the character of the area.

6.3.6 On this basis, in accordance with sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposal would preserve the special historic and architectural character of the Listed Building and the character of the Conservation Area. As such, it is considered to accord with both local and national design policy and guidance.

6.4 Residential Amenity

6.4.1 Given the absence of physical alterations, the proposal would have a limited impact on the amenities of nearby residential occupiers. The use of rooms is similar to the existing situation-i.e. windows serving bedrooms currently would continue to serve bedrooms following the change of use. As such, the proposal does not introduce any harmful overlooking. As noted above, the intensity of the use is similar to that which currently exists, also ensuring that the impact on existing residents in the area would be acceptable. A Management Plan would be secured by condition to ensure the facility contains an on-site management presence, and measures to limit the potential for noise and disturbance to nearby uses.

6.4.2 The Council has not adopted standards relating to the size or level of amenity provision for student schemes such as this and the quality of accommodation, therefore, falls to be judged on its own merits. In term of the quality of the accommodation proposed, all rooms have a decent outlook and adequate natural light for a city centre scheme of this nature. All units have access to some communal areas and students are also catered for, which promotes better interaction than the current self contained purpose built student model. A condition is suggested to secure a landscaping scheme to provide defensible planting adjacent to ground floor windows adjacent to Dolphin Lane, together with the provision of railings adjacent to the ground floor frontage to secure an acceptable level of privacy for residents.

6.4.3 It is accepted that public access would cause some disruption to residents however, it is anticipated that public use would be low-key in nature and would be limited to daytime hours within the week only. Furthermore, it is proposed that residents would be notified in advance of any visitors to the building. It is noted that during peak tourism season, i.e. summer months, students are often away from their term-time accommodation. The short-term nature of student accommodation and the relatively transient nature of the residents, also helps to ensure that the impact on privacy is not deleterious to the occupants' amenities. Overall, it is considered that a Public Access Management Plan, secured by condition would help in controlling the public

access proposed.

6.5 Parking, Highways and Transport

6.5.1 Saved policy SDP5 of the Local Plan confirms that the provision of car parking is a key determinant in the mode of travel. The adopted Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The development provides no on-site car parking to serve the development. The surrounding streets are subject to parking restrictions. The accessible nature of the site coupled with the limited car parking will meet the aim for sustainable patterns of development, as required by the Council's adopted policies. The submitted Transport Statement states within paragraph 5.5 that the *'proposed development is expected to create a reduction of 12 trips in the AM, 18 trips in the PM and 309 trips over a 12 period. Therefore, it is not expected that the proposed development will have an adverse effect on the local highway network.'* This is agreed by the Council's Highway Development Management team.

6.5.2 A designated drop off area for the start and end of term is shown on the proposed site plan within the red line. Furthermore, there are many car parks within the vicinity such as the Eastgate Street multistorey car park, which could also be used by students on intake days. Further details are to be secured by a suggested condition via a student intake management plan.

6.5.3 Conditions are suggested to secure refuse management and servicing/delivery management plans and secure the details of the proposed cycle storage. In addition, given the lack of parking and increased reliance on public transport from the proposed use a s.106 legal agreement is sought to secure a financial contribution to enlarge the bus shelter directly in front of the site.

6.6 Mitigation of direct local impacts

6.6.1 The development proposal needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the highway impacts associated with this development, a package of contributions and obligations would be required as part of the application if the application were approved. Contributions would be secured via a Section 106 legal agreement with the applicant. In terms of highway works these would include improvements aimed at pedestrian facilities given level of bus usage could be higher and more concentrated due to the city centre location. The contribution required would enable the provision of a larger bus shelter to the bus stop located in front of the site to accommodate more users.

6.7 Likely effect on designated habitats

6.7.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded). 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 concluded that no significant adverse impacts on the Solent and Southampton Water and New Forest Special Protection Areas and the New

Forest Special Area of Conservation will result from this development.

- 6.7.2 This assessment concluded that as overall the number of overnight residents of the property are likely to be lower than the permitted use as hotel accommodation and therefore the levels of water discharge affecting the water quality of the Solent and Southampton Water Special Protection Area would be lower too. For the same reasons as above (and that it is a car free scheme), it is likely that fewer leisure trips would be taken, to both the new Forest and Coastal Areas included within the Solent and Southampton Water Special Protection Area and New Forest Special Protection Area and Special Area of Conservation.
- 6.7.3 Given this conclusion, the proposed development does not need to mitigate against its impacts both in terms of the requirement for new residential development to comply with the Solent Recreation Mitigation Strategy (SRMP) contribution nor does it need to mitigate against its nitrogen load.

