

Planning and Rights of Way Panel

Tuesday, 16th March, 2021
at 5.30 pm

PLEASE NOTE TIME OF MEETING

This will be a 'virtual meeting', a link to which will be available on website at least 24hrs before the meeting

Virtual

This meeting is open to the public

Members

Councillor Mitchell (Chair)
Councillor Coombs (Vice-Chair)
Councillor L Harris
Councillor Prior
Councillor Savage
Councillor Vaughan
Councillor Windle

Contacts

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

Interim Head of Planning and Economic
Development
Paul Barton
Email: paul.barton@southampton.gov.uk

PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Dates of Meetings: Municipal Year 2020/2021

2020	
2 June	15 September
23 June	6 October
14 July	3 November
4 August	24 November
25 August	15 December

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

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

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

2021	
12 January	16 March
2 February	20 April
23 February	

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

OTHER INTERESTS

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 23 February 2021 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 20/01629/FUL - BARGATE SHOPPING CENTRE (Pages 13 - 126)

Report of the Interim Head of Planning and Economic Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 20/01544/OUT - LEISUREWORLD, WEST QUAY ROAD (Pages 127 - 170)

Report of the Interim Head of Planning and Economic Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 21/00065/FUL - 18 GROSVENOR ROAD (Pages 171 - 186)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

This page is intentionally left blank

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2021

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

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

RESOLVED: that the minutes for the Panel meeting on 2 February 2021 be approved and signed as a correct record.

51. **MARLHILL COPSE REFERRED FELLING LICENCE APPLICATION AND ASSOCIATED WOODLAND MANAGEMENT PLAN**

The Panel considered a report of the Head of City Services detailing the referred felling licence application and accompanying woodland management plan for trees at Marlhill copse that are protected by a Tree Preservation Order and Conservation Area which have been registered as 20/00340/TPO, 20/00341/TPO and 20/00091/TCA.

Angela Cotton, Dr Isabel Sargent and Dr Neil Wells (local residents/ objecting), Steve Thurston, Mike Weeks, Hugh Milner and Jo Proctor (supporting the application) and Councillor Harwood (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The Panel explored the reasoning for the officer recommendation (v), regarding the Monterey and Corsican Pines in compartment 1a(i). Panel Members expressed a view that felling the trees would affect the character and appearance and special character of the Copse and voted to refuse to grant consent to fell these trees, as set out in the amended recommendation below. Upon being put to the vote the Panel unanimously supported the remaining aspects of the officer recommendation as set out below.

RESOLVED that the Panel after careful consideration of the officer's report and hearing the submissions of those at the meeting, panel members voted:

- (i) To grant TPO consent to 20% thinning of sycamores and mixed broadleaf trees in compartments 1a, 1b and 1c.
- (ii) To raise no objection to 20% thinning of Goat Willow, Common Alder and mixed broadleaf trees in compartment 2a
- (iii) To raise no objection to 20% thinning of Goat Willow, Common Alder and native broadleaf trees in compartment 2b.
- (iv) To raise no objection to 20% thinning of Common Alder, Goat Willow and Ash trees in compartment 2c.
- (v) To refuse consent to felling of Monterey Pine, Corsican Pine in compartment 1a(i).
- (vi) To refuse consent to the felling of all broadleaf trees in compartment 1a(i)

Panel Members considered that the refusal to grant consent to the felling of the Monterey Pines and Corsican Pines in compartment 1a(i) was justified because the loss of the trees would fail to secure the maintenance of the special character of the woodland, would be harmful to the visual amenities of the local area and would fail to

preserve the character and appearance of the conservation area. The reasons for the other decisions followed the officer's report

52. **20/00943/CONSUL - SOUTHAMPTON AIRPORT**

The Panel considered the report of the Head of Planning and Economic Development detailing considerations in relation to consultation from Eastleigh Borough Council on amendments to planning application Ref F/19/86707 at Southampton Airport for the following works to facilitate airport expansion.

Angela Cotton (local resident), Robin Henderson (agent), and Councillors Fuller, Harwood and White (ward councillors) were present and with the consent of the Chair, addressed the meeting.

RESOLVED

That the Panel considered the changes set out in the amended documentation supporting Eastleigh Brough Council's planning application Ref F/19/86707 at Southampton Airport and agreed with officers that the changes to the documents are not significant enough to merit revisiting its decision to OBJECT to the application, and delegated authority to officers to respond to Eastleigh Borough Council maintaining the Council's objection with no change to the previous response dated 3 December 2020;

53. **PLANNING APPLICATION - 20/00681/FUL - NEWTOWN 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.

Alterations and extension of existing building to form 7 flats (4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats)

Chris Leeder,(local residents/ objecting), Neil March (agent), and Councillors Blatchford and Payne (ward councillors) were present and with the consent of the Chair, addressed the meeting. In addition, a written statement from Mr Rawlings was circulated to the Panel.

The presenting officer reported an amendment to the space standard as set out in the table in the report, noting that Flat 7 should read 43m² and Flat 6 should read as 56m². In addition, it was explained that the conditions required amending 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 with the additional and amended conditions. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Coombs, L Harris, Prior, Savage and Windle
AGAINST: Councillor Mitchell
ABSTAINED: Councillor Vaughan

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. An agreement between the applicant and the Council under s.278 of the Highways Act to undertake a scheme of works or provide a financial contribution towards site specific transport contributions for highway improvements, including a Traffic Regulation Order (if required) and the reinstatement of the dropped kerb, in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
 - b. The submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - c. 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.
- (iii) 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.
- (iv) That the Head of Planning and Economic Development be granted authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional and Amended Conditions

Amended Condition

08 CONSTRUCTION MANAGEMENT PLAN (PRE-COMMENCEMENT)

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

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

- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.
- (h) Details of the timing and management of construction deliveries so as to avoid key school pick up and drop off times.

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

Additional Conditions

ON SITE TURNING

The proposed on site parking for 2 vehicles and access (including on-site turning space) shall be provided in accordance with the details hereby approved prior to the occupation of the development hereby approved. The site shall be maintained in accordance with these details as such thereafter and the on-site turning space kept clear for this purpose with no parking at any time.

REASON: In the interest of highways safety so that vehicles do not need to reverse out onto the junction and to ensure that parking is provided

ECOLOGICAL MITIGATION STATEMENT

Prior to the development commencing, the developer shall submit a programme of habitat and species mitigation and enhancement measures to be agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with these details prior to the first occupation of the development hereby approved with the agreed scheme being retained as such thereafter.

REASON: To safeguard the ecological value of the surrounding area.

54. **PLANNING APPLICATION - 20/01675/FUL -19 WESSEX LANE**

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.

Redevelopment of the site. Erection of semi-detached pair of dwellings (1x3 and 1x2 bed), with associated parking and refuse storage following demolition of existing house (Resubmission of 20/00807/FUL) (Amended Description)

Ian Knight (agent), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the recommendation as set out in the report needed to be amended, as set out below, delegating the permission to the Head of Planning and Economic Development subject to the receipt of an arboricultural assessment of a tree on neighbouring land. It was also explained that additional conditions would be required as set out below.

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

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

RESOLVED that:

1. The Panel delegated authority to the Head of Planning and Economic Development to grant planning permission subject to:
 - a. the planning conditions recommended at the end of this report and any additional or amended conditions as set out below;
 - b. to an acceptable/favourable assessment by officers of the impact of the proposed development on the adjacent tree on neighbouring land at no. 17 Wessex Lane through the submission of an adequate arboricultural impact assessment and survey (based on BS 5837:2012) and consultation with SCC Tree Team.
2. The Panel delegated authority to the Head of Planning and Economic Development to add, vary and /or delete conditions as necessary.
3. Following the Panel meeting, in the event that officers find that the impact on the neighbouring tree would adversely affect local visual amenity or no or insufficient information is provided within 2 months from the date of Panel to assess the tree impact, the Head of Planning and Economic Development be authorised to refuse permission on these grounds.

Additional Conditions

SITE LEVELS (PRE-COMMENCEMENT)

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves 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 ensure that the heights and finished

PARKING AND ACCESS (PRE-OCCUPATION)

Notwithstanding the approved plans, prior to the first occupation of units A and B hereby approved, details of access and vehicle turning shall be submitted and agreed in writing to the Local Planning Authority to include:-

- (i) the widening of the length of dropped kerb to aid turning and increase visibility from cars parking on Wessex Lane adjacent to the raised kerb section;
- (ii) revised vehicle tracking diagram to show on site turning.

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved for the residents and their visitors only. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level on the front boundary.

REASON: To provide safe access to the development and prevent obstruction to

traffic in neighbouring roads and in the interests of highway safety.

MINIMUM CILL HEIGHT – UNIT A (PERFORMANCE)

The rooflights serving the bedroom in the roof-space shall be installed with minimum cill level of 1.5m above the internal floor level before unit A is first occupied. The windows shall be thereafter retained in the manner.

REASON: In the interests of residential amenity.

55. **PLANNING APPLICATION - 20/01810/FUL - CHAPEL RIVERSIDE FORMER TOWN DEPOT SITE ALBERT ROAD NORTH**

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.

Implementation of planning permission 16/02016/OUT (for the redevelopment of the site) not in accordance with condition 4 (odour). Variation of condition 4 sought to enable residential accommodation in phase 3 of the development to be occupied in advance of the new wastewater tanks being finalised and the existing tanks being decommissioned.

Neo Radoki (agent), and Ian Barnett were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the officer report an updated Habitats Regulation Assessment and comments from the Environment Health Team had been received and that these had been circulated and placed online.

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 unanimously.

RESOLVED that the Panel:

1. Approved the amended Habitats Regulations Assessment, which will be provided by way of update ahead of the Panel meeting.
2. Delegated authority to the Head of Planning and Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Deed of Variation to the original S.106 Legal Agreement to secure:
 - (i) any outstanding planning obligations from the original s.106 legal agreement under LPA ref: 16/02016/OUT together with any ongoing requirements;
 - (ii) to secure the cleaning of the existing wastewater tanks at specified times and specified events with agreement from Southern Water;
 - (iii) to ensure the submitted programme of works is adhered to ensure full removal and suitable replacement within agreed timescales; and,
 - (iv) To enable the occupation of the development in line with the condition hereby recommended for approval on this basis.

3. That the Head of Planning and Economic Development be granted delegated authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
4. In the event that the s.106 legal agreement is not completed by the 25th March 2021 – the application target date - the Head of Planning and Economic Development be granted authority to:
 - (i) refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement that would result in a poor residential environment for occupiers of the development, due to the odour effects of the existing wastewater tanks not being adequately mitigated; and
 - (ii) Issue a Breach of Condition Notice, as required, in line with current scheme of delegation

This page is intentionally left blank

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 16th March 2021 – 5:30pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	RS	DEL	15	20/01629/FUL Bargate Shopping Centre
6	JT	DEL	15	20/01544/OUT Leisureworld, West Quay Rd
7	AL	CAP	5	21/00065/FUL 18 Grosvenor Road

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

Case Officers:

RS – Rob Sims
JT – Jenna Turner
AL – Anna Lee

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

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

Background Papers

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

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 3 2011-2031
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

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

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

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

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

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

Planning and Rights of Way Panel 16th March 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: Bargate Shopping Centre and adjoining land In Queensway, East Street, Hanover Buildings and High Street Southampton

Proposed development: 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).

Application number:	20/01629/FUL	Application type:	FUL
Case officer:	Rob Sims	Public speaking time:	15 minutes
Last date for determination:	22.02.2021 (26.03.2021 ETA)	Ward:	Bargate
Reason for Panel Referral:	Departure from policies within Development Plan <i>i) AP28 of the adopted CCAP – not retail led</i> <i>ii) LDF CS20 BREEAM only Very Good</i> And 3+ objections	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Bargate Property Limited, C/o Tellon Capital LLP		Agent: Turley	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
-------------------------------	--

Community Infrastructure Levy Liable	Yes
---	------------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the findings of the Environmental Statement and other background documents submitted with the

application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The Council accepts the methodology used in the Environmental Statement, and its conclusions, and is satisfied that the proposed design principles and quantum of development, which formed part of the assessment in the ES and are subject of planning conditions, are acceptable. The Council has undertaken a Habitats Regulations Assessment in connection with the development and is satisfied that any adverse impact can be adequately mitigated through the obligations within the Section 106 agreement. The Council has also considered the significant regeneration benefits associated with the development. The Council has considered the impact of the development on the setting of the associated conservation area, listed buildings and scheduled ancient monuments and found the impact to be acceptable following guidance from Historic England and the Council's own advisers.

