

Appeal Decision

Site visit made on 24 June 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/D1780/W/19/3243192

Land South of University Car Park, Broadlands Road, Southampton SO17 3AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by University of Southampton against the decision of Southampton City Council.
 - The application Ref 19/00387/FUL, dated 19 February 2019, was refused by notice dated 26 June 2019.
 - The development proposed is surface-level car park, landscaping and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for surface-level car park, landscaping and associated development at Land South of University Car Park, Broadlands Road, Southampton SO17 3AT in accordance with the terms of the application, Ref 19/00387/FUL, dated 19 February 2019 subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs made by University of Southampton against Southampton City Council is the subject of a separate Decision.

Procedural Matter

3. The appellant has submitted updated and new plans with the appeal to show an increase in planting height from 2m to 2.5m along the appeal site's eastern boundary with houses at 171-185 Broadlands Road that back onto the site. The intention to maintain an eventual hedge height of 3m remains unchanged. The Council has not objected to the change and I consider it to be acceptable in relation to the Wheatcroft principles as it would not lead to a development so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation. Nevertheless, a planning condition is included to cover landscape measures.

Main Issue

4. The main issue is the effect of the development on the living conditions of occupiers of adjacent dwellings in relation to noise and general disturbance including from associated vehicle emissions.

Reasons

5. The appeal site comprises an irregularly shaped area of open land with a wooded area to its western side which is subject to a Tree Preservation Order. It also includes a strip of land on its northern side that leads to Broadlands Road. Land levels fall across the site from east to west and from north to south. The site has previously been used as allotments but is now designated for educational purposes; it is also an Area of Archaeological Potential.
6. It is located on the north-eastern part of the Highfield Campus to Southampton University. To the north of the site is the University's Broadlands Car Park with 414 car parking spaces. There are University buildings to the west and south of the site. To the east are 171-185 Broadlands Road, two-storey semi-detached houses with back gardens adjacent to the appeal site. There is a pedestrian link from the site to Broadlands Road between nos. 173 and 175.
7. The proposal is to regrade the main part of the site to make it suitable as a surface level car park with 130 spaces. Access would be formed to the north of 185 Broadlands Road, a house owned by the University, and would necessitate replacement of a retaining boundary wall adjacent to the Broadlands Car Park and the loss of some of its spaces. Landscape measures are proposed including retention of most protected trees.
8. There would be a line of parking spaces to the eastern side of the site close to the residential gardens. There would be a separation of about 3.5m at the northern end of the line, narrowing to about 1.0m (according to the Council), 1.7m (according to the appellant) in the central part and widening to about 8.0m at the southern end. It is proposed to provide a hornbeam hedge along the length of this separation strip, 2.5m high at planting, but to be maintained at 3m in height once established. I consider there to be enough space for such a screening hedge to be provided and maintained.
9. The back gardens to 171-185 Broadlands Road are generally 16-18m in length. Many have substantial rear boundary fences, and several have screening vegetation. The gardens are on higher ground than the appeal site and the car park would have a gradient of about 1:15 sloping down away from the eastern boundary. Having regard to the land level changes, to existing and proposed vegetation and to boundary fences, the car park would be substantially screened in views from the back gardens and from rear facing windows to the Broadlands Road dwellings.
10. The appellant has submitted a Noise Impact Assessment which concluded that increases in noise level due to additional car movements from the proposed car park would be small and that ambient noise levels at the nearest residential receivers would still be dominated by existing noise sources of local road traffic and aircraft overflights. I have no reason to disagree with the findings from the noise assessment and note that the Council's Environmental Health Officer did not object to the proposal in relation to noise. The back gardens to 171-185 Broadlands Road do not have a quiet and tranquil character in relation to current ambient noise levels. The proposal would not result in a marked change in the noise environment to significantly impact on residents' living conditions.
11. The Council contends that there would be disturbance arising from intermittent noise sources, such as the starting of engines, the slamming of car doors and associated pedestrian activity. The noise assessment noted that noise levels at

- the existing Broadlands Car Park, where such intermittent noise would occur, did not make a significant contribution to ambient noise levels. A similar outcome would be likely to result from the smaller car park now proposed, notwithstanding proximity of some spaces to the nearest dwellings. The intermittent nature of noise from the car park would be unlikely to significantly impact on residential amenity.
12. The Council point out that as the car park would be open for use 24 hours a day there could be disturbance in early morning or late evening hours. Whilst car movements may occur at these hours, as the car park would be for staff, it is likely that vehicle movements would peak in morning hours at the start of the university working day and at a time when traffic levels in Broadlands Road would be relatively high. Residents are most likely to use the back gardens in evenings and at weekends when the car park would typically be less busy.
 13. The proposal is accompanied by an Air Quality Assessment which examined the impact of emissions from the starting and idling of car engines. This showed that there would be a negligible impact on local air quality at sensitive receptors, including those at 171 to 185 Broadlands Road. The Council's Environmental Health Officer raised no objection to the proposal in relation to air quality, noting that there would be no net increase in car parking if the proposal is phased as part of a wider plan for university development. I have no reason to disagree with these findings; moreover, a planning condition could be used to ensure that an overall increase in parking provision does not arise.
 14. The proposal would not result in undue disturbance for residents at 171-185 Broadlands Road in respect to noise or emissions associated with the use of the land as a University car park. There would not be conflict with Policy SDP1 of the City of Southampton Local Plan Review (2nd Revision) (2015) (SLP) in relation to the health and amenity of the city and its citizens and in providing a complementary mix of uses. Neither would there be conflict with Policies SDP7 and SDP9 of the SLP which require development to respect its context including the community that makes up the area and the impact on surrounding land uses and local amenity. The proposal would be compatible with Policy CS13 of the Southampton Core Strategy Development Plan Document (2015) on the fundamentals of design including a requirement to impact positively on health, safety and amenity of the city and its citizens.
 15. The Council has referred to an appeal decision¹ in which an extension of an office parking area was dismissed due to noise and disturbance from vehicle movements. However, that proposal related to parking spaces very much closer to neighbouring dwellings than in the current appeal proposal. Site circumstances differ greatly between the two proposals.