7. Summary

- 7.1 The principle of new student residential development is considered acceptable. The principle of conversion to student accommodation is supported given an established need in the City, although the proposal will result in a loss of a hotel use, the scheme will result in the reuse of a currently vacant building. The proposal would not alter the fabric of the listed building as no internal or external changes are proposed. The change of use does not lead to an intensification of the site so impact on adjacent properties is deemed acceptable.
- 7.2 The concerns raised by third parties about the loss of this important and attractive hotel with a strong tourist draw is well articulated. However, the Planning system, and our adopted Development Plan, doesn't protect the Dolphin hotel from closure and the Council cannot insist that an unviable business remains open. The Council cannot insist that an existing hotel provides public access to certain parts of its demise. The Dolphin hotel is currently closed and in need of investment. The Planning Panel are asked to consider an alternative use to provide a long-term use for this attractive Grade II* building – the principle of which is strongly encouraged by the NPPF. There is a need for the proposed use and no physical works are needed to the fabric of the listed building to accommodate this. Additional student housing – albeit in the old town – is supported in the city centre where there is good support systems and transport links; including the Solent University itself. It potentially reduces demand for additional student accommodation in less suitable areas of the City and assist in reducing demand for HMOs thereby potentially freeing up family housing.
- 7.3 The proposed layout would provide sufficient outlook and light to the rooms for future occupiers. The scheme also provides communal internal space and details are suggested to secure external landscaped areas. Furthermore, the proposal retains an active frontage and secures controlled public access to areas within the building. The proposal would not detrimentally harm the either the listed nature of the building nor the conservation area within it sits. Furthermore, the proposal will not have any adverse highway impacts. As such, planning permission is recommended.

7.4 It is acknowledged that the proposal would meet a demand for further student bedspaces in the city. There would also be social and economic benefits resulting from the proposed change of use to student accommodation, and the subsequent occupation, as set out in this report. 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. Conclusions

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

Case Officer Anna Lee - PROW Panel 09.07.2024

PLANNING CONDITIONS

1. Full Permission Timing (Performance)

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

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

2. Restricted Use – Ground Floor Dining Area (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the ground floor ancillary space (shown on approved plans as dining hall ref Dwg No: 9004-A-DR-X-1010) shall be only used as a dining area with heritage centre for the occupiers of the building and the general public that visit the building and not for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenities of neighbouring occupiers and the vitality of the city centre.

3. Student occupation restriction (Performance)

Within term times, the development hereby approved shall only be occupied by persons on a course of higher education on a full-time basis at a University, Institute or other comparable educational establishment.

Reason: In the interests of Affordable Housing, since a development of 99 general purpose flats would trigger the require the provision of Affordable Housing and in the interests of residential amenity, having regard to the small-scale nature of the rooms which makes them unsuitable as general purpose residential accommodation and since a mix of student and non-student occupants could give rise to other residential

amenity issues.

4. Retention of access along Dolphin Lane (Performance)

The access route from the High Street to the Back of Walls (known as Dolphin Lane) shall remain clear and unobstructed to enable unfettered access.

Reason: To protect the historic character of the area and the continuation of a defined route.

5. Number of bedrooms and occupancy (Performance)

The development hereby approved shall comprise up to 99 bedrooms and all one-bedroom rooms be single occupancy.

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity.

6. Internal communal areas (Performance)

The internal communal areas shown on the approved plans and access to them, shall be made available as intended for use by residents of the development hereby approved prior to the first occupation of the development and shall be retained thereafter with access to it at all times for the use of all occupiers of the development.

Reason: To ensure the provision of adequate communal space in association with the approved units.

7. Public Access Management Plan (Pre-Occupation)

Before the development hereby approved first comes into occupation a management plan setting out the areas that will be accessible to the public, including details of the means by which the public will be able to access these spaces (which comprise the ground floor dining area, reception and lounge and the first floor communal lounge/events space) shall be submitted to and approved in writing by the Local Planning Authority. The agreed Plan shall be in place before the relevant site is first occupied and shall thereafter be implemented as approved.

Reason: To enable the retention of an active frontage at ground floor and control over the use of the shared communal areas.