Other material considerations, such as the proposed reduction in cycle parking, the lack of affordable housing due to the scheme's viability and loss of retail provision (and therefore conflict with Policies AP5-9, AP12-19 and AP28 of the adopted City Centre Action Plan (2015) are considered to be outweighed by the material benefits of the amended proposals. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by the National Planning Policy Framework (2019).

Policies SDP1, SDP4-17, SDP22, NE4, HE1, HE3, HE6, CLT1, CLT5, CLT14, H1-3, H7, REI7, TI2 and MSA1 of the adopted City of Southampton Local Plan Review (Amended 2015). Policies CS4-6, CS13-16, CS18-21, CS24 and CS25 of the adopted City of Southampton Core Strategy (Amended 2015). Policies AP5-9, AP12-19 and AP28 of the adopted City Centre Action Plan (2015) as supported by the Council's current supplementary planning guidance outlined in the Panel report and the National Planning Policy Framework (2019)

Appendix attached			
1	Development Plan Policies	2	Historic England's Response(s)
3	Viability Assessment – DVS Findings		

Recommendation in Full

- 1) That the Panel confirm the Habitats Regulations Assessment (HRA) to enable the planning application to be determined;

Note to Panel:

At the time of publication the HRA was not finalised and the completed document will be made available for inspection ahead of the Panel meeting to enable a decision on the planning application to take place:

- 2) That the Panel delegate to the Head of Planning & Economic Development to grant conditional planning permission subject to receipt of satisfactory amended plans showing:
 - (i) an agreed landscaping plan around Polymond Tower;
 - (ii) further details and agreement with the Council's Ecologist in respect of ecological surveys/conditions, and

- (iii) the completion of a S.106 Legal Agreement to secure the following:
- a. 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.
 - b. 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).
 - c. 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);
 - d. 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);
 - e. 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;
 - f. Submission, approval and implementation of a Car Park Management Plan and a restriction of residential parking permits for the development.
 - g. 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;
 - h. Submission, approval and implementation of a Construction Traffic Management Plan indicating off-site routes to be used by associated construction traffic;
 - i. 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
 - j. 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);

- k. The creation of a 'permitted route' through the development for use by pedestrians and cyclists between the Bargate frontage of the development and Queensway.
 - l. Submission and agreement of a Waste Management Plan.
 - m. 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 the Head of Planning & Economic Development be given delegated powers 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 & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Background

The scheme to redevelop the Bargate Shopping Centre has evolved since the Panel first determined a mixed-use retail led scheme in 2016/7, that incorporated a significant student housing offer. A second scheme, which introduced a hotel was then approved under officer delegation. This third iteration of the scheme builds on the previous permissions and moves more towards a residential led proposal. Many of the key drivers behind the scheme's appearance remain the same/similar. This report sets out the key changes from the previous permissions and recommends that the current proposals are again acceptable, taking into account all the relevant material planning considerations, of which there are many.

1. The site and its context

- 1.1 The application site is approximately 1.4 hectares in area, and is located directly to the south of York Walk and the associated Town Walls. This is third planning application relating to the redevelopment of the former Bargate Shopping Centre and associated land.
- 1.2 Planning permission has initially granted under application 16/01303/FUL for a mixed use development comprising of:
 - 152 flats (63 x one bedroom and 89 x two bedroom) (Use Class C3);
 - 185 units of student residential accommodation (451 bedrooms);
 - retail use (Class A1); flexible retail, office or food and drink use

(Classes A1-A3);

- new buildings ranging in height from 4-storeys to 9-storeys.

1.3 Planning permission was then granted under application 18/01515/FUL (the 2019 permission) for mixed use redevelopment of the site comprising of:

- 287 flats (128 x one bedroom, 157 x two bedroom and 2 x three bedroom) (use class C3),
- 240 bed hotel (use class C1)
- Retail use (class A1), flexible retail, office or food and drink use (Classes A1-A3).
- New buildings ranging in height from 4-storeys to 12-storeys

1.4 In implementing these permissions, the previous Bargate Centre was demolished in November 2017 and the site is currently vacant with timber hoarding securing the site. The site also includes units 30-32 Hanover Buildings, 1-16 East Bargate and 1-4 High Street, which front the listed Bargate Scheduled Ancient Monument; and Landport House and units 77-99 Queensway and 25 East Street. The associated buildings outside of the former shopping centre are largely occupied by existing retailers, with office accommodation above.

1.5 The application site is within the city centre, as defined in the Development Plan. The surrounding area is predominantly commercial in character, but there are notable heritage assets within, and adjacent, the application site that also contribute to the existing character of this part of the city centre. The key heritage assets located either within or adjacent to the application site can be summarised as the Old Town North Conservation Area (including the properties fronting East Bargate), the Grade I Listed Bargate Scheduled Ancient Monument, located to the west of the Site, the Grade I Listed Town Wall Scheduled Ancient Monument running along the site's northern boundary (and then in a southerly direction from Polymond Tower), and the Grade II registered 'Central Parks' located to the north of the site.

2.0 Proposal

2.1 Full planning permission is sought for a residential led, mixed-use redevelopment of the site, 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. Essentially the key difference between this application and the previously approved applications is the increase in residential development and reduction in commercial development in order to respond to market conditions. Scheme amendments are also noted and explained within this report

2.2 The development still seeks to physically and visually link the Bargate with the Queensway and to open up public access to the Town Walls that previously were inaccessible due to their location hard up against the previous shopping centre. The key attributes of the new proposals are:

- 519 Residential Units – Private Rented Sector (PRS)
- 2,489sqm commercial floorspace
- A 'Park like' setting to the wall, including the provision of more open spaces/amenity space
- Retail located along the High Street and Queensway (ie. On the outside of the site as opposed to running through the middle)
- Reduction from two north to south pedestrian routes from connecting East Street to one larger gap running north to south and following the line of the original town walls)

2.3 The comparison between the previous and proposed schemes is summarised as follows:

	2016 Planning Permission	2019 Permission	2021 Proposals
Student Beds	451 in 185 flats	0	0
Studio Flats	0	0	68
1 bed PRS	62	128	216
2 bed PRS	90	157	207
3 bed PRS	0	2	28
Total PRS	152 PRS flats	287 PRS flats	519 PRS units
Residential Density	109dph	205dph	371dph
Building Block Heights	A – 4 storeys B - 4 to 7 storeys C – 7 storeys D - 9 storeys E – 9 storeys F - 5-7 storeys	A - 4 storeys B – 7 storeys C – 7 storeys D – 9 storeys E - 13 storeys F – 9 storeys G - 13 storeys	A - 4 storeys (unchanged) B and C - 4 to 8 storeys D, F and G – 7 to 11 storeys E – 13 storeys (unchanged)
Amenity Space	111 balconies (73%)	37 balconies (12.9%) + internal lounge (245sq.m – Block D)	103 balconies (+ 133 juliette balconies) 45% + roof terrace (Block B) and internal lounge space (in blocks B/C and D)

Hotel Beds	0	240 inc.13 accessible	0
Retail / Commercial Units	6,378sq.m	7185.8sq.m	2,489sqm
Car Parking	Residential – 37 spaces (0.24/PRS) Retail – 110 spaces Student – 0 spaces TOTAL – 147 spaces	Residential – 48 spaces (0.17/PRS) Retail – 90 spaces Hotel – 10 spaces TOTAL – 148 spaces inc. 5 E spaces	54 Residential car parking spaces Including: Disabled spaces and EV charging points
Cycle Parking	Residential – 94 spaces (0.62) Student – 226 spaces Retail – 36 spaces Hotel – N/A TOTAL – 356 spaces	Residential – 164 spaces (0.57) Student – N/A Retail – 42 spaces Hotel – 3 spaces TOTAL – 209 spaces	348 Cycle Spaces
Employment	280 jobs	363 jobs	115 jobs
Sustainability	Retail – Excellent BREEAM (2014) Student – Excellent BREEAM (2014) Residential – CfSH 4 Energy/water Energy – 15% reduction in CO2	Retail – Very Good BREEAM (2014) Hotel – Excellent BREEAM (2014) Residential – CfSH 4 Energy/water Energy – 15% reduction in CO2	Retail – Very Good BREEAM (2018) Residential – CfSH 4 Energy/water Energy – 49% reduction in CO2

2.4 A scheme for 519 private flats would normally attract a requirement for 181 'affordable' dwellings. The applicants have submitted a viability appraisal of their scheme that suggests the scheme will only come forward if the Council's obligations in respect of affordable housing are waived. This assessment has been independently tested by the District Valuations Service (DVS) and further details of their findings are provided in the 'Planning Considerations' of this report.

2.5 The submissions indicate that the proposed commercial uses for the site would provide approximately 115 jobs. In addition a large number of

construction jobs would also be provided during the course of building the development.

2.6 Blocks A and E of the 2019 scheme remain unchanged. The individual building blocks are summarised in the applicant's Design and Access Statement as follows:

2.7 **Block A – 4 storeys (24.65m AOD tall)**

This site lies north-east of the Bargate and is intended for a standalone restaurant and residential development. There will be 2 restaurants at ground level, totalling 556sq.m. The residential upper level will provide 24 private dwellings.

2.8 **Blocks B and C – 4 to 8 storeys (22.88m to 35.6m AOD tall)**

This site extends along the southern edge of the application site and combines Blocks B and C. Block B1 (to the west) retains a site frontage facing the Bargate Monument to the west. There would be an underground/croft car park at lower ground floor providing 29 parking spaces. At ground floor the building would front the high street and provide approximately 1,000sqm of commercial (Class E) floorspace. The fourth level of B1 would provide rooftop amenity space. Block B1 also retains the existing art deco façade of the former 'Jongleurs' building. The other levels of Block B1 and the remainder of blocks B and C would provide 225 residential units.

2.9 Between blocks C and D is a 'Polymond Tower Pocket Park', which incorporates a pocket park opposite Polymond Tower. The landscaping and surfacing within the pocket park includes pavements to mark the north to south line of the original town walls.

2.10 **Block D (39.3m), F (26.6m) and G (39.3m) – 7 – 9 storeys (m AOD tall)**

These blocks run from the eastern side of the pocket park to a frontage along Queensway. Block D is an 7-11 storey residential block located within the site, Block F is a 11 storey residential block fronting Queensway with 206sqm of commercial floorspace on the ground floor and Block G is located to the south of the access road and fronts on to Queensway and incorporates 460sqm of commercial floorspace. Blocks D, F and G would provide a 198 residential units.

2.11 **Site E – 13 storeys (47.65m)**

This site sits adjacent the Queensway roundabout with a 406sq.m unit designated for 347 sqm of commercial ground floor level and residential above. The upper floor residential contains 48 private flats.

2.12 **Public Realm and External Materials**

A significant portion of the site has been given over to the public realm and this has been increased through this new schemes. Overall the scheme will

deliver circa 1,200sqm of green space (in addition to circa 400sqm of green roofs) circa 1,000sqm more than the previous applications. More widely the scheme will deliver circa 5,540sqm of public realm on site (approx. 39%) which is also a significant increase when compared to the extant permissions (which delivered circa 30%). The previous 2019 scheme included a series of retail kiosks between the town walls and the residential blocks. These have now been removed from the proposals and the gap between the wall and the residential blocks and the Town Walls will be approximately 15metres. The previous shopping centre had a maximum separation, in places, of 5 metres and the previous scheme also retained a gap of approximately 15metres.

