
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 16 MARCH 2021

Present: Councillors Mitchell (Chair), Coombs (Vice-Chair), L Harris, Prior, Savage, Vaughan and Windle

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

RESOLVED: that the minutes for the Panel meeting on 23 February 2021 be approved and signed as a correct record.

The Panel raised concerns over markings on trees that appeared to indicate that trees within area 1c, which had not received felling consent, were marked for removal and asked that officers pay close attention to any works in the area.

57. **PLANNING APPLICATION - 20/01629/FUL - BARGATE SHOPPING CENTRE**

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

Redevelopment of the former Bargate Shopping Centre and multi-storey car park, 77-101 Queensway, 25 East Street, 30-32 Hanover Buildings, 1-16 East Bargate and 1-4 High Street, excluding frontage) for mixed use development comprising 519 new homes (use class C3) and commercial uses (use class E) and drinking establishment/bar uses (Sui Generis), in new buildings ranging in height from 4-storeys to 13-storeys, with associated parking and servicing, landscaping and public realm (Environmental Impact Assessment Development affects a public right of way and the setting of the listed Town Walls).

Simon Reynier (local residents/ objecting), Amy Jones (agent), Paul Hughes (architect), Giles Semper (Go Southampton) and Councillors Bogle and Paffey (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a number of changes would be required to 9 of the conditions, set out below. Additionally, it was noted that a further clause to recommendation 2 was required to be added to the delegation for refuse lorries servicing Block E, as set out below. It was also noted that the Habitats Regulation Assessment had been received and distributed to the Panel in advance of the meeting.

Following a questioning from the Panel officers agreed to add a further addition clause to recommendation 2 that would seek to secure additional cycle parking across the site, as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment unanimously.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

1. confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. That the Panel delegated authority to the Head of Planning and Economic Development to grant conditional planning permission subject to receipt of satisfactory amended plans showing:
 - a. an agreed landscaping plan around Polymond Tower;
 - b. further details and agreement with the Council's Ecologist in respect of ecological surveys/conditions,
 - c. a further tracking plan for refuse vehicles servicing Block E;
 - d. secure additional cycle parking across the site; and
 - e. the completion of a S.106 Legal Agreement to secure the following:
 - i. In accordance with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013), financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site.
 - ii. Submission, approval and implementation of a site-relevant Town Walls Management Strategy (including litter, maintenance and security and Public Art Strategy in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013).
 - iii. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);
 - iv. Submission, approval and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired to a similar standard as the 'existing' carriageway and footpath by the developer at their own cost as required by the adopted SPD relating to 'Developer Contributions' (September 2013);
 - v. Submission, approval and implementation of a Travel Plan for the commercial uses in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy;
 - vi. Submission, approval and implementation of a Car Park Management Plan and a restriction of residential parking permits for the development.
 - vii. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses;
 - viii. Submission, approval and implementation of a Construction Traffic Management Plan indicating off-site routes to be used by associated construction traffic;

- ix. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013) as set out in the Habitats Regulations Assessment
 - x. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
 - xi. The creation of a 'permitted route' through the development for use by pedestrians and cyclists between the Bargate frontage of the development and Queensway.
 - xii. Submission and agreement of a Waste Management Plan.
 - xiii. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment (without any affordable housing) and that a review is undertaken should circumstances change and the development delay;
3. That authority be delegated to the Head of Planning and Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Amended Conditions

Condition 3 - Phasing

None of the buildings hereby approved, with the exception of Site A, shall be occupied or otherwise brought into operational use until the approved works for the following are completed:

- a. Off-site works to the Queensway including the new access point into the site;
- b. Amended off-site works to The Strand;
- c. The associated service yard and turning space;
- d. The car parking contained beneath Block B;
- e. The pedestrian link from East Bargate to Queensway; and
- f. Any works to finish the exposed side elevations to those buildings on Queensway affected by the above works and retained thereafter ahead of the next phase have been substantially completed as specified in this permission,

unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is carried out comprehensively in accordance with the application, to ensure that demolition works do not result in harm to the visual character of the Old Town North Conservation Area and to ensure a high quality public realm and pedestrian environment is created in accordance with the City Centre Action Plan Policy AP28.

Condition 18 - Building Heights

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans.

REASON: To ensure that the impact of the development in relation to the natural features and historic context of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity and to protect the setting of the Bargate monument.