Other matters

16. Residents have objected to the proposal on other grounds including broad sustainability objectives arguing that the University should be reducing parking provision. I am mindful of the fact that the site is designated for University purposes and that the appeal proposal is part of a strategy involving revised parking arrangements and new buildings. The appellant has indicated intent to close the adjacent Broadlands car park to ensure that there is no net increase in car parking and so that its intended redevelopment of that area can proceed.

¹ APP/D1780/W/19/3222397 regarding 25 The Avenue, Southampton SO17 1XL

17. The current appeal proposal should be considered on its individual planning merits, as there is uncertainty on when other elements of the strategy will come into effect. However, it would be reasonable to include the Council's suggested planning condition requiring the prior approval of a phasing plan to demonstrate the phased release of car parking spaces to correspond with the stopping up of spaces elsewhere on the University campus to ensure that there would be no net increase in parking provision.
18. If there would be no net increase in the number of spaces, the proposal should not result in an increase in traffic or in vehicle emissions in Broadlands Road and neighbouring roads. Neither should there be a consequential adverse effect on road safety in relation to children accessing nearby schools.

Conditions

19. I have examined the conditions suggested by the Council in the event of the appeal being allowed and have adjusted these in the light of Planning Practice Guidance. The appellant has offered a condition to limit the hours of use of the car park at evenings and at weekends, but to my mind such a condition is not necessary with the lighter use of the car park at such times.
20. In addition to the statutory condition on the time period for commencement of development, I have included a condition listing the plan numbers for the avoidance of doubt, and to enable the approval of minor material amendments should this be expedient. Pre-commencement conditions are necessary in relation to approval of a construction method statement, to safeguard the living conditions of nearby residents, and to ensure that land contamination risks are investigated and remediated as appropriate. Conditions are necessary to require approval of an ecological mitigation statement and to protect nesting birds to safeguard protected species and in the interests of preserving and enhancing biodiversity. A pre-commencement condition is needed to ensure an archaeological investigation and evaluation of findings.
21. A condition requiring compliance with an Arboricultural Method Statement is necessary to safeguard protected trees on the site. Notwithstanding submitted details, landscaping conditions are necessary to ensure a satisfactory appearance to the site and provision of the proposed boundary hedge.
22. A condition is needed to require provision of the access and sight-lines in accordance with submitted plans in the interests of highway safety. The use of the car park should be restricted to the University to safeguard residential amenity. Finally, a condition is necessary to preclude use of the car park until a phasing plan has been approved by the Council to ensure no net increase in overall parking provision.

Conclusion

23. The proposal would not unduly impact on the living conditions of occupiers of adjacent dwellings in relation to noise and general disturbance including from associated vehicle emissions. For the reasons given, and having regard to all other matters raised, the appeal is allowed subject to conditions.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plans: 4001 Rev B, 4002 Rev A, 020 Rev A and 2001 Rev L ; Landscape Plans: 5001 Rev C, 5002 Rev B, 5003 Rev B, 5004 Rev D, 5005 Rev B, 5006 Rev B and 5007 Rev B; Topographical Plans: RAM-NEQ-00-DR-SV-00001 Rev I04 (sheets 1-7); and Section Plans 2002 Rev A, 2003 Rev A, 2004 Rev A and 2005.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) details of how noise emanating from the site during construction will be mitigated.
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) 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 both 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 Contaminated Land Desk Study, ref: 61032002-RAM-025-ENV-GR-R07) 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 operational use of any stage of the development.
- 5) Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures which, unless otherwise agreed in writing by the local planning authority, shall be implemented in accordance with the programme.
 - 6) No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation shall not be removed until the fledglings have left the nest and final confirmation of the process undertaken shall be submitted to the local planning authority before use of the car park commences.
 - 7) No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.
 - 8) The development hereby approved shall be carried out in accordance with an Arboricultural Method Statement that shall be submitted to and approved in writing by the local planning authority. This shall include tree protection measures throughout the duration of development works on site.
 - 9) Notwithstanding the submitted details, with the exception of site clearance, site set-up and preparatory work, before the commencement of construction, a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the local planning authority in writing, which includes:
 - i) means of enclosure, including retaining walls and structures; lighting columns; ancillary objections (e.g. refuse bins)
 - ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
 - iii) details of replacement trees for those lost;
 - iv) details of any proposed boundary treatment, including retaining walls and;
 - v) a landscape management scheme.
 - 10) The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out before the first use of the car park or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) Before the car park hereby approved first comes into use, the access, including the sightlines from it, shall be provided in accordance with the submitted Transport Assessment and shall thereafter be retained as approved.
- 12) The car park hereby approved shall only be used for car parking in connection with the University of Southampton.
- 13) Before the car park hereby approved first comes into occupation, a phasing plan shall be submitted to and approved in writing by the local planning authority which demonstrates the phased release of car parking spaces to correspond with the stopping up of spaces elsewhere on the University campus. The parking spaces hereby approved shall only be used in accordance with the agreed phasing plan.