- 2.13 A significant change from the 2019 permission and this scheme is that the 2019 permission provided a direct north to south access between Hannover Buildings and East Street via the reopened (and historic) York Gate. This scheme still opens up the northern access to Hannover Buildings through York Gate, however there is no direct route through to East Street. The new route draws pedestrians through the scheme east along the walls and south through the Polymond Tower pocket, which enables them to walk the historic line of the town walls heading south from polymond tower.
- 2.14 Existing highway land is needed to create the development and approval has previously been sought to 'stop up' parts of the site that are needed for building and associated works. A key change to the highway network concerns vehicular access. Currently vehicles enter the site, and the rear of East Street, from The Strand and then leave via East Street using a one way system. The proposed vehicular access is, instead, formed by a new two-way access from Queensway. This access will also service the rear of the existing East Street buildings. This remains largely unchanged from earlier permissions.
- 2.15 The chosen architecture is, again, contemporary in nature but seeks to recognise the differences between development within, and outside of, the existing Town Walls. Building heights are lower within the old town with brick proposed as the prevailing material. Outside of the walls brick would still be used but with a contrasting colour to those within the walls. The blocks outside of the walls (Blocks D – G) would also be higher. The buildings also vary in height giving a 'castellated' appearance to break up the massing of the blocks.
- 2.16 The planning application is supported by an Environmental Statement in order that the significance of the impact of the development, particularly upon the built and below ground heritage, can be properly considered. A pre application was also undertaken in October 2020, which including feedback from Council Officers, Historic England and the Design Advisory Panel.

3.0 Relevant Planning History

3.1 The Bargate Shopping Centre dated from the mid-late 1980s and was approved following a series of planning applications for similar development and since 2016 has been the subject of a number of applications for redevelopment, including the extant 2016 and 2019 planning permissions:

3.2 *M05/1667* Construction of a four level shopping development with link to East Bargate and York Buildings, with multi-storey car park (226 car parking spaces), refurbishment of 1/2 York Buildings and associated roadworks Approve 19.06.1986

16/01303/FUL Demolition of existing buildings (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 the frontage); refurbishment of basements and mixed use development comprising 152 flats (63 x one bedroom and 89 x two bedroom) (Use Class C3); 185 units of student residential accommodation (451 bedrooms); retail use (Class A1); flexible retail, office or food and drink use (Classes A1-A3); in new buildings ranging in height from 4-storeys to 9-storeys; with associated parking and servicing, landscaping and public realm Approve 10.08.2017

17/01805/NMA Non material amendment sought to planning permission 16/01303/FUL for revisions to design, position and footprint of kiosk A, B and C and retention of medieval wall ramparts. Approve 14.11.2017

17/02426/ADV	Installation of non-illuminated hoarding signs to the perimeter of the Bargate Shopping Centre redevelopment site	Approve	02.01.2018
18/00110/NMA	Non material amendment sought to planning permission 16/01303/FUL to change plant room into public toilet block in car park	Approve	22.02.2018
18/00332/NMA	Non material amendment sought to planning permission 16/01303/FUL for the removal of female WC and installation of a unisex changing facility at basement level.	Approve	15.03.2018
18/00525/NMA	Non material amendment sought to planning permission 16/01303/FUL for amendments to Block A including revised window and balcony locations, minor elevational changes including introduction of window louvres, replacement of balustrade with aluminium feature band and a revision to the access doors, and increase in parapet height surrounding the plant area on top of block A by 1100mm	Approve	13.04.2018
18/00759/DIS	Application for approval of details reserved by condition 17 (privacy screens - units E and F) of planning permission ref 16/01303/FUL for flats, student accommodation and retail	Approve	22.05.2018
18/00761/NMA	Non material amendment sought	Approve	23.05.2018

to planning permission
16/01303/FUL for insertion of
mezzanine level to unit 19,
increase height of block E with
the installation of angled windows
to southern elevation.

18/01515/FUL	Demolition of the 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) refurbishment of basements and mixed use development comprising 287 flats (128 x one bedroom, 157 x two bedroom and 2 x three bedroom) (use class C3), a hotel (240 bedrooms) (use class C1), retail use (class A1), flexible retail, office or food and drink use (Classes A1-A3), in new buildings ranging in height from 4-storeys to 12-storeys, with associated parking and servicing, landscaping and public realm.	Approve 12.12.2019
--------------	--	--------------------

4.0 Consultation Responses and Notification Representations

4.1 In accordance with good practice the applicants carried out their own pre-application consultation exercise in October 2020. A total of 61 online feedback forms were received.

4.2 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken, which included notifying adjoining and nearby landowners, placing a press advertisement (posted 11.12.2020) and erecting a site notice (posted 03.12.2020). At the time of writing the report **5 representations** have been received (4 in objection to the development and 1 in support), including an objection from the City of Southampton Society, summarised in the consultee table. A summary of the other comments received is given below.

- Suggest don't build block A as this blocks views of the Bargate Monument Park and of the walls. Redistribute floorspace across the blocks towards Queensway

- Proposals should incorporate demolition of Hanover buildings in order to appreciate the walls and provide more public space
- Request that planning consent for the above-mentioned development includes a requirement for multiple internal nest sites for House sparrow, Starling and Swift. On examination of the site plan and elevations of the proposed dwellings we strongly recommend that installing at least 60 integral Swift bricks is made a condition of the consent if granted.

Officer Response:

Block A has an extant consent and was previously approved in the 2019 scheme. The scheme cannot incorporate Hannover Buildings as the buildings lie outside of the application site and the ownership of the applicant. Impact on the swift's will be considered in the Ecology section below.

Consultation Response:

4.3 The following section summarises the comments made by those affected groups and consultees in response to the application:

4.4 **SCC Design**

Generally I'm happy with the scheme and think that the public realm benefits to the Town Walls and opening up of a pocket park to Back of the Walls on balance outweigh the loss of the southern section of York Street. I guess the issues that have not been addressed based on our dialogue, which I assume have been rejected on cost grounds are:

1. Decking between the blocks to on the south side to provide amenity space and to reduce the visual impact for residents of the car park/service yard. I think it is clear that the at ground level landscape proposals in these areas don't provide amenity that is likely to be used and only marginally improve the visual aesthetic from flats overlooking this space

2. The entrance to Bloc E the corner tower to Queensway is only the width of a doorway, the entrance is not celebrated as a foyer and seems odd for the biggest building in the development and feels a little less safe for residents. Ideally this would've been better if accessed from Queensway.

3. The corner to Block C has remained as apartments at ground floor rather than our suggestion to have a non-resi use here to help activate this new public space 4. From the previous approval we have defined details of the public art, but the new Polymond Pocket Park is still a concept rather than showing the detail of the actual artwork/interpretation to be provided, so this needs to be either provided or conditioned 5. I thought the originally approved scheme had detailed planting plans submitted, whereas this has just a landscape strategy? Have I missed something or is this an oversight? If so then a landscape condition will be needed 6. I'm pretty sure that Steve H requested a view looking down East Street from the High Street to check the developments impact on East Street

On a separate issue for us/Joe/highways, I thought that when the new service route in and out from Queensway was provided we would close the York Street service access to East Street. I would hope that when East Street is redeveloped and the extension to the proposed Polymond Pocket Park is delivered that we would then, services permitting, build over York Street to replace the loss of development created by the proposed extension to the pocket park.

Also, it would be good to know if we have much control over the phasing/delivery. The intention on the approved scheme was that they would start at Queensway and finish around the Bargate mainly because of the progress of the site clearance and archaeological work, but as that's now all done it would be good if we could get the buildings around the Bargate built out first, particularly given the City's bid for UK City of Culture as it would be nice to have that built out ahead of 2025. If not we as a City Council would need to think about what temporary artwork/screen we'd need to erect around the Bargate as we wouldn't really want the backdrop to the historic monument to be a concrete shell of a building

Comments on amended plans 01/02/2021

No objection to the modest amendments to the entrance to Block E

4.5 SCC Archaeology Officer

The consented schemes since 2016 have all offered an opportunity to improve the setting of the walls, although details of landscaping for the public realm adjacent to the walls was left to be decided under landscaping condition. The current application is very different to the consented schemes. It is much improved in several respects although more detrimental in others.

Along the line of the Eastern Town Wall, a wide pocket park is now proposed; this is a considerable improvement on the narrow path of the consented scheme and will open up the area giving views of Polymond Tower from the south, and partly offset the repositioning of Blocks C and D. However, I do not support the proposals for the public realm between York Gate and Polymond Tower

PUBLIC REALM & SETTING OF THE TOWN WALLS

I recommend that the current proposals for the public realm between York Gate and Polymond Tower be rejected and that a landscaping condition be imposed on any consent. It should be possible to achieve the public benefit of the development without damaging nationally important archaeological remains and the setting of the scheduled town wall. I suggest that the applicants revert to the previously agreed design for this area, arrived at after much discussion of these matters. Further to this, there may be other

aspects of the proposed development outside the public realm that would, if approved, render the proposed level reduction around Polymond Tower a fait accompli. Please can this be carefully considered?

Impact of development can be mitigated where necessary by archaeological investigation. However piling layouts should be designed to minimise the impact on archaeological deposits, including waterlogged deposits in the former town ditches, so that archaeological mitigation can be clearly targeted. This is in line with current Historic England guidance on piling.

ARCHAEOLOGICAL CONDITIONS

1. Archaeological damage-assessment [Pre-Commencement Condition]
2. Archaeological evaluation [Pre-Commencement Condition]
3. Archaeological evaluation work programme [Performance Condition]
4. Archaeological investigation (further works) [Performance Condition]
5. Archaeological work programme (further works) [Performance Condition]
6. LANDSCAPING CONDITION. Method statement for landscaping will need to ensure that no digging occurs in the rampart areas for french drains etc. (I note that the tree pits will have root barriers, as previously agreed.)
7. PILING CONDITION. To protect vibrations on the adjacent Town Walls and the Bargate.

Comments on Amended Plans received 01/02/2021

The best option both in terms of setting of the medieval walls and protection of buried archaeological deposits is still the “consented scheme”. This option most closely reflects the levels of the 1990 landscaping, which in turn was designed to broadly recreate late medieval levels contemporary with the back wall of the tower. It seems that scheme is no longer possible due to changes in proposed levels on the main development site to the south.

Applicant’s Preferred Solution. I’ve already commented in detail on this and cannot support it due to the severe impact it would have on both the setting of the medieval walls and on buried archaeological deposits.

Once an option has been approved, the developer will need to provide full details of the groundworks required (level reductions, foundation trenches, etc) to meet the requested archaeological damage assessment condition. Once these details are available, a programme of archaeological works can be drawn up to (if necessary) evaluate and then excavate the deposits that will be impacted by the scheme.

4.6 **Historic England**

See Appendix 2

Addition email Comments received 03/03/2021

Recommended amendments to Polymond Tower public realm plan
Recommend following conditions to cover other remaining issues:

- Detailed plan of landscaping around the Polymond Tower
- A condition to secure a full up-to date survey of the entire monument, including analysis of the aforementioned render and proposals for its conservation and protection, prior to the commencement of works; (the condition should also require the applicant to *undertake* the necessary conservation works, not just concerning the medieval render but any that are specified as necessary within the resultant survey report, for the entirety of the monument within the development).
- A condition concerning the final design and materials used for landscaping and interpretive elements;
- Details of the impacts of Construction (including piling) activities on Scheduled Monuments, for example from vibration, construction activities in close proximity (including monitoring), and landscaping works around heritage assets.
- Scheduled Monument Consent (SMC) for works affecting scheduled monuments within the development site before. To be belts and braces it would make sense to include one here.

4.7 **SCC Highways Development Management**

Location and Principle

The site is situated within a sustainable city centre location with substantial public amenities and transport links in the vicinity. The area contains a general of mixed uses including residential and therefore the proposed development is considered acceptable in principle.

Access

The proposal will create a new vehicular access off Queensway which will serve the development as well as existing units which has rear access off York Building. As a result however, the road accessed off the Queensway/Hannover Building roundabout will no longer link up with York Buildings. This road will become two-way off the roundabout but due to the limited number of units, this is considered to be suitable subject to adjustments of the highway to accommodate. Furthermore, there will need to be condition to ensure that the building oversailing the new access road off Queensway will need to have a ground clearance of at least 5.31m in order to meet adoptable standards for new roads. From earlier discussions, this access was suggested to be converted to a continuous footway so that priority is given back to footway users given that the level of vehicular movements are lower. However, due to the amount of HGV movements still requiring access over this as well the need to provide clearance for the under croft, this has not been pursued by the applicant. As a compromise, the surfacing and detailed design of this crossing should be of a higher

level to provide a better environment for non-motorised users crossing this access.

The development will create an open route through the spine of the site (from the Bargate monument to Queensway). This will be conditioned so that public will have permitted rights to walk and cycle along here.