Condition 19 - Roof Plant

Notwithstanding the information submitted with the amended plans details of all roof plant, and the measures to be taken to soundproof such equipment and/or enclosure shall be submitted to and approved by the Local Planning Authority prior to either its installation or the occupation of each of the buildings to which the plant relates (whichever is sooner). The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation. With the exception of what is shown on the approved plans there shall be no additional roof plant added above the height of the approved parapet level for Block A. The development shall be implemented in accordance with the agreed details. The machinery and plant shall not be used until the approved soundproofing measures have been implemented in accordance with the agreed details

REASON: To ensure that the impact of the development in relation to the natural features and historic context of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity and to protect the setting of the Bargate monument.

Condition 28 - Lighting

Prior to first occupation of the development hereby approved, a scheme for external lighting associated with this development shall be submitted to and agreed in writing by the Local Planning Authority, the lighting installation shall be maintained in accordance with the agreed written scheme.

Furthermore, the development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and on the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

REASON: To protect the amenities of the occupiers of existing nearby residential properties, to assist with safety and security and the setting of the Town Walls and to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

Condition 32 - BREEAM Standards - Pre-Commencement

Before the development commences, written documentary evidence demonstrating that the non residential units will achieve at minimum Very Good against the BREEAM UK New Construction 2018 technical standard, in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

Condition 33 - BREEAM Standards – Certification

Within 6 months of any part of the hotel and retail units first becoming occupied, written documentary evidence proving that the residential and retail units have achieved at minimum Very Good against the BREEAM UK New Construction 2018 technical standard in the form of post construction report and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

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

Condition 42 - The Provision of Lifts

The platform lift serving development Block B, hereby approved, shall be installed prior to the first occupation of the development Block, and shall thereafter be maintained in good working order during the lifetime of the development.

REASON: In the interests of providing full access to the development.

Condition 43 - Safety and Security

No development shall take place within such part of the site to which a phase relates, (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until a scheme of safety and security measures for that phase/building including:

- a. CCTV coverage to all areas including the parking, service yards and post rooms;
- b. concierge arrangements with 24 hour on-site management;
- c. door types of the storage areas;
- d. outer communal doorsets and the flat access doorsets;
- e. ground floor windows;
- f. Electronic access control through the communal access doors;
- g. security of the car parking areas and postroom; and
- h. a lighting plan.

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

REASON: In the interests of safety and security of all users of the development and as the basement provides access to residents and the public.

Condition 47 - Operational Management Plan

Prior to the first occupation of each building (Sites A-G) a management plan relating to how the buildings and their associated spaces will be managed, including the resident's amenity areas and associated roof terraces, main pedestrian routes and the undercroft car park, shall have been submitted to and approved in writing by the Local Planning Authority.

The management plan(s) shall include details of outdoor seating, any rooftop amenity space furniture and associated facilities including litter bins and management, the management of special events and the policing of anti-social behaviour alongside the day to day operational requirements of the building.

All occupiers of the residential accommodation shall be given secure, unfettered, free access to the resident's amenity areas and associated roof terrace during the lifetime of the development. The use of the development shall be carried out in accordance with

this agreed management plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure control over the management and operation of the development in the interests of the amenities of the area and the residents of the scheme.

58. **PLANNING APPLICATION - 20/01544/OUT - LEISUREWORLD, WEST QUAY ROAD**

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

Outline planning application for the demolition of the existing buildings and comprehensive redevelopment of the site comprising residential accommodated (Use Class C3), office floorspace (Use Class E), hotel accommodation (Use Class C1), cinema (sui generis use), casino (sui generis use) and other flexible business uses including retail and restaurants/cafes (Use Class E). With associated car and cycle parking, internal highways, open space, public realm and landscaping and ancillary works including utilities, surface water drainage, plant and equipment. Means of access for detailed consideration and layout, scale, external appearance and landscaping reserved matters for consideration (Environmental Impact Assessment Development).

Simon Reynier, Liz Batten, Ros Cassy, Andy Gravell, (local residents/ objecting), David Watson (on behalf of Ikea), Julian Stephenson – Montagu Evans (agent), John Marsh – Sovereign Centros (applicant), and Councillor Bogle (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Habitats Regulation Assessment had now been produced and circulated in advance of the meeting to the Panel. In addition it was noted that a number of the updates to the report had been circulated to the Panel, and posted online, in advance of the meeting and there had been alterations to the Conditions set out in the papers, as set out below.

Further to these changes it was noted that there were changes required to the recommendation, as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

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

RECORDED VOTE to grant planning permission.