8. Hours of Use by General Public (Performance)

Arranged visits to the building by the general public, agreed pursuant to condition 7 above, shall not take place outside of the following hours:

Monday to Friday 10:30 to 16:30
And at no times on public holidays.

Reason: In the interests of residential amenity.

9. Student Management Plan (Pre-Occupation)

Before the development hereby approved first comes into occupation details of how the students will be managed (including an onsite management presence) on a

day-to-day basis shall be submitted to and approved in writing by the Local Planning Authority. The agreed Plan shall be in place before the relevant site is first occupied and shall thereafter be implemented as approved.

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.

10. Student Intake management plan (Pre-Occupation)

Before the development hereby approved first comes into occupation details setting out the arrangements for the intake of students at the start of and the end of term shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include;

- designated drop off zones;
- arrangements for communication the students and their parents; and
- supervision arrangements

The agreed Plan shall be in place before the relevant site is first occupied and shall thereafter be implemented as approved.

Reason: In the interests of highway safety.

11. Refuse management plan (Pre-Occupation)

Before the development hereby approved first comes into occupation a refuse management plan shall be submitted to and be agreed in writing by the Local Planning Authority which sets out refuse strategy for the movement of the euro refuse bins from the units to a collection point and back to the internal storage areas. The collection point should be within 10m of either the public highway or the route of the refuse vehicle. The approved refuse management plan shall be implemented and retain unless agreed otherwise by the Local Planning Authority.

Reason: In the interests of highway safety.

12. Refuse and Recycling (Performance)

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

Reason: In the interest of visual and residential amenity.

13. Cycle storage facilities (Pre-Occupation Condition)

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

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

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

Prior to first occupation of the development hereby approved a Delivery and Servicing Management Plan shall be submitted and agreed in writing with the Local Planning Authority. The plan shall set out delivery and servicing arrangements for the whole development retail 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.

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

Notwithstanding the submitted details, a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, to include:

- i. planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate to be submitted;
- ii. prior to their implementation details of any proposed boundary treatment, including low level boundary restrictions along the soft landscaped areas to prevent parking shall be submitted, railings adjacent to front facing bedroom windows and defensible planting adjacent to ground floor bedroom windows facing Dolphin Lane and;
- iii. prior to the implementation of the landscaped areas, a landscape management scheme of all the landscaped areas within the site shall be submitted.

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

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

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

16. 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.

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

18. 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.

Note to Applicant - No works without listed building consent

Please note that no physical works shall take place to the building without the submission of a listed building application.

Habitats Regulations Assessment (HRA)	
Application reference:	24/00233/FUL
Application address:	Dolphin Hotel 34-35 High Street Southampton
Application description:	Change of use from an hotel (Class C1) to fully catered student accommodation (Sui Generis) with up to 99 bedrooms and associated spaces and the retention of existing car parking (no external/internal alterations)
HRA completion date:	17 April 2024

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

Summary
<p>The project being assessed is as described above.</p> <p>The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that the proposal would not result in an additional overnight population based on the proposed occupancy of the building as student accommodation and likely population</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</p>

Section 1 - details of the plan or project	
European sites potentially impacted by plan or project:	<ul style="list-style-type: none"> ▪ Solent and Dorset Coast Special Protection Area (SPA) ▪ Solent and Southampton Water SPA

<p>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>	<ul style="list-style-type: none"> ▪ 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, i.e. Regulations 63 and 64 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

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

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

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

As the proposal is for a change of use only and does not require any external works the identifiable impacts are in relation to

- 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.

Concern has 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.

The lawful use of the site at this time is as a hotel which has 99 rooms, capable of double occupancy use. This use as The Dolphin Hotel formed part of the Southampton Hotel Development Assessment conducted in 2019¹ and represents the most recent data available on occupancy. Out of 4 star hotels within Southampton, of which the Dolphin was included, occupancy rates averaged around 80%. Whilst this is a higher void rate than is likely in student accommodation there is a likelihood that significant numbers of rooms within the existing use as a hotel would be occupied by two persons.

The proposed use is conditioned to require single occupancy and therefore a maximum permitted number of 99 students could occupy the building. Even using a conservative estimate of 50% of rooms being in single occupancy on the basis of a

¹ Southampton Hotel Development Assessment, Southampton City Council, August 2019

total 80% rooms occupancy rate the average nominal occupancy of the hotel would be 119 persons which is in excess of the permitted occupancy of the proposed student accommodation.