As part of the latest proposal, a new internal road layout is proposed whereby the previous 'North - South' route linking East Street with Hannover Buildings is no longer a direct line and will now be dog-legged. The revised route will result in a longer walk and not necessarily the desire line for people coming to and from Hannover Buildings. Part of the justification was due to building and operational logistics but also the fact that the new route will emphasise the line of the old town wall.

Furthermore, there is a benefit that by now having to provide a route along the old town wall and the direct 'North-South' route, more space/width can be provided to the old town wall route. This would provide a higher quality public realm and a more attractive route which hopefully can be continued should land just South along the old town wall will be redeveloped in the future. Therefore on balance, the new route, although has been dog-legged, is considered acceptable due to the positives it brings and potential futureproofing a higher quality route which may be able to extended. However, due to the uncertainty of when the land to the South will be redeveloped, the public realm and surfacing treatment will need to be provided from the public realm between Blocks C and D to East street.

Parking

The parking quantum is lower than the maximum parking standards for a development of this scale. However, due to the sustainable city centre location, this is considered to be acceptable and appropriate due to the amount of public transport available nearby as well as having many public amenities within walking distance. Furthermore, there is little potential for any harmful impacts as a result of parking overspill due to the level of parking restrictions in the city centre.

There is a main car park accessed at the 'back' of the service yard to the West of the of the site. Tracking has now been submitted to demonstrate that two cars can pass safely here.

A revised drawing has also addressed an issue relating to sightlines for the row of parking spaces in Block D/F.

EV charging provision has been asked to be increase to 15% which the latest Transport response note has agreed to.

Cycle Parking

As per previous applications, the Transport team would request that the development should provide sufficient cycle parking to meet policy requirements. However, it is noted that this has been pursued due to a

balanced planning decision. The level of provision has increased and is higher than the previous two schemes which is a positive. However, the highway recommendation would still request a condition to secure more but understand a similar stance may be taken from an overall planning perspective.

Block E is understood to not having cycle parking in its building and would rely on the cycle store in Block D. This is not normally acceptable and if possible, a cycle store should be pursued in Block E – possibly by considering reducing the size of the bin store and amending its layout.

Regarding the main cycle store in Block D, direct access should be provided internally to enable a better and more convenient access rather than to the rear.

Servicing

There appears to be a change to the hardstanding area/car park at the back of Block E (area accessed off the roundabout). Previously, tracking for refuse vehicles had been provided here to ensure they can enter and leave the roundabout in a forward gear. The area required for tracking is now showing a row of parking spaces. This would need to be removed or alternative tracking diagrams for refuse and servicing vehicles likely requiring access here would need to be provided.

Refuse tracking has been provided for the rest of the site although access to the bin collection point in the large service yard (by Block B2) is not clear due to possible historic layers on the pdf plan – which shows various potential obstacles such as a refuse compactor located between where the refuse vehicle is and the collection point, making access difficult.

If the applicant is happy that these can be addressed via conditions, then a waste management plan could be acceptable to agree these finer details.

The level of the commercial units has decreased and the level of loading areas are considered to be acceptable.

Trip generation

Due to major reduction in the level of commercial uses and public parking on site, the amount of vehicular movements to and from the site has substantially decreased when compared to the previous schemes as well as the previous Bargate Shopping Centre.

Although there will still be a high level of sustainable trips generated due to the high density of residential units being provided on site.

Trip Impact Assessment

Due to decrease in vehicular trips, there will be little impact on the highway network in terms of the vehicular trips and capacity issues. Therefore the main consideration is how sustainable modes are managed and directed throughout the site.

Mitigation

A series of mitigation measures will be sought via the Section 106 and the majority of which will remain the same as previous applications. Finer details will be agreed as part of the Section 106 but is summarised as:

- Works to enable the new two-way arrangement of the Strand accessed off the roundabout
- Improvements to pedestrian and cycling environment around the site
- provision of public realm in the vicinity of the site. Especially enhancement to the area between blocks C and D linking with East Street.
- Various highway works to suit design needs of the proposals

Summary

Overall, the proposed application is considered to be acceptable subject to the following conditions:

1. Under-croft Ground Clearance. The ground clearance for any part of the new access road to be adopted will need to be at least 5.31m clear of any oversailing structures.
2. Waste management plan. A management to be submitted and agreed upon in writing to provide details on waste collection arrangements which will need to be adhered to thereafter.
3. Electric Vehicle Charging. A minimum of 15% of overall parking spaces for the development must be active Electric Vehicle Charging points.
4. Cycle Parking. More cycle parking should be provided in accordance with the Council's policy (Parking SPD, 2011). Details to be submitted and agreed upon in writing by the local planning authority.
5. Construction management plan.
6. Servicing management plan. Details of how servicing vehicles access the site and any turning areas required including refuse collection would need to be kept clear at all times for that purpose.

4.8 SCC Ecology Officer

I would like to lodge a holding objection to this planning application.

The Preliminary Ecological Assessment (PEA) indicates that there are a number of potential bat roost locations present on the site and that bat emergence surveys will be required. As these surveys will need to be undertaken before construction commences but cannot be done before May 2021, I would like confirmation of the likely timeframe for any site works with the potential to damage or disturb potential bat roost sites. In addition, surveys for black redstart, *Phoenicurus ochruros* have also been recommended. As black redstart is currently a wintering bird in Southampton these surveys will need to take place before the end of February 2021.

4.9 SCC Housing Management

As the scheme comprises of 519 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 182 dwellings (181.65 rounded up).

Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

1. On-site as part of the development and dispersed amongst the private element of the scheme.
2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice
3. Commuted financial payment to be utilised in providing affordable housing on an alternative site

In this case on-site provision would be sought subject to the findings of the independent assessment of viability. Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

Note to Panel:

The applicant's viability appraisal and the DVS (independent) review have been shared with the Council's Housing Officer

4.10 **SCC Sustainability Officer**

BREEAM

Although we would like Excellent rather than Very Good achieved for the retail, as we have previously consented a Very Good scheme it would be difficult to argue for a change in design in order to meet the policy requirements. As these are to be assessed under the current 2018 methodology, this is an improvement on the previously consented scheme, and I would therefore accept the proposed Very Good.

Energy

With the inclusion of the contribution of Air Source Heat Pump (ASHP) and PV, the estimated reduction in regulated carbon dioxide emissions using SAP 10 carbon factors is approximately 51% below the Part L 2013 compliant baseline scheme for the domestic elements, 16% below the baseline scheme for the non-domestic elements which represents a total site wide reduction of 49% and an annual saving of approximately 393 tonnes of CO₂ (see Figure 4 below). This is a significant improvement over the previous approved proposal which achieved a site wide carbon reduction of 18%.

It is recommended that if the case officer is minded to approve the application conditions are imposed to secure minimum policy requirements,

although it is highly recommended such a prominent scheme seeks to push further than minimum policy and aspire to Southampton Green City Charter aims of net zero carbon.

I am pleased to see that the GHA overheating tool has been completed as recommended to enable any potential issues to be identified.

Green Infrastructure

Whilst there are biodiverse green roofs shown on two of the buildings, there is potential to have green roofs on a greater number of buildings which can be used in combination with photovoltaics to help to regulate temperature which optimizes the functioning of the solar panels. This could help improve the green space factor to achieve a 'pass.'

Water

No mention of rainwater/ greywater recycling which should be included unless unviable in accordance with CS20.

Conditions:

1. BREEAM Standards [Pre-Commencement Condition]
2. BREEAM Standards [performance condition]
3. Energy & Water (Pre-Commencement)
4. Energy & Water (performance condition)
5. Zero or Low Carbon Energy Sources (Pre-Commencement Condition)
6. Green roof feasibility study (Pre-Commencement)
7. Rainwater /Grey-water Harvesting (Pre-Occupation Condition)

4.11 **CIL Officer**

The proposed development is CIL liable. Given the complicated site history and the CIL payments that have been made for the previous applications on the site the applicant is advised to liaise directly with the CIL Officer in respect to the CIL implications on this development.

4.12 **SCC Employment and Skills**

An Employment and Skills Plan obligation will be required for this development and applied via the section 106 Agreement.

4.13 **SCC Contamination Officer**

Appendix F of the Preliminary Environmental Risk Assessment Report does not include copies of the Phase II, III or IV report as describes in section 2.6. Without this information I am unable to comment on whether the conclusions made in the Preliminary Environmental Risk Assessment Report are appropriate. Therefore until this information has been submitted and reviewed I would recommend conditions be attached to any approval granted.

4.14 **SCC Air Quality Officer**

We are broadly happy with the methodology provided. In terms of mitigation, we support the use of the suggested dust construction mitigations in order to maintain low residual impacts. While operational impacts have been classified as negligible, we recognise that the development does contribute to some degree to the continued exceedance of national air quality objectives. As such we would suggest mitigation measures be put in place to further reduce operational impacts.:

4.15 **Licensing Officer**

1) Taxi/Private hire provision. The rank in Queensway and Hanover Buildings are not currently used but if the project is going to have shops and restaurants or bars there ought to be some sort of provision for pick up and drop off for licensed vehicles.

2. I am concerned at the mix of residential and hospitality units. Licensed premises attract noise, whether it is from within the venue which can normally be managed or outside such as customers queuing to get in, stood outside smoking or leaving where it is far more difficult to mitigate the issue. In addition there is a drive to provide outside areas for premises which again will attract noise, food smells and smoke rising up to residential areas above.

4.16 **Crime Prevention Design Advisor**

Access to those areas of the elevations that contain apartments must be prevented. The residential areas of buildings must sit within an area of private space, this should be enclosed within a robust boundary treatment 1.2m high. Any ground floor doors and windows giving access directly into an apartment should be further protected by the provision of a private garden, which is the sole preserve of the resident. These gardens must be enclosed by a robust boundary treatment 1.2m high.

A number of two bed town houses have both an external and internal access door (plot C.LG.09 is an example of this, there are others). If the external door is to be the front door, the footpath should be gated where it meets the public realm. If the external door is a patio door, at the junction with the public realm the boundary treatment should continue so as to provide a continuous rear boundary. An external light should be fitted by the door.

Those gaining access to an apartment block appear to have unrestricted access to all floors, this increases the opportunities for crime and Anti-Social Behaviour (ASB). To reduce the opportunities for crime and ASB unauthorised access to the apartment floors should be prevented. To

provide for this a door fitted with an electronic access control system should be installed at each floor level.

A basement car park is shown below Block B2, there is very little natural surveillance of this car park, which increases the opportunities for crime and Anti-Social Behaviour (ASB). To reduce the opportunities for crime and ASB unauthorised access to the car park should be prevented. This might be achieved by the installation of electronically controlled shutters at the entry / exit point. A height restrictor should be fitted at the entrance to prevent the entry of large vehicles. To improve the natural surveillance of the car park a Closed Circuit Television (CCTV) system should be fitted within the building, with cameras deployed to provide images of the entrance / exit points and the car park. Pedestrian access to the accommodation above the car park should be controlled using an electronic access control system.

To provide for escape from the car park, escape doors should be fitted, these should give direct access to the public realm. If this is not possible and escape is to be via the stairwell that provides access to the residential floors, this stairwell should continue to the surface level to provide for escape, but not allow entry into the residential floors of the building.

There are several post rooms located throughout the development. The post rooms have both external and internal access doors; there is no natural surveillance of the post rooms. This increases the opportunities for crime. To reduce the opportunities for crime the external door should be removed from the approved scheme. All doors giving access into the post rooms should be fitted with an electronic access control system that provides for access by fob. A Closed Circuit Television (CCTV) system should be installed within the apartment blocks with cameras deployed to provide images of the post rooms.

The plans show several large cycle stores; there is very little natural surveillance of these stores, which increases the opportunities for crime and ASB. To reduce the opportunities for crime and ASB these large stores should be subdivided into smaller stores. To improve natural surveillance CCTV cameras should be fitted within each cycle store.

To provide for the safety and security of residents and visitors lighting throughout the development should conform to the relevant sections of BS 5489-1:2020.

Finding appropriate solutions to the design issues highlighted within this letter is fundamental to providing a development where crime, disorder and the fear of crime do not undermine the quality of life or community cohesion.

4.17 Highways England

Having examined the above application, we do not offer any planning

objections to this proposal.

We note that Technical Note prepared by Transport Planning Associated (TPA), dated November 2020, in Appendix C contains 'Framework Residential Travel Plan'. We welcome this strategy as means of maximising the potential for travel by sustainable modes and reducing single car occupancy. We also recommend that Construction Traffic Management Plan (CTMP) is implemented during construction, which should include details of hours of operation and routing of vehicles.