FOR: Councillors Coombs, L Harris, Mitchell, Prior, Savage, and Windle

ABSTAINED: Councillor Vaughan

RESOLVED that the Panel:

1. confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. Delegated authority to the Head of Planning and Economic Development to grant planning permission subject to:
 - a. the receipt of satisfactory Tree Survey Plan;
 - b. the planning conditions recommended at the end of this report, and any amended or additional conditions agreed at the meeting and set out below; and
 - c. the completion of a S.106 Legal Agreement to secure the following – on a phased basis where appropriate:
 - i. In accordance with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013), financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site including:
 - The reconfiguration of the junction of West Quay Road and the application site to provide pedestrian and cycle facilities;
 - The provision of a left-turn lane into the site from West Quay Road, southbound;
 - Pedestrian crossings to the West Quay Road/Southern Road junction to link the site with Central Station Bridge with associated works to traffic signals;
 - Works to traffic lights at the West Quay Road/Harbour Parade North junction;
 - On-crossing and kerbside detection to upgrade the existing pedestrian crossing on West Quay Road, adjacent to Ikea;
 - Enhanced variable message signs on West Quay Road and;
 - Contribution to the Station Boulevard link to improve the linkages to Central Station.
 - ii. The safeguarding of a 20metre strip of land along the western and south-western boundary of the site to be utilised as part of the site-specific flood mitigation upon/alongside which the future West Quay Road realignment could also be located, in accordance with policies AP15, AP20 and AP22 of the City Centre Action Plan and policy C2 of the Transport Strategy, Connected Southampton.
 - iii. A contribution to a flood defence within the safeguarded strip of land to comply with the NPPF and policy AP15 of the City Centre Action Plan.
 - iv. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment (without any affordable housing) and that a review is undertaken should circumstances change and the development delay.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted

- Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- vi. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vii. The submission, approval and implementation of a Car Parking Management Plan to ensure a robust management of the temporary car parking spaces within the safeguarded land and the control and management of the service access, including the restriction to allow access to 'non-temporary' residential spaces and servicing needs for the office and residential buildings only.
 - viii. Submission, approval and implementation of a Multi-Storey Car Parking Management Plan to ensure that the public car parking is provided and retained with daily charges to at least match the minimum daily charge of the prevailing Council car parking charges
 - ix. The submission, approval and implementation of a Travel Plan for both the commercial and residential uses to promote sustainable modes of travel in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy.
 - x. A Waste Management Plan to address the management of refuse storage and collection within the development.
 - xi. Construction Management Plan to include the routeing and timing of construction traffic to avoid peak times.
 - xii. Provision, retention and management of the public open space together with securing public access for the lifetime of the development.
 - xiii. The provision of on-site play space either through on-site provision or a financial contribution in accordance with Policy CLT6 of the Local Plan Review.
 - xiv. The provision of a financial contribution towards late night Community Safety Initiatives within the City Centre, having regard to the late night uses within the application proposal and in accordance with policy AP8 of the City Centre Action Plan.
 - xv. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
 - xvi. Provision of a financial contribution for CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
 - xvii. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets.
 - xviii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010 as set out in the Habitats Regulations Assessment

3. That authority be granted to the Head of Planning and Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Finalised conditions listing any Additional and amended Conditions

1.Outline Permission Timing Phased (Performance) Amended

Outline Planning Permission for the principle of the development, as set out on the submitted Parameter Plans and Design Codes, across the phases set out in Table 5-1 of the submitted Environmental Statement, is hereby approved. The following matter sought for consideration, namely the means of 'Access' (vehicular and pedestrian) into the site and the buildings, is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters for each phase shall be obtained from the Local Planning Authority prior to any works taking place on that phase (excluding any demolition phase, site set up and/or site investigation works):
 - the 'Layout' of buildings and external ancillary areas;
 - the 'Scale' massing and bulk of the development;
 - the 'External Appearance' and architectural design specifying the external materials to be used (see associated external materials condition below); and,
 - the 'Landscaping' (both hard and soft including tree pit details, all means of enclosure details, including any gated accesses, and ancillary works) with associated management.
- (ii) The development of Phase 0 and Phase 1 hereby permitted shall begin no later than three years from the date on which this planning permission was granted.
- (iii) The development of each subsequent phase hereby permitted (phases 2-4) shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved for that phase of the regeneration project.