Overall the number of overnight residents of the property are likely to be lower than the permitted use as hotel accommodation and therefore the levels of water discharge affecting the water quality of the Solent and Southampton Water Special Protection Area. For the same reasons as above it is likely that fewer leisure trips would be taken to both the new Forest and Coastal Areas included within the Solent and Southampton Water Special Protection Area and New Forest Special Protection Area and Special Area of Conservation.

It is therefore considered that there would be no significant adverse impacts on the Solent and Southampton Water and New Forest Special Protection Areas and the New Forest Special Area of Conservation. An Appropriate Assessment is therefore not required.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS3	Town, district and local centres, community hubs and community facilities
CS4	Housing Delivery
CS6	Housing Density
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

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

SDP1	Quality of Development
SDP5	Parking
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
HE1	New Development in conservation Areas
HE3	Listed Buildings

City Centre Action Plan - March 2015

AP9	Housing supply
AP8	Night Time Area
AP12	Green infrastructure and open space
AP16	Design
AP18	Transport and movement

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 (revised 2023)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref	Proposal	Decision	Date
03/00967/FUL	Retrospective application for external alterations and change of use to enable conversion of hotel accommodation to 4 no. retail units (Class A1) on the ground floor in the lane. (amended description on 5th October 2004).	Conditionally Approved	18.10.2004
03/00968/FUL	Retrospective application for external alterations and change of use to enable conversion of hotel accommodation to 4 no. retail units (Class A1) on the ground floor and 1 no. office unit (Class A2) on the first floor in the lane, external landscaping to the Lane and erection of close boarded fencing (amended description on 5th October 2004).	Conditionally Approved	18.10.2004
03/01065/FUL	Construction of one two storey block and one three storey block to the rear comprising of 39 residential flats, 7 retail units and associated car parking and landscaping	Withdrawn	25.09.2003
03/01066/LBC	Construction of one two storey block and one three storey block to the rear comprising of 39 residential flats, 7 retail units and associated car parking and landscaping.	Withdrawn	15.08.2003
04/00754/LBC	Internal and external alterations for the conversion of the 'Dolphin Lodge' to 3 no. dwelling units.	Conditionally Approved	26.11.2004
04/00755/FUL	Conversion of the 'Dolphin Lodge' into 3 no. dwelling units.	Conditionally Approved	12.10.2004
07/01388/FUL	Redevelopment of the site. Erection of buildings ranging in height from 4 storeys to 6 storeys to provide 86 flats with associated parking and access arrangements.	Application Refused	23.11.2007
09/01218/FUL	Change of use from Retail Class A1 to Class C1 to form additional hotel accommodation on ground floor and first floor (Submitted in conjunction with application 09/01219/LBC)	Conditionally Approved	14.01.2010

09/01219/LBC	Application for listed building consent for internal and external alterations to facilitate conversion of existing restaurant and retail units into bedrooms on ground and first floor. The relocation of the hotel kitchen and installation of an externally mounted flue system.	Conditionally Approved	12.01.2010
09/01306/LBC	Application for listed building consent for internal alterations to facilitate conversion of ground floor WC to hotel kitchen including removal of three internal windows, creation of new internal doorway and provision of new internal ducting for extract equipment.	Conditionally Approved	02.02.2010
13/00180/FUL	Change of use of Dolphin Lodge from 3 dwelling houses (class C3, occupation tied to existing hotel), to hotel (class C1). (Affects the setting of a Listed Building).	Conditionally Approved	18.03.2013
16/01180/FUL	Erection of a 3-storey rear extension to the hotel to provide 36 additional bedrooms with associated external works including the removal of the existing external fire escape staircase.	Withdrawn	09.07.2018
16/01396/LBC	Listed Building Consent sought for erection of a three-storey rear extension to the hotel to provide 36 additional bedrooms with associated external works including the removal of the existing external fire escape staircase (submitted in conjunction with 16/01180/FUL).	Withdrawn	09.07.2018
20/00521/FUL	Redevelopment of the site. Erection of four to seven storey blocks comprising 72 flats (50 x 1-bed and 22 x 2-bed), openings in boundary wall, replacement hotel parking and new access (Resubmission) (Submitted in conjunction with 20/00522/LBC)	Conditionally Approved	14.01.2021
20/00522/LBC	Listed Building Consent sought for removal of part of existing boundary wall (submitted in conjunction with 20/00521/FUL)	Conditionally Approved	20.01.2021
24/00620/FUL	Installation of temporary generator to Dolphin Hotel Car Park in connection with planning permission 23/00645/MMA at 31-33 High Street, Southampton.	Pending	