4.18 **Southern Water**

No objection subject to planning conditions and informatives being added to the planning permission. Southern Water advise that they cannot currently accommodate the needs of this application without the development providing additional local infrastructure. Their response goes on to explain how this infrastructure can be provided.

4.19 **Gardens Trust**

In our opinion, the revised application compounds an application which already adversely affected the Grade II* Central Parks, by adding yet more height to the blocks, further increasing visual intrusion, especially from Houndwell Park and further afield from Palmerston and Hoglands Parks. The tall buildings which already obtrude above the tree-line from within the parks will be further compounded by this revised application. The GT OBJECTS to the above application

4.20 **City of Southampton Society**

Objection:

- 1) An excellent opportunity to promote the city as the City of Culture 2025 has been missed. A lot more is required to make this a destination rather than just an access route between the High Street and Queensway.
- 2) Although there is a walkway along the south side of the old city wall, this in itself is not sufficiently attractive to tourists. The walkway is narrow, there is only minimal green space, and because it slopes downhill from west to east, lends itself to abuse by cyclists, skate borders, electric scooters etc. We propose a ban on such activity.
- 3) Leaving more space between the wall and the flats with additional green space will provide a more relaxed atmosphere. With the proposed layout this area could easily be adopted by the children of the flats as their personal play area to the exclusion of tourists and residents of the city.
- 4) The ground floor flats of all the buildings (especially those facing the

wall), must have an area of private space to protect their privacy and their security.

- 5) Further, we fully support the comments made by the Crime Prevention Design Adviser in respect of security of the buildings.
- 6) The provision of only 48 parking spaces for 519 residents is insufficient. Admittedly car ownership among city-centre residents is lower than in the suburbs but no examination has been made of where any car owners may park. Will street parking displace residents from other developments? Will parking permits be issued? Visitors or patrons of the new shops/restaurants could use local short-stay car-parking facilities but this is not appropriate for residents (Planning Officers will be well aware of the recent Refusal - even after Appeal - of an application for a hotel at the old Ordnance Survey site on the grounds of additional street parking being an at the expense of the needs of local residents)
- 7) The reduction in parking spaces has also lead to the loss of public toilets. Again this is a backward step for the city's bid to become City of Culture 2025.
- 8) The internal layout of many of the flats has toilet doors opening directly off the living room and in some cases the kitchen areas. Whilst this may be in compliance of new building regulations, it is a retrograde step in design terms.
- 9) The amount of sunlight in the external communal areas meets the minimum standard of 2 hours per day in the summer weeks, but this is hardly a standard that most of us would find acceptable. As a prime site for the city we should be aiming higher than the minimum standards.
- 10) Once again we raise the question of access to The Bargate, a grade 1 listed building and scheduled monument, via a very steep internal staircase. We are mindful that this is not part of the development site, but significant s106 monies could be allocated to provide an external staircase or some other alternative. With so little being offered to attract tourists to the wall, this is one area that could definitely be improved.

In conclusion, we accept the fall-back position of a near 100% use for residential housing. We also accept that the general layout and height of the proposed buildings has been approved in previous applications. However a lot more could, no should, be done to improve the offering, in particular in relation to making this section of the wall a tourist destination. It is to be regretted that a more imaginative design has not been presented for approval - a design which would have enhanced the historic setting of the ancient city walls. Again it is unfortunate that a developer with more imagination was not chosen for this key city centre site.

Officer's response

Development of this site has long been an aspiration of Policy AP28 of the CCAP. Officers agree with the CoSS that the Council should seek to achieve the highest quality development within this part of the City Centre.

Officers have worked with the applicant from an early pre-application stage through to the submission to achieve such a scheme. In direct response to the CoSS:

1-3) The key benefit of these proposals is to enhance the public realm around the site and provide links west to east and north to south through the city and benefits to the setting of the historic environment. The development would be subject to a management plan regarding the control of litter and security in order to prevent litter issues and vandalism/anti social behaviour. The gap between the town wall the new blocks would be 15m which is the same as previously consented.

4) Details of boundary treatment and defensive spaces will be secured through a planning condition, which will achieve an appropriate balance between private and public spaces.

5) Noted – the comments of the Crime Design Advisor will be incorporated through a condition.

6) The acceptability of the car parking provision is addressed in Section 6 below.

7) The amount of commercial units has been reduced and the loss of a public toilet is not considered to be significant issue.

8) Building Regulations would address this issue

9) Amenity for future residents is addressed in section 6 below

10) Suitable pedestrian access through the site has been secured through this development

The overall planning of the benefits and impacts of the scheme will be considered in Section 7 below.

4.21 **Southampton Commons and Parks Protection Society (SCAPPS)**

SCAPPS objects to this application for a fundamentally different development to that previously granted permission. The primary 'planning gain' in the previously permitted schemes was the opening up of the Town Walls by creating alongside a boulevard linking busy destinations, with retail and hospitality attractions along its length. This revised scheme has lost sight of that objective. The closure of Debenhams (and likely redevelopment of the site for housing) should have resulted in a fundamental rethink of layout and design principles. With no department store at the eastern end of the application site, there will be little to attract people through from The Bargate; & the applicant compounds that loss of a 'draw' by removing from the scheme the specialist retail outlets, bars & cafes along its length. Apart from retail units adjacent to The Bargate and facing Queensway, this revised scheme is a housing development. The revised proposal provides a somewhat sterile 'green' setting for the Walls on a path to nowhere -- there is nothing to draw people to use it as a route to destinations beyond the site, & no active uses (cafes, bars, specialist retail) as in the previous designs to attract visitors. With residential units at ground floor level, the inevitable consequence will be that part of that green space will be taken as private amenity space. SCAPPS made this point in response to the pre-app consultation but it has been ignored. The opportunity should have been taken to redesign the through route

alongside the Town Walls so it gives links to established pedestrian destinations -- through to Hanover Buildings and the main south-north axial path through the Central Parks and, at the east end of the site, through a redesigned road layout at the top of Queensway to the diagonal path across Hoglands. There are substantial pedestrian flows on both these routes; by including in a revised layout easy-to-follow, attractive links with both, some compensation might have been secured for loss of Debenhams. Ground floor uses should be retail/leisure, not housing, to secure activity along this setting for the Town Walls, and avoid the green space appearing 'private', or indeed risking that it does indeed, in whole or in part, become green space with controlled access.

SCAPPS objects to visual impact on the grade II* registered Central Parks. The character and setting of the Central Parks is threatened by the number of recent permissions for tall buildings on adjacent sites which obtrude above the trees in views from within the Parks. It is incontrovertibly the case that the development proposed would be very visible in views from Houndwell Park and in longer distance views from Palmerston and Hoglands Parks. The new design of linked, chunky 8/9 storey blocks would appear as a continuous 'wall' of building rising above the much lower existing frontage buildings on Hanover Buildings. SCAPPS is particularly concerned by adverse visual impact (and overshadowing effect on the Park) from the even higher (13 storey) block on the Hanover Buildings-Queensway corner. English Heritage has acknowledged that the point has been reached when the number of permissions for tall buildings next to the Central Parks is threatening their character.

SCAPPS objects to the excessive number of housing units proposed, over 500. Although the application includes green space along the line of the Town Walls, it will not provide an appropriate amount of outdoor amenity space for the scale of residential development proposed. SCAPPS cannot accept that the application meets planning policy requirements on the amount of usable amenity space. The Central Parks are already suffering from pressure of overuse. The very significant increase in recent years in resident population in the city centre has not been matched by a commensurate increase in public amenity space. The City Council must not continue to accept the argument from developers that proximity to the Central Parks can be accepted as justification for failing to provide on-site public amenity space. There is no provision for children's play.

Additional Comments received 29.12.2020

Addition to SCAPPS objection

SCAPPS objects to visual impact of the amended design on views from within the Central Parks. The applicant's argument on visual impact on the Central Parks is summarised in paragraph 4.34 of the second Heritage Statement (Nov 2020) in the Environmental Statement Part 2, 'Modern large scale built form is now a common feature of the setting of the Parks, particularly Houndwell Park and Hoglands Park. This large scale modern

built form is clearly visible from within the Parks and has, to a degree, affected the way in which the historic interest of the Parks are appreciated but is now an established element of the setting of the registered parks.' SCAPPS fundamentally disagrees with, and challenges, that assessment.

SCAPPS asks account be taken of Historic England's comments 2 years ago on the The Fire House application (18/01820). Historic England raised the issue of taller buildings on the perimeter of the Central Parks, 'several have now been built and others are consented so it is timely to raise a concern for the future in that too many tall buildings around the park would have an adverse impact as they would create a 'walled' effect, restricting views out and undermining the connectivity between the parks and the wider townscape. This is a consideration for the future...'

That 'walled' effect is the exact impact of the current Bargate application -- it would result in a continuous slab of high building visually intruding above the tree line when viewed from within particularly Houndwell and Hoglands Parks, but probably too in longer distance prospects from the axial avenue running north-south through the Central Parks. I have been unable to find in submitted documents any photomontage representation demonstrating visual impact from within the Parks of the proposal.

SCAPPS asks that Historic England be asked to take account of those earlier comments in its comments on this application and that the applicant supply photomontage images showing how extensively from within the Central Parks the proposed development would be visible.

Officer's response

It is recognised that additional height adjacent to the listed Parks will be noticeable and Policy AP28(9) specifically requires enhancement. In their consultation comments. It should be noted that there is an extant planning permission, which proposed a similar level of building heights and impact on the registered parks. Historic England have reviewed the revised proposals but still do not consider that the development would have an adverse impact on the significance of the registered park. The views of Historic England are agreed and the development is considered acceptable in this regard. This is discussed further in Section 6 below.

4.22 District Valuation Service (DVS Viability Appraisal) – Summarised/Conclusions

See Appendix 3

5.0 Development Plan Policies/guidance of relevance:

- 5.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 explains that in considering whether to grant permission for development that affects a listed building or its setting the Local Planning

Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act adds the duty to consider whether or not new development 'preserves or enhances' the character of any conservation area to which it relates.

- 5.2 On this point paragraph 193 of the National Planning Policy Framework (NPPF - 2019) adds that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. NPPF Paragraph 196 confirms that where less than substantial harm is caused to the designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This paragraph should be read in the context of the response from Historic England to the application.
- 5.3 The amended NPPF came into force in February 2019 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 5.4 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (Amended 2015), the City of Southampton Core Strategy (Amended 2015) and the City Centre Action Plan (CCAP - March 2015). The most relevant policies to these proposals are set out at **Appendix 2** to this report. Since the earlier permissions were issued the revised NPPF (2019) has been published but its emphasis on housing delivery that respects heritage assets with good design remains.
- 5.5 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 5.6 Policy AP28 of the adopted CCAP states that retail-led mixed use redevelopment is promoted on the site to the east of Castle Way (corner of Bargate Street / Castle Way), Hanover Buildings and the Bargate Shopping Centre. Appropriate uses include retail (A1), food and drink and upper floor residential, hotel, commercial B1 (a) and (b), cultural and leisure uses. The Bargate Shopping Centre is identified as Primary Retail Frontage however flexibility will be shown to deliver retail or leisure uses next to the Town Walls.

It states that development will be supported where:

- 1) *The access to, views and setting of the Town Walls are improved by opening out the areas immediately surrounding the walls, introducing attractive pedestrian routes and uses with active frontages alongside*

them and improving legibility and linkages with other sections of the Town Walls;

- 2) Proposed uses are in accordance with the retail policy on primary and secondary retail frontages;*
- 3) Active frontages are provided alongside main routes;*
- 4) Improved pedestrian links are created through the site;*
- 5) The Shopmobility facility is retained or provided in a similarly central location;*
- 6) Development fronting High Street provides a high quality entrance to the Bargate shopping centre and enhances the setting of the Bargate;*
- 7) The build edge around Bargate is realigned to follow the historic street pattern and development safeguards the opportunity for, or facilitates, a high-level bridge link. Development should seek to retain and incorporate the Art-Deco façade of the former Burtons building into any new development proposals;*
- 8) Development includes pedestrian links to the East Street shopping area along the line of the Town Walls and the redevelopment of the Eastern site includes a connection through from the High Street to Castle Way continuing the line of East Street; and,*
- 9) Development respects and enhances the setting of the Grade II* registered park.*

For the purposes of determining this application, Policy AP28 has significant weight. Whilst previous scheme's were compliant the reduction in commercial floorspace – whilst understandable in the context of the UK's current retail sector – represents a departure from this Policy. Taking the Development Plan as a whole the scheme is considered to be compliant when assessed in the round.