Applications seeking approval of reserved matters will be accompanied by a statement that demonstrates how the submission meets the principles and parameters of the Design Codes prepared by Corstorphine Wright and Macgregor Smith (ref: 18669-8019-P-01) (dated October 2020) or other versions as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Quantum of Development (Performance) Additional Condition

The quantum of the development hereby approved shall not exceed the following maximum levels:

- Up to 17,500 sqm GEA of hotel floorspace across two development plots
- Up to 9,800 sqm GEA of office floorspace
- Up to 650 residential units of accommodation and Class E floorspace to the ground floor of Plot 4 comprising up to 57,510 sqm GEA floorspace

- Up to 4,490 sqm GEA of cinema floorspace
- Up to 2,900 sqm GEA of casino floorspace
- Up to 2,600 sqm of leisure floorspace
- Up to 2,990 sqm GEA of Use Class E floorspace within Plot 1
- Up to 5,000 sqm GEA of Use Class E floorspace within Plot 6

REASON: To define the consent since outline planning permission is hereby granted on the maximum quantum of development as set out in the application submission.

3. Development Phasing (Performance Condition) Additional Condition

The phasing of the development hereby approved shall follow an implementation phasing programme in line with the submitted phasing information contained within the Environmental Statement, unless otherwise varied and agreed in writing by the Local Planning Authority prior to the submission of a Reserved Matters application for an alternative phasing programme.

REASON: To ensure that the development proceeds in a satisfactory manner

4. Site Levels (Pre-Commencement) Amended Condition

No development shall take place (excluding any demolition phase, site set up and/or site investigation works) until further details of finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority on a phase by phase basis. These details shall relate to the phase to which development is to be implemented and shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eave and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

REASON: To fully understand the height of buildings in relation to one another and the infrastructure since the site will be cleared and re-profiled.

5. Archaeological investigation (Pre-Commencement) Amended Condition

No development shall take place within the site until the implementation of a programme of archaeological work on a phase by phase basis has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

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

6. Archaeological work programme (Performance)

The developer will secure the completion of a programme of archaeological work on a phase by phase basis in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

REASON: To ensure that the archaeological investigation is completed.

7. Land Contamination investigation and remediation (Pre-Commencement & Occupation) Amended Condition

Prior to the commencement of development of each phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

- (i) A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
- (ii) A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
- (iii) A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

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

8. Use of uncontaminated soils and fill (Performance Condition)

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

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

9. Unsuspected Contamination (Performance Condition)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that, has not previously been identified, no further development shall be carried out unless otherwise first agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by

the Local Planning Authority in writing. Any changes to the agreed remediation actions will first require the express written consent of the Local Planning Authority.

REASON: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

10. Southern Water Public Water Supply Protection and Diversion

Prior to the commencement of the development hereby approved, details of measures to protect the public water supply main shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Southern Water. The development shall be carried out in accordance with the agreed details.

REASON: To secure the sewage infrastructure on site.

11. Southern Water Drainage (Pre-commencement) Amended

Prior to the commencement of each phase of the development hereby approved details of foul and surface water disposal for the relevant phase shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

REASON: To ensure a satisfactory form of development.

12. Sustainable Drainage (Pre-Commencement)

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

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

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

13. Details of building materials to be used (Pre-Commencement) Amended Condition

Notwithstanding the information shown on the approved drawings and application form, prior to the commencement of any above ground work for the construction of buildings in each phase (excluding demolition/site setup/site investigation works) a written schedule of external materials and finishes for that phase, including samples and sample panels where necessary shall be submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's

composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. Development shall be implemented only in accordance with the agreed details.

REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

14. BREEAM Standards (Pre-commencement) Amended Condition

With the exception of site clearance, demolition and preparation works, before the development commences on non-residential uses within each phase of the development, written documentary evidence demonstrating that the commercial development within the relevant phase will achieve at minimum Excellent against the (2018) BREEAM Standard, including 5 credits in Ene 01, and a minimum 60% overall, (or Excellent under the 2014 assessment), in the form of a design stage report, is submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

15. BREEAM Standards (Performance) Amended Condition

Within 6 months of any part of the commercial and retail development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard, including 5 credits in Ene 01, and a minimum 60% overall, (or Excellent under the 2014 assessment), in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

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

16. Sustainable measures (Pre-Commencement)

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) the following information for that phase shall be submitted to and approved in writing by the Local Planning Authority:

- Set out how exploration of embodied carbon has informed decision making on materials
- Set out how energy storage will be integrated into the development
- Complete the GHA overheating tool as a means of identifying potential issues and demonstrate how these issues can be overcome.
- Life cycle assessment to be conducted
- Post-occupancy evaluation and energy performance
- Identify rainwater and greywater systems. If not included robust evidence supplied to demonstrate why they are not technically feasible.
- Detail on the re-use of existing materials to be provided through the pre-demolition audit

The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON: To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20, the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6, Southampton's Green City Charter and Plan (2020)

17. Energy Strategy (Pre-Commencement) Amended Condition

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) a confirmed energy strategy shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase which included the enhanced passive measures, and zero or low carbon energy technologies that will:

- Aspire to net zero carbon, with a minimum reduction in CO2 emissions of the greater of at least 17% over part L Building Regulations Target Emission Rates (using Part L 2013 carbon factors), or minimum national building regulation requirements at the time;
- Have a total Energy Use Intensity (EUI) equal to or less than 35 kWh/m2/yr (GIA) for residential and for non-domestic buildings a minimum DEC B (40) rating should be achieved and/or an EUI equal or less than: 70 kWh/m2/yr (NLA) or 55 kWh/m2/yr (GIA) for commercial offices;
- Space heating demand should be less than 15 kWh/m2/yr for all building types.

The measures set out in the agreed strategy shall be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010), and the Southampton City Charter and Plan (2020).

18. Ecological Mitigation Statement (Pre-Commencement) Amended Condition

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) the developer shall submit a programme of habitat and species mitigation and enhancement measures for that phase, which unless otherwise agreed in writing by the Local Planning Authority, shall be implemented in accordance with the programme before any demolition work or site clearance takes place. The agreed mitigation measures shall be thereafter retained as approved.

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

19. Protection of nesting birds (Performance)

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

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

20. Green roof scheme (Pre-Commencement) Amended Condition

Prior to the commencement of each respective phase of the development hereby approved (with the exception of site setup/demolition/site investigation works), a scheme for the installation of green roofs for that phase shall be submitted to and approved in writing by the Local Planning Authority for that phase. Before the relevant phase first comes into use or occupation, a green roof shall be completed in accordance with a specification and management plan to be first submitted to and approved in writing by the Local Planning Authority.

The green roof must be installed to the approved specification before the relevant phase first comes into use or during the first planting season following the full

completion of building works, whichever is sooner. The approved scheme shall be maintained for a minimum period of 5 years following its complete provision. If the green roof dies, fails to establish or becomes 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 reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

21. Submission of a Bird Hazard Management Plan (Pre-commencement) Amended Condition

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) a Bird Hazard Management Plan for that phase shall be submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of the management of the roof area and any solar panels within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around Aerodromes'

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

REASON: To avoid endangering the safe movement of aircraft and the operation of Southampton Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

22. Tree Retention and Safeguarding (Pre-Commencement)

Prior to the commencement of any development, including site clearance and demolition, details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be provided in accordance with the agreed details before the development commences and retained, as approved, for the duration of the development works. No works shall be carried out within the fenced off area. All trees shown to be retained on the plans and information hereby approved and retained pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations.

REASON: To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

23. Road Construction (Pre-Commencement Condition) Amended Condition

Before the development of each phase commences, the following information for the relevant phase shall be submitted to and agreed in writing by Local Planning Authority:

- A specification of the type of construction proposed for the roads, cycleways and

footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority.

24. Electric Vehicle Spaces (Pre-Use) Amended Condition

Prior to each phase of the development hereby approved first coming into use, details of parking spaces with charging facilities for electric vehicles for spaces that serve that phase of development shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The spaces and charging infrastructure shall be thereafter retained as approved and used only for electric vehicles.

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

25. Noise - plant and machinery (Pre-Use) Amended Condition

Prior to each phase of the development containing non-residential uses first coming into use, details of measures to minimise noise from plant and machinery associated with the commercial uses within the relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and thereafter retained as approved.

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

26. Noise Mitigation Measure – Residential (Pre-commencement) Amended Condition

Prior to each phase of the development containing residential commencing, mitigation measures for the respective phase to protect residents from external noise sources shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall thereafter be implemented as approved.

REASON: In the interest of residential amenity and to ensure that the development does not act as an 'agent of change' for the Port of Southampton.

27. Hours of Delivery Restriction (Performance)

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 07:00 to 22:00 daily.

REASON: In order to control the use in the interests of amenity.

28. 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 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays	09:00 hours to 17:00 hours (9.00am to 5.00pm)

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 LPA.