Consultation comments in full

Council's Historic Environment Officer's comments in full

Background

- The Dolphin Hotel is a C18 brick-and-tiled property of 4-storeys located in a long linear plot that links the High Street with the Back of Walls.
- The principal building presents an asymmetrical and rendered frontage with a central carriage entrance.
- A linear range of C19 extensions of 2, 3 & 4 storeys project out at the rear (east) which face a large open parking area bounded by brick walls on all three sides.
- The property is one of the last coaching inns within the city and some fabric could contain earlier phases of construction and is therefore a grade II* listed building.
- The property is also within the Old Town Conservation Area.
- Various schemes to provide new hotel and residential rooms in the rear car park area were approved in 2008 and 2016 but were never built.
- An outline application (ref: 19/00256/OUT) to develop the eastern section of the car park area to create an L-shape residential scheme over 4-7 floors was approved under 20/00521/FUL in 2020.
- Current proposals seek to change the use of the property from a hotel to student accommodation for 99 bedrooms.

Assessment and advice

This is a change of use application only and other than repairs, no material changes to the historic fabric or appearance of the listed building are being proposed. Consequently, the Listed Building Consent process would not be directly engaged at this time although it should be noted that should the principle of the development be considered acceptable on planning grounds, this would not necessarily mean that the works to facilitate the new use would gain the approval of Listed Building Consent, especially in instances where any physical change would be considered harmful to its special architectural or historic interest. Notwithstanding this, and with regards to the submitted heritage statement and additional supporting information subsequently received, a view as to whether the building could accommodate the proposed new use can be formed.

On inspection, the recent accommodation uses appear to have taken their toll on the building and its physical fabric. The distinctive bow windows and parapet/crest detail are all looking tired. The interior of the building has been much modified to accommodate changing hotel needs over time, particularly with regards to access, fire safety, and heat/noise insulation mechanisms. For instance, all the existing corridors and habitable rooms present a standardised décor and the rooms themselves have all been previously subdivided to provide modern en-suite facilities. The kitchens and restaurant areas have been upgraded and modern fire doors, protected corridors, and fire escape routes have all been established. Similarly, all the extant features of historic interest that do survive in-situ such as the windows, the historic fireplace/s at ground floor level, the prominent stairwell, and the panelling

and ceilings within the former ballroom at first floor level would all be retained.

The additional information received states that the hotel has tried to continue to adapt and operate in its current guise, although like other period hotels of a comparable size, it is facing similar challenges in attracting the high level of patronage needed to sustain income and expenditure. It also states that the hotel facility is operating at a loss and the building is suffering from neglect due to lack of funds available for repair. When exploring options for establishing a viable reuse, the owners consider that student occupation would be the best fit given the large size and existing layout of the building, and that this type of use would have the least impact on its special interest, especially when compared to the alternative of subdividing the building into private flats. The information also goes on to say that the proposed reuse of this building would help facilitate the restoration of the building, and to address public access concerns, a managed access approach would be proposed. This would allow access to the interior and would include the provision of a dedicated area to facilitate the establishment of an interpretation and/or museum facility to showcase the building's connection with influential figures of the past, such as Jane Austen.

With regards to the above, and from a purely conservation perspective, it is acknowledged that the proposals would sever the building from its original coaching inn use, a use which has prevailed for over 300 years. In doing so, the historic and proud social connection this building has provided the city over time would be diminished. However, it is also acknowledged that other than repairs, the conversion would unlikely require any large-scale alterations to facilitate this new use. For instance, although students would occupy the rooms for a longer period when compared to hotel guests, the fire safety needs or means of egress already exist and no additional heat and noise insulation mechanisms would likely be necessary to make the rooms habitable. Electrical plant and plumbing routes to the rooms also exist whereas the stairwell and the differing floor levels would be maintained. The open plan character of the large reception areas and the ballroom would remain unaltered and set aside for amenity use. Its distinctive façade would also remain legible in the street whereas public access could be managed by way of attaching conditions/legal agreements.