6.0 Planning Considerations:

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

- Principle of Development and Regeneration Issues;
- Design and Impact on Heritage;
- Highway Safety, Access and Parking;
- Residential Amenity (Existing and Proposed);
- Environmental Impact and Mitigation; and,
- Affordable Housing and Viability.

Principle of Development

6.2 The principle of mixed-use redevelopment of this previously developed site was established through the 2016 permission, which included residential development. This permission is extant and could be built out. Similarly the swap to hotel use under the 2019 permission remains extant and was considered to comply with the City Centre Action Plan allocation and city

centre location. Policy AP28 advocates a 'retail led mixed use redevelopment' of the site, however this application is a residential-led mixed use development and therefore deviates from the requirements of Policy AP28.

6.3 The applicant seeks to justify the deviation from a retail led scheme to a residential led scheme as a response to the market conditions, including the declining demand for retail units within city centre (not helped by Covid19). Their justification for this departure from previous schemes and the residential led development are:

- Current market conditions prevail including reduction in demand for retail units
- Funding for hotel difficult to secure
- Loss of Debenhams removes viability of retail except at High Street and Queensway
- Private Rent Sector operators seek 500 unit threshold

6.4 These changing market conditions and decline in retail clearly post date the adoption of policy AP28 and has been accelerated by the Covid 19 pandemic. From a broader planning perspective, this shift away from retail uses has been consolidated by the introduction of the new 'Class E' use class in September 2020 which allows more flexible use of commercial units without planning permission. However a residential led scheme is at odds with Policy AP5 of the CCAP, which includes this site in its assessment of likely retail delivery with an estimated 4,875sqm of retail space, as well as Policy AP28, which requires a retail led mixed use development. This, in itself, does not mean that the scheme cannot be supported as all material considerations need to be taken into account as part of the overall assessment.

6.5 Planning law requires that applications for planning permission must have regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but constitutes a material consideration in any subsequent determination. The NPPF sets out a presumption in favour of sustainable development running through both plan-making and decision-taking. The three dimensions to achieving sustainable development are defined in the NPPF as: economic, social and environmental. Paragraph 11 of the Framework indicates that, for decision taking, where Local Plan policies are up to date: development proposals that accord with the Development Plan should be approved without delay. Both the adopted Local Plan and the NPPF require a positive approach to decision-taking to foster the delivery of sustainable development. These three dimensions of sustainable development are also central to the Council's Development Plan principles, including the City Centre Action Plan. Only where material considerations indicate otherwise, including the delivery of sustainable development that an

application contrary to the Development Plan can be considered acceptable.

- 6.6 The degree in which this proposal meets the three dimensions to achieving sustainable development will be concluded at the end of this report, however there are a number of headline benefits that derive from this revised scheme, In respect of residential uses the LDF Core Strategy Policy CS4 confirms the need for additional housing across the city, and explains that an additional 16,300 homes will be provided to the end of the current plan period to 2026. CCAP Policy AP9 suggests approximately 5,450 dwellings will be built in the city centre between 2008 and 2026. The current application proposes 519 new residential units ranging from studios to three bed units, which would significantly assist in meeting this need. The Central Parks are within easy walking distance and future occupiers of the building will have the advantage of good access to the commercial facilities of the city centre and the applicant's need to increase density to assist in the delivery of the scheme. Furthermore the proposed density of 370 dwellings per hectare (deph) complies within the requirements of Policy CS 5 (Housing Density) to provide over 100dph in city centre locations.
- 6.7 Despite being residential led, this remains as mixed use scheme, and continues to includes land uses that partially meet the aims of Policy AP28, such as the provision of some retail and leisure uses (Class E) and food and drink establishments to be located along the Bargate and Queensway frontage. This would still provide the opportunity for a range of commercial uses to contribute towards the vitality of the City Centre, with a strong physical connection with the high street and 'civic' setting of the Bargate Monument. The new commercial uses would also provide 113 new jobs, as well as potential construction worker jobs, which would benefit the local economy and secure local apprenticeships through the s.106.
- 6.8 In addition this revised scheme substantially increases the amount of public amenity space within the site, including a wider west to east pedestrian route from Bargate to Queensway. The buildings are set further back from the town walls, and provide openings from the north from York Gate. The scheme also provides a pocket park opposite Polymond Tower and involves the use of new surfacing to allow the demarcation of the town walls heading south from the tower. The perceived benefits will be weighed up against any harm to the historic character and integrity of the Listed Walls and Bargate Scheduled Ancient Monument, however they should also be recognised as socio-economic and cultural benefits of the scheme. This revised scheme also provides enhanced amenity space for future residents, including roof top amenity space overlooking the Bargate Monument.
- 6.9 Furthermore the proposals include improved environmental sustainability benefits in line with BREEAM, energy reduction methods (PV panels and ASHP) (leading to CO2 reduction), green roofs and water consumption restrictions.
- 6.10 In terms of the proposed Section 106 agreement, it is recognised that the development is a high cost scheme and the applicant is proposing to make

direct provision of public realm and open space improvements whilst attempting to also meet all of the standard contributions set out in the Council's Planning Obligations SPD. In terms of affordable housing, there will be no provision and the scheme's overall viability is discussed later in this report. Therefore, despite being contrary to part of the Development Plan, and the disappointment of the previous schemes not being built out, this revised proposal incorporates a number of positive material considerations, which should be weighed in favour of the development when assessed against the Development Plan as a whole.

Design and Impact on Heritage:

Layout and Design

- 6.11 The planning submission and supporting documents are very thorough and there is sufficient information to understand and assess the level of design quality. The key changes to the scale and appearance of the buildings are as set out above and described above, however a key change to the physical appearance of the scheme is the reduction in the height of the buildings within the town walls. This revised scheme takes a 'castellated' approach involving varying building heights, as opposed to the 2019 scheme which saw a gradual increase in buildings from Bargate to Queensway. The residential mix also changes, with a greater variety of housing mix, including the provision of new 3 bedroom units (28 compared to 2 previously). This amendment reduces the number of north facing flats and increases the opportunities for dual aspect thereby improving the residential living environment.
- 6.12 Furthermore differing brickwork will be used inside and outside of the walls to provide a distinction between old and new. The design principles that led to the earlier permission have again been largely followed and the amended design approach is considered to be acceptable given that the land is separated from the listed parks, and is needed to support a deliverable scheme with the benefits of providing further access to a significant section of listed town wall. Material details for the new buildings and public realm surfacing and hard and soft landscaping in and around the site will be secured through a planning condition.
- 6.13 Policy AP16 (Design) of the CCAP supports the site's allocation under Policy AP28 for a major mixed-use development and is supportive of applications that '*strengthen the unique distinctiveness of the city's heritage*'. The applicants engaged in our pre-application service, and also involved Historic England from the start of the process, which has led to the support of officers and some positive comments from this key consultee. The Council's Design Advisor has expressed their support for the proposals and, subject to the below consideration of the impact on the historic environment, the proposed scheme is considered to development a high quality design solution.

Impact on the Historic Environment

6.14 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 heritage assets, their 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.

6.15 In this instance the heritage assets directly affected by the proposals are the Bargate Monument and the section of Town Wall running east from Bargate and including the Polymond Tower, as well as the Old Town North Conservation Area, incorporating the western part of the site. The NPPF requires heritage assets and their significance to be identified and the level of harm assessed. Where harm arises, clear and convincing justification should be put forward for consideration. The below highlights the relevant requirements relating to heritage assets within the NPPF:

Para 189 states local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting- This is set out in the submitted Heritage Statement and the Council's Conservation Area Appraisal.

Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 192 describes that in determining applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution their conservation can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness;

Paragraph 193 is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (it should be noted that a scheduled

monument is one of the highest level of designation). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance;

Paragraph 194 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 6.16 In their consultation response as set out at **Appendix 3**, Historic England confirm the significance of the heritage assets affected by this development:

The Bargate is deemed to be one of the finest town gateways in England and this is recognized in its Grade I and scheduled status. Collectively with the Town Walls it tells the story of the construction, evolution, and status of the medieval old town, and it has great communal and aesthetic value as an iconic symbol of Southampton. The evidential value of the Town Walls and Bargate are also high, as their fabric holds information regarding construction techniques and materials of medieval and later phases of alteration. The north eastern element of the Town Wall to the east of Bargate is a significant section of wall due to the presence of three tower turrets, with Polymond Tower marking the corner point where the walls turned southwards. Consequently the wall here has great historical value in demonstrating the extent and scale of the medieval town.

Historic England have confirmed that the 'castellated' approach for the buildings within the walls is generally supported as this allows visual penetration through the buildings towards the walls. Furthermore they consider that consolidation of a larger north to south opening and pocket park around Polymond Tower and associated improvements to public realm around the town walls represent significant benefits of the proposals compared to the previous scheme. Within their initial response (12th January 2021) they raise concern that Block B1 had edged closer to the Bargate than previous schemes and have sought clarification on that point, especially as that part of the site lies within the Conservation Area. However the applicant provided further justification in February 2021 stating that: *'The current scheme retains the open vista created by the consented scheme albeit with a minor reduction in width arising from the need to maximise (within the confines of the ownership) the commercial floorspace...(which) define the spaces both inside and outside of the historic line of the wall and maintain visual connection between the two spaces from the previous consent.'* This was seemingly accepted by Historic England in their amended response dated 18th February 2021. On the principle concern raised by amenity groups it is recognised that additional height adjacent to the listed Parks will be noticeable and AP28(9) specifically requires enhancement. Historic England do not consider that the proposals impact significantly on the setting and appearance of the parks and therefore the amended proposals can be supported in this regards.

6.17 In respect of other matters, Historic England have confirmed that the following issues can be secured through a condition:

- Public realm designs around the Polymond Tower, including archaeological sensitivities – these are currently being revised by the applicant. A detailed scheme for approval can also be secured through a planning condition;
- A condition to secure a full up-to date survey of the entire monument, including analysis of the aforementioned render and proposals for its conservation and protection, prior to the commencement of works - (the condition should also require the applicant to *undertake* the necessary conservation works, not just concerning the medieval render but any that are specified as necessary within the resultant survey report, for the entirety of the monument within the development).;
- A condition concerning the final design and materials used for landscaping and interpretive elements;
- Construction (including piling activities) could have a direct impact on Scheduled Monuments, for example from vibration, construction activities in close proximity, including monitoring and landscaping works around heritage assets – details of these impacts should be secured through a condition.
- Conditions requiring the applicant to seek Scheduled Monument Consent (SMC) for works affecting scheduled monuments within the development site

6.18 Similar to previous schemes, Historic England have concluded that the development of this scale in proximity to the monument and town walls results in a *'high level of harm that is less than substantial through impingement on the setting of the Scheduled Monuments. As a consequence of this the design and realisation of public realm around the wall becomes a vitally important element of the scheme, to ensure the heritage benefits that offset the harm are meaningful'*.

6.19 Para 196 of the NPPF states 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.'* It is important to note that 'less than substantial harm' doesn't mean that the harm caused to the heritage assets is a less than substantial consideration. Less than substantial harm still has to be justified and outweighed by the benefits of the proposal in line with paragraphs 193, 194 and 196 of the NPPF. In this instance it is considered that the harm caused by the dominance of the development to the character and setting of the heritage assets are outweighed by the clear public benefits of the proposals. Aside from the applicant's contention that this amended scheme presents the most viable scheme (addressed later), the proposals would bring forward substantial public realm and landscaping improvements around the Bargate and Town Wall. This includes opening up of the historic York Gate, exposure of the length of the town walls and Polymond Tower and provision

of dwell space (pocket park) around Polymond Tower. The improvement around Polymond Tower also go some way to fulfilling the Council's cultural ambition to provide a 'walk the walls' tourism experience by opening up and marking the southern return of the town walls within the pocket park. These improvements represent significant public benefits that directly enhance the setting of the heritage assets and allow for greater public appreciation of them. Therefore, these benefits outweigh the less than substantial harm caused by the proposed development.