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

REASON: To protect the amenities of the occupiers of existing nearby residential properties as agreed by the Council's Environmental Health Officer.

29. Retail Floorspace Restriction (Performance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument amending, revoking and re-enacting these Orders, retail floorspace within the Class E uses hereby approved shall not exceed 750sq.m.

REASON: To ensure that the amount of retail floorspace does not adversely affect the viability and vitality of the core shopping areas within the city centre.

30. Safety and Security (Pre-commencement)

No development shall take place within such part of the site to which a phase relates, (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until a scheme of safety and security measures for that phase/building including:

- (i) concierge arrangements with 24-hour on-site management;
- (ii) door types of the storage areas;
- (iii) outer communal doorsets and the flat access doorsets;
- (iv) ground floor windows;
- (v) audio/visual control through the communal access doors;
- (vi) security of the car parking areas; and,
- (vii) a lighting plan.

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

REASON: In the interests of safety and security of all users of the development and as the basement provides access to residents and the public.

31. Construction Management Plan (Pre-commencement) (Additional Condition)

Before the development of each phase commences, a Construction Management Plan for the relevant phase shall be submitted to and agreed in writing by Local Planning Authority which includes details of:

- (i) parking of vehicles of site personnel, operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) Details of temporary lighting;
- (iv) storage of plant and materials, including cement mixing and washings, used in constructing the development, including height of storage areas for materials or equipment;
- (v) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (vi) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (vii) Control and disposal of putrescible waste to prevent attraction of birds;
- (viii) The routeing and timing of construction traffic to avoid peak hours;

- (ix) details of construction vehicles wheel cleaning; and,
- (x) 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.

The plan shall be adhered to throughout the construction process.

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

32. Servicing Management Plan (Pre-commencement) (Additional Condition)

Before the development of each phase containing commercial uses commences, a Servicing Plan for the relevant phase shall be submitted to and agreed in writing by Local Planning Authority which includes details of:

- Measures to control servicing vehicles during delivery and collection on to the site;
- Measures to ensure that the servicing vehicle route from the site is restricted to servicing vehicles only;
- Measures to deal with the routing of vehicles in exceptional/emergency circumstances where entrance and exit routes may be restricted or closed.
- The means whereby the achievement of the aspirational targets of the servicing management plan can be reviewed and updated

The Servicing Management Plan shall be adhered to for the lifetime of the development.

REASON: In the interests of the safety and convenience of users of the adjoining highways and in the interests of residential amenity.

31. 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.

- a. 18669-0303-P-01 Parameter plan development zones and plot boundaries
- b. 18669-0304-P-01 Parameter plan at grade land use
- c. 18669-0305-P-01 Parameter plan first floor and above land use
- d. 18669-0306-P-01 Parameter plan proposed site levels
- e. 18669-0307-P-01 Parameter plan amenity play and publicly accessible open space
- f. 18669-0308-P-01 Parameter plan vehicular access and circulation
- g. 18669-0311-P-01 Parameter plan Maximum AOD building heights

59. PLANNING APPLICATION - 21/00065/FUL - 18 GROSVENOR ROAD

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

Amendments to planning permissions 18/00765/FUL and 19/01533/FUL for the erection of a two-storey garage with workshop to change the size and shape of the rear window

Nick Jones was present and with the consent of the Chair, addressed the meeting. In addition the Panel received a statement from Councillor Cooper who had referred the item to Panel.

The Panel noted that the previous history of applications at this address. In response to concerns the officer agreed to amend and add additional conditions, as set out below, should be added to any granted permission for this application.

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

RECORDED VOTE to grant planning permission
FOR: Councillors Coombs, L Harris, Mitchell, Prior,
and Savage,
AGAINST: Councillors Vaughan and Windle

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below.

Amended Condition

03. Obscure glazing (Pre-use)

The approved first floor, rear-facing window adjacent to the side boundary with No.20 shall be installed with a fixed shut, obscurely-glazed unit with obscurity level 5, prior to the first use of the garage building hereby approved. This window shall be thereafter retained as approved.

REASON: To protect the amenities of the adjoining residential properties.

Additional conditions

09. Obscure Glazing (Performance Condition)

The proposed window, located to the rear at first floor level adjacent to the existing dwelling, shall be installed with a fixed shut, obscurely-glazed unit with obscurity level 5 unless agreed otherwise in writing by the Local Planning Authority. This window shall be thereafter retained as approved.

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

10. 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.