On this basis, the proposals would have no direct impact on the character or appearance of this part of the conservation area, whereas the physical impact of the proposals on the significance of the listed building itself would be considered low. As such, the proposals would be considered to fall on the low end of the spectrum of 'less than substantial harm'. Whether there is a need for student accommodation in this location and whether the planning merits of the proposals or otherwise provide sufficient benefits to overcome the level of harm noted above is a matter for the planning officer, it would be difficult to sustain a refusal of the proposals from a purely heritage perspective at this time. That said, should the proposals be considered acceptable, then attaching condition/s to secure continued public access, and ensuring an area is set aside at ground floor level for interpretive measures would be requested.

SCC Head of Culture and Tourism

Please find below a review of the above planning application for a change of use from the Dolphin Hotel to student accommodation. As it currently stands, not supportive of the application for change of use.

Economic impact

- o Developing the Visitor Economy and its infrastructure (including hotels) is a key part of Southampton's Economic Strategy and Green Growth Strategy 2020-2030, the Destination Management Plan 2021-2031, Cultural Strategy 2020-2020, Festivals and Events Strategy 2020-2030
- o The Destination Management Plan identified demand opportunities from cruise, group tours and mid-week breaks alongside Visting Friends and Family including the families of University students requiring hotel accommodation
- o In 2023, cruise passengers rose to 2.73m, up from 2m in 2018, with forecasts set to close to double in the next decade - this means there is a need for more hotels not less hotels
- o This sits alongside the demise of the Leisure World scheme and 2 new 150 room hotels and 80 serviced apartments which had been planned
- o Concerned at the oversupply of student accommodation on the High Street which is likely to have repercussions for creating a sustainable, vibrant and economically viable and diverse high street that is attractive to businesses, residents and visitors. The applicant referred to the former bank next door converting to student accommodation, and permission now given to 250-room student accommodation scheme at Castle Way/ High Street Student flats to replace buildings where cannabis factories found - BBC News, alongside previous student developments on the High Street
- o Consideration does not appear to have been given to the potential factors influencing/ impacting on students
- o Student expectations for modern, quality facilities are similar to that of tourists but who are likely to less willing to compromise because of the heritage/ uniqueness of the accommodation and because they are living there not staying for a few nights on holiday. The same considerations therefore about its heritage designation will apply.
- o University fees/ cost of living rises is impacting on the number of domestic students taking up study outside their home locations and their secondary spend is significantly less due to the cost of living - this means they will have less positive impact on the local economy than tourists
- o Potential impact of visa requirements on international students and their ability/ desire to come to the city
- o Growth of universities campuses in countries of origin impacting on forecast levels of International students
- o Impact of geo-politics/ war on international students

Distinctive Destination

- o The Dolphin's unique heritage and international appeal is undersold from a tourism perspective but overplayed in the context of students.
- o The Dolphin Hotel has previously had planning permission to extend its accommodation offer to visitors but this does not appear to have been taken forward - this would have helped with the business sustainability so be helpful to understand why not.

- o The subsequent proposal to set up a Jane Austen Interpretation Centre to support access in the proposed student accommodation raises a number of questions.

- o From where are they going to get artefacts/ objects to display? Unlikely that museums will loan collections (1) because they need them for their own displays (2) museums tend only to loan to other Accredited museums (national standard) which have in place appropriate environmental conditions for artefacts, security and experience (3) they will be competing.

- o How is this facility going to be sustained and look professional - the city needs more quality not token offers?

- o How will students feel like about people entering their 'home', how will visitors be managed and who will be vetting them?

- o Unclear how heritage repairs and conservation are enabled by student accommodation when these could also be covered by hotel accommodation, if they were able to attract the bed nights - be useful to have a cost/sqm calculation to show difference?

- o Appreciate that it is probably difficult to recover business given it has been either been closed due to the pandemic and functioning as asylum seeker accommodation, but there are the bones of a good business opportunity and with the 250th anniversary of Jane Austen an opportunity to fundraise and inspire a new audience for the future. The city will support the owners to do this and against the backdrop of growing tourism market.

Recommendations:

- o Applicant to provide evidence that there is an oversupply of hotel accommodation to meet the needs of the growing tourism market. Commission an up to date hotel needs assessment to evidence there is under/over supply of hotel accommodation.

- o Applicant to provide evidence that the increased supply of student accommodation will not have a detrimental impact on the diversity and vibrancy of the High Street both in terms of the visitor economy and wider economy.

- o Applicant to provide evidence of the economic impact of 99 student rooms to the High Street compared to the economic impact of 99 tourist bed nights.