- 6.20 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 character of the listed walls, the Bargate and the Conservation Area, despite the development potentially dominating the setting to both the walls and the appearance of the Conservation Area. Following the removal of the existing shopping centre building in 2017, and the proposed provision of substantial improvements to the public realm immediately adjacent to the heritage assets, the new development offers significant improvements to the city centre's current townscape and vitality, especially through the improvements to the historic environment and can be supported.

Archaeology

- 6.21 The application site is in Local Area of Archaeological Potential 8, as defined in the Southampton Local Plan Review 2015 (Policy HE 6 Archaeological Remains) and Core Strategy 2015 (Policy CS 14). This is an area of high archaeological sensitivity, adjacent to the medieval town walls and the Bargate, and located partly within the medieval walled town. Much archaeological work took place on the site in the 1980s, associated with construction of the Bargate Centre. Archaeological deposits were entirely removed from most of the footprint of the Bargate Centre, notably its deep basement. However, in 2016/2017, archaeological deposits were known to survive or potentially survive in several parts of the application site. Since 2017, archaeological investigations have taken place associated with the previously consented schemes for the application site. On-site investigations have been completed in some areas, although post excavation work and reporting is still ongoing.
- 6.22 The Council's Archaeology Officer has stated that as none of the archaeological conditions have been fully discharged – given that that works have largely stopped on site - conditions are still required to secure completion of the site work and of the full archaeological work programme to publication. These conditions are considered necessary given the archaeological sensitivity of the site.
- 6.23 With comments similar to those raised by Historic England, the Archaeology Officer has raised concerns regarding the proposals for the public realm between York Gate and Polymond Tower as it will cause substantial damage to medieval deposits and the impact of the proposal on archaeological remains has not been properly assessed. This detail

regarding the depth of steps or land levels around Polymond Tower, in particular, is a key detail to agree in order to address the impacts on archaeological deposits. This can be secured with an amended plan, as set out by the above recommendation, involving further discussion with the Archaeology Officer and Historic England. The Archaeology Officer has confirmed that beyond the public realm, the impact of development can be mitigated where necessary by archaeological investigation, including piling layouts designed to minimise the impact on archaeological deposits. Subject to compliance with these conditions the proposals are considered acceptable in terms of their impact on archaeology considerations.

Highway Matters

Site Access

- 6.24 A Transport Assessment (TA) has been submitted as part of the Environmental Statement and the Council's highways officers largely accept the findings. In terms of site access the proposed works to the Queensway will reduce the carriageway width and create a new principal access point for all car borne trips, and a substantial amount of the development's servicing needs will also take place from this new access; as will the existing requirements of the East Street retailers. Exit from the site on to Queensway will also be restricted to left turn only. There was some discussion between the applicant and the Highway Officer regarding amending the access on to Queensway to be come more pedestrian friendly, however the applicant has stated that as HGVs would still use the site, a formal access is still required. Notwithstanding a more pedestrian orientated access would be preferable, the Highways Officer has agreed a compromise would be to secure surfacing details of the access to provide an appropriate balance. The views of the Highway Officer are agreed and subject to securing additional details of the access on to Queensway, the SCC Highways Officer considers the development to acceptable. It is considered that the proposals would meet the requirements of Policy TI2 in this regard. Site specific transport improvements, including alterations to Queensway, can mitigate any adverse impact on the highway network and can be secured through the Section 106 agreement.

Car Parking

- 6.25 In terms of car parking the CCAP explains that the managed provision of parking is important to attract new development to the city centre; to encourage a switch to walking, cycling and public transport in a highly accessible city centre location; and to minimise land take thus creating high quality urban places. Paragraph 4.194 adds that *'there is already a sufficient capacity of car park spaces in the city centre. Therefore, the aim is to maintain the existing overall level of car parking rather than to increase it. However there will be a need for some targeted additional car parking, particularly to encourage and directly associated with office development'*. The primary change in Transport matters between the consented and proposed development is the reduction in the residential unit to parking ratio from 0.17

spaces per unit to 0.10 spaces per unit (54 Residential car parking spaces including EV charging points).

- 6.26 According to the maximum parking standards provided within the Parking SPD, the proposed development would usually be required to provide 547 parking spaces to meet the requirements of each new unit (491 spaces for the 1/2 bed units and 56 spaces for the 3 bed units). Whilst the proposed parking provision of 54 spaces is clearly less than Council's adopted maximum standards, the high accessibility and city centre location overrides such the maximum requirement, as less residents are likely to require a car. Paragraph 4.198 of the CCAP acknowledges that '*city centre living is likely to encourage some people not to own a car*' and the most recent Census (2011) advises that 43.6% of households in the Bargate Ward do not have access to a car, with 43.1% having access to 1 car only. Furthermore the applicant has stated that 'PRS tenants typically have low car ownership rates due to the nature of the tenure type'. In this instance there will be restrictions on residents securing permits in city centre controlled parking zones and occupants will, therefore, base their decision to purchase/occupy on the knowledge that parking to serve the development is restricted. Furthermore residents parking permits generated by the development will be restricted through an appropriately worded planning obligation. The proposals have been amended during the course of the application in order to provide better access to parking spaces. Considering the above justification and the City Centre location of the site, Officers are content that the below standard parking provision in this location is not considered to warrant a reason for refusal. The applicant has also confirmed that an appropriate strategy and design solution for ensuring security of the car park will be implemented, however this will be subject to the bespoke requirement of the end operator. The Highways Officer considers an appropriately worded condition would secure these details. Furthermore a condition will be imposed in order to secure a 15% requirement for EV charging points (spaces) with infrastructure to secure more.

Cycle Provision

- 6.27 In terms of cycling parking 348 secure spaces are proposed at a ratio of approx. 0.75 spaces per unit. This represents a positive improvement compared to the previous schemes which were consented at 0.62 (2016 permission) and 0.57 (2019 permission) spaces per unit. In addition 30 additional short stay cycle spaces alongside dedicated internal storage facilities for residents. However, this provision of cycle parking falls below those standards of the Development Plan, which requires one space per unit. Notwithstanding that the revised proposals represent a significant improvement to previous schemes and other forms of sustainable transport modes lie in close proximity to the development site, a condition will be imposed to try and secure increased cycle parking within the site in order to meet the standards set out in the Council's Parking Standards SPD. In terms of accessibility, cycle storage areas are located primarily to the rear of the blocks (southern side), with access provided through the lobby/concierge at ground floor or near rear exit points of the buildings. Block E is not shown to

benefit from any cycle storage and therefore would rely on the cycle store in Block D. The above condition to provide further cycle parking would also catch the requirement to provide a cycle store within Block E. Subject to compliance with these conditions, the level of provision and access arrangements are therefore considered to be appropriate and acceptable in this instance. These spaces can be secured with the attached planning condition.

- 6.28 In terms of pedestrian and cycle accessibility across the development, the difference in levels between the Old Town/Bargate area of the city and Queensway is a significant challenge for this development. It has, however, been handled well by a graded pedestrian link thereby removing the need for excessive steps throughout the core of the scheme. Stepped and ramped access in to the site is limited to the west, adjacent to the Bargate, which also allows raised views of the development from west to east, including the setting of the walls., This design solution makes the development more inclusive than is currently the case. New pedestrian routes through the scheme from York Gate and down through to Queensway and south along the old line of the town walls would significantly enhance the public realm in this part of the city. The applicant has clarified with the Highways Officer that the use of the landscaping area at the interface between the pocket park and The Strand would ease the transition between the two surfaces, and paved surfacing of the area from the rear of the site towards East Street would allow for a more pedestrian friendly connection between the two developments. Details of surfacing will be secured through a planning condition.

Refuse arrangements

- 6.29 Refuse and recycling storage areas have been provided across the site, which would enable collection from the rear service yard. The applicant has designed the service yard to enable sufficient turning of a refuse vehicle within the site. This has been demonstrated with a swept path analysis. The applicant has confirmed that bin collection points close to the highway will be located where the proposed bin stores are more than 10 m from the refuse vehicle (i.e. Block B close to the car park and Block G) with bins moved forward from the bin stores by management on collection days. The Highways Officer has requested an additional tracking plan to show turning for refuse vehicles servicing Block E, however as this part of the scheme remains unchanged, the submission of an amended plan outside of a planning condition is not considered essential in this instance. This tracking plan will be secured through the servicing management plan. On this basis the refuse and recycling provision and access is considered to be acceptable, subject to receipt of a service management plan demonstrating how servicing vehicles access the site and any turning areas. This management plan will be secured through an appropriately worded planning condition.

The Strand

- 6.30 Finally, the above recommendation requires the stopping up of existing public highway. Principally this involves The Strand service road that will be

severed by the proposed pedestrian link, but also includes parts of the site that would be needed to facilitate an enlarged building footprint (particularly for sites A and E), which both remain unchanged from previous schemes. As this part of the proposal remains the same as previously approved, there is no objection to this part of the proposal.

- 6.31 On this basis, subject to conditions and meeting the S106 obligations, the proposals are considered to be acceptable in terms of Highway issues.

Residential Amenity (Existing and Proposed)

- 6.32 The immediate surroundings of the application site are predominantly commercial in character and the proposed mixed use development would be compatible with that character. The residential neighbours immediately adjoining are those living above commercial uses in the city centre, particularly above the neighbouring High Street neighbours and above the Hanover Buildings commercial uses. These neighbours would inevitably be more affected by the significant changes which will result from this scheme. These neighbours have been notified in writing of the application and no objections have been received from these addresses.

- 6.33 In terms of amenity for future residents, the city centre location and access to City parks, and the provision of balconies and internal resident lounges, provides a good proportion of amenity space. Of the 519 units, 103 'step out' balconies would be provided in addition to 133 Juliette balconies. This equates to 45% of the overall development, which is an increase from the previous schemes. In addition residents would be provided with a roof terrace (above Block B1) and internal lounge spaces within blocks B/C and D. This provides 840sqm of amenity space for future residents. In addition all dwellings would comply with the minimum floor space sizes given in the National Described Space Standards. It is worth noting that the Council have not formally adopted these space standards; however they are used as a general indicator of the suitability of living accommodation and compliance in this case is welcomed.

- 6.34 In terms of overlooking between the new residential properties, the minimum distance between habitable rooms within the new blocks would be 18m (between block B and C). Paragraph 2.24 of the Council's Residential Design Guide states that for 3/4 storey housing and other 4 storey housing, a distance of 35 metres should be sought. However paragraph 2.2.5 states the Council may apply the above standards more flexibly, depending on the context of the site e.g. in inner city locations where back-to-back distances are characteristically less than those detailed stated. Whilst the proposed development would be fall short of this distance, the inner city location of the site and the fact that new occupiers would 'buy' in to this relationship are considerable factors which overcome this conflict. All units are afforded suitable outlook without being oppressively overlooked. In addition the applicant has submitted a Daylight Sunlight Availability Report. This confirms that the percentage of units achieving at least the minimum recommended values is higher than the approved scheme, and this is despite

the development now incorporating a higher proportion of residential dwellings. On this basis future occupiers would be provided with an acceptable level of amenity.

- 6.35 The application has been assessed as satisfying the requirements of saved Local Plan Review Policy SDP1(i), which seeks to protect existing amenity, whilst providing a decent standard of living accommodation within an attractive centrally located development.

Trees

- 6.36 As with the approved schemes, the development proposes to retain 3no. trees on the High Street fronting Block A. An Arboricultural Development Statement was submitted to discharge Condition 30 of permission 16/01303/FUL for tree retention and safeguarding. This was approved in December 2017 under LPA ref: 17/01698/DIS. A condition will again be imposed to ensure construction of the proposed development is carried out in accordance with those details previously agreed. In addition 42 new trees are proposed to be incorporated into the landscaping scheme. The number of new trees proposed by this application represents an improvement to the overall scheme, details of which (size and species), will be secured through a condition.

Sustainability

- 6.37 The application proposes a number of improvements on the previous schemes in terms of sustainability credentials. As confirmed by the Sustainability Officer, the development would deliver a Very Good BREEAM scheme for the non-residential uses, which when assessed against the 2018 methodology is an improvement on the previously consented scheme. This is below the Council's requirement for 'Excellent' but is justified for the reasons given in this report. An energy strategy has been also been developed to achieve greater (circa 49%) than the 35% reduction in CO2 emissions required over Part L 2013 building regulations via a range of passive and active energy efficiency measures (such as use of a highly efficient electric heating system, thermal glazing, insulated pipe work, and low energy lighting. Furthermore, the use of green roofs has been included with the proposals. As confirmed by the Sustainability Officer, the proposal therefore accords with SCC's Core Strategy Policy CS20 in this regard. The residential units have also been designed to achieve the equivalent water and energy savings requirements to follow the principles of the newly emerging Home Quality Mark. Details of water efficiencies will be secured through a planning condition.

Environmental Impact, Mitigation and Ecology

- 6.38 The Environmental Statement (ES) addendum accompanying the application has been the subject of full public consultation with the relevant national organisations, and other third parties, and is taken into account in assessing

the application and preparing this report. Overall, the development would not have an adverse environmental effect subject to the imposition of appropriate conditions. The ES includes sections on air quality, noise and vibration alongside those matters discussed above. The air quality assessment identified that the application site lies outside an Air Quality Management Area. The assessment concluded that although the effect of the proposed development during the construction could be minor/moderate adverse, this will be offset through agreed construction traffic routes with SCC. There will be no significant effect in compliance with Local Plan Policy SDP15. The noise and vibration assessment concludes that any potential noise effects from the development can be suitably controlled.

Ecology

- 6.39 The Site comprises the cleared former Bargate Shopping Centre, with much of the footprint now bare, it currently contains very limited opportunity for biodiversity, and it is not nationally or locally designated as a site of interest in terms of biodiversity. However the Council's Ecology Officer has noted that there are a number of potential bat roost locations present on the site and that bat emergence surveys will be required. These surveys will need to be undertaken before construction commences but cannot be done before May 2021. As such confirmation of the likely timeframe for any site works with the potential to damage or disturb potential bat roost sites will be required. In addition, surveys for black redstart are required. These details were addressed through the applicants Environmental Statement, which states that surveys would be carried out between April and June 2021 and further comment on this approach is awaited from the Ecology Officer. A verbal update will be given at the meeting. They will also comment on the requirement for a condition for surveys relating the requested requirement for multiple internal nest sites for House sparrow, Starling and Swift. In addition, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the Council's Ecology Officer. These details are considered necessary in order to achieve biodiversity enhancements and can be secured through a planning condition. Officers therefore request that the application is delegated back to Officers to secure these mitigation details, following the necessary response from the Biodiversity Officer ahead of supporting a favourable recommendation.

Protected Species

- 6.40 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites:

Solent & Southampton Water SPA

The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity.

New Forest SPA

The New Forest is designated as a SPA and Natural England have raised concerns that new residents will put pressure on the Forest for recreational activity. To mitigate this the application relies upon the significant CIL contribution that will support the application and the Council's commitment that at least 5% of all CIL monies will be ring-fenced to support the improvement of 'Suitable Accessible Natural Green Space' (SANGS) in Southampton (with potential for direct payments to support the Forest itself).

- 6.41 The Habitats Regulation Assessment provided, which is necessary as part of this determination process before the Council, as the 'competent authority' under the Habitats Regulations, confirms that direct impacts have been identified, but that mitigation is possible. The Habitats Regulation Assessment concludes that there will be no adverse effects on the European sites (Solent Waters and New Forest). Providing the planning obligations are secured (as discussed above) this application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).
- 6.42 The application also 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 'Developer Contributions' Supplementary Planning Document. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application as summarised within the above recommendation. As with the previous two consents, the development will need to mitigate against its direct impacts and to achieve this a s.106 legal agreement is recommended to secure the same contributions as set out above. Given the constraints of the site, the form of development and the creation of a public setting to the Town Walls, and the proximity of the development to the recently upgraded children's play facility in Houndswell Park it is not possible to secure on-site children's play equipment within this development. This conclusion was also reached for the previous permissions.

Affordable Housing and Viability

6.43 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. In terms of the 519 private flats there is an expectation that 186 flats (35%) will be provided on site.

6.44 Policy CS15 suggests that *‘the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)’. The applicants have submitted a detailed viability appraisal of their scheme, which includes no affordable housing. This is a weakness of the scheme but has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at **Appendix 3**.*

6.45 DVS provided two assessments on the viability on the proposed scheme including the provision of nil Affordable Housing:

1) For Sale Scheme – On the basis of a scheme including 519 for sale units, 50 parking spaces, ground rents and 2,490 sq m of retail the scheme excluding a land value - shows a deficit of £6,569,070 and if the BLV is included there would be a total deficit of £17,917,903 including finance.

2) PRS Scheme – On the basis of a scheme including 519 PRS units, 50 parking spaces and 2,490 sq m of retail the scheme excluding a land value - shows a deficit of £9,710,365 and if the BLV is included there would be a total deficit of £20,073,450 including finance.

DVS therefore conclude that: *‘Clearly both of these schemes (For Sale and Rental scheme) are unviable and undeliverable unless costs reduce and values increase.’*

6.46 Whilst there are some discrepancies between the final figures and variables (such as rental values, build costs, S106 and CIL contributions and for sale rental profits (17.5% rather than 20%), the headline conclusion from DVS is that: *‘...there are major issues in respect of the viability of both of the proposed schemes...if the Council wish to proceed at less than policy we would suggest that any section 106 agreement include a review mechanism.’*

Even when factoring no affordable housing, a ‘for sale’ scheme would make approximately 12% profit (approximately £14.9m) which is still significantly below the stated profit mark of 17.5% used by DVS and the NPPF. Furthermore a purely rental scheme would make a profit of 6% (£6.9m) which is even further below the acceptable profit margin. The conclusions of the DVS report that the scheme is unviable are therefore agreed.

6.47 In terms of deliverability, despite the conclusions of the Viability Appraisal, the applicant has reiterated their commitment to the delivery of mixed use development on the site with the following statement:

'Our investors have made a significant commitment to this Site, with considerable sums invested in seeking to bring forward the current scheme. We are committed to seeking to deliver this development on what is a challenging site during exceptional times. Our viability appraisal shows to bring the site forward we face significant additional cost challenges in responding to the heritage assets here. We have shown our commitment to the Site through the payment of CIL to date of circa £2M and through the investment in extensive archaeological investigative works at the Site.'

- 6.48 It is recommended that the DVS report is accepted and the Council supports the delivery of this project on the basis of the current viability (ie. With nil affordable housing). Alternatively, the Panel may decide that it would be better to wait for the economic conditions to improve, and seek affordable housing to meet our significant need when a fully policy compliant viable scheme is achievable. Clearly the risk with this approach is that the site may remain vacant. A refusal on this basis could result in an appeal where the Council would need to justify its reasons in light of the DVS findings.

7.0 Summary

- 7.1 The opportunities for the city presented by this planning application are considerable. The existing shopping centre has been demolished and represented a missed opportunity in fully appreciating the importance of the Town Walls. The redevelopment of this site has long been recognised as a key element in the regeneration of the city centre and the proposals, represent an exciting change to this part of the city. The application proposes a comprehensive residential led mixed use development, which will significantly contribute to the status, offer and attractiveness of the city centre as a place to live and a retail and leisure destination.
- 7.2 The application has been the subject to two previous extant permissions, as well as extensive discussions with Council officers, and amendments have been made to overcome initial concerns with the revised residential led approach. The development will create a new 'sense of place' around the new pedestrian route, where formal and informal events could be held. This will provide a focus that allows the Town Walls to create a dramatic setting for the development. An attractive and inclusive pedestrian environment will be created which will help to improve accessibility within the city centre.
- 7.3 The proposed buildings are large and assertive and as a result would result in a dominant setting to the Town Walls, the Bargate Monument and the Old Town Conservation. However, this in itself is not harmful. The development will open up additional views and experiences of the Town Walls and would deliver public realm improvements on the previous schemes. Whilst Historic England consider that 'less than substantial harm' would be caused to the setting of these heritage assets, the delivery of these public realm improvements on top of the removal of the old Bargate Centre and opening up of separation distances from the wall, would represent public benefits that would outweigh the identified harm. Coupled with the provision of a

substantial contribution towards housing supply in the city, these accrued benefits outweigh the lack of affordable housing, only securing BREEAM 'Very Good' and the shortfall in car and cycle parking to serve the development.

- 7.4 The issue of 'recreational disturbance' associated with the residential accommodation has been addressed in the Habitats Regulation Assessment attached to this report. The mitigation measures can be secured through the Section 106 agreement, and there is an opportunity to direct a significant CIL contribution back into the development to further ensure a quality scheme and wider public realm are realised.
- 7.5 In conclusion, this is an important project for the City Centre given what it can offer to the setting of a Grade I asset and, as consented, the scheme is recognised as having serious viability issues. Flexibility should be afforded the scheme to maintain its momentum and realise the scheme's unique benefits, especially to the sensitive historic environment. Whilst the scheme is contrary to part of the Development Plan, including Policy 28 of the CCAP, as it delivers a residential led mixed use scheme, the development would deliver significant social, economic and environmental benefits that would outweigh the conflict with the Development Plan. Moreover the scheme is a more responsive development to the current circumstances of the City, which could not have been anticipated at the time of adopting the relevant development plan policies relating to the site.

8.0 **Conclusion**

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(a), 4(b), 4(d), 4(g), 4(r), 4(ll), 4(uu), 4(vv), 6(a), 6(b) and 7(a).

RS for 16/03/2021 PROW Panel

PLANNING CONDITIONS:

1.Full Permission Timing Condition

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

Reason:

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

2.Approved Plans

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

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

3.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 within the basements;
- 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.

4.Construction Environment Management Plan

Prior to the commencement of any below or above ground construction works a written Construction Environment Management Plan (CEMP) in respect of any construction phase identified by the above phasing conditions shall be submitted to and approved by the Local Planning Authority.

The CEMP shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are

minimised beyond the site boundary. Details of the following shall also be provided for each phase of the development:

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor's cabins/office;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary;
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- g) A scheme for recycling waste resulting from the construction programme;
- h) Measures for the suppression of dust caused by the construction phase including cleaning of wheels and the under chassis of lorries leaving the site;
- i) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- j) Confirmation that the hours of construction listed in the condition below will be adhered to;
- k) Measures to protect the Town Walls from damage potentially caused during the demolition and construction phases;
- l) Measures to protect the existing façade, that is to be retained above Unit 3, from damage potentially caused during the demolition and construction phases; and,
- m) measures to deal with the environmental impact issues raised by Natural England in their response to the application; and
- n) The methods of supervision to ensure that workers have knowledge of the method statement.

All specified measures shall be available and implemented during any processes for which those measures are required.

Reason: To protect the amenities of the occupiers of existing nearby properties and ensure that the demolition and construction phase is properly managed in terms of highway safety, whilst ensuring that local heritage assets are not damaged as a consequence of this development.

5.Hours of work for Demolition / Clearance / Construction

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.

6.Land Contamination investigation and remediation

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

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

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

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

7.Use of uncontaminated soils and fill (Performance)

Only 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.

8. Unsuspected Contamination (Performance)

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

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

9. Archaeological damage-assessment (Pre-Commencement Condition)

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

10. Archaeological evaluation (Pre-Commencement Condition)

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

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

11. Archaeological evaluation work programme (Performance Condition)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

12. Archaeological investigation (further works) (Performance Condition)

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

13. Archaeological work programme (further works) (Performance Condition)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

14.Piling Methodology

Prior to any piling operations being undertaken for each phase of the development a piling/foundation design risk assessment and method statement (including monitoring) for the preferred piling/foundation design/designs in respect of such relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall progress in accordance with the agreed details.

Reason: To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed, particularly in respect of residential amenity and the integrity of the scheduled ancient monuments that form part of the site and its setting.

Condition Informative 1: Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2: Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

Note to Applicant: It should be noted that the maximum PPV level permitted in the vicinity of Southampton's medieval town walls is 3 mm/s, as measured on the monument itself. A detector needs to be fixed to the monument to measure this.

15. Full up-to date survey of the entire monument (pre commencement)

Prior to commencement of the development hereby approved, a full up-to date survey of the entire monument, including analysis of the render and proposals for its conservation and protection. Once approved the necessary conservation works must be undertaken in accordance with the approved details and include all works that are specified as necessary within the resultant survey report, for the entirety of the monument within the development.

Reason: In the interests of preserving and enhances the heritage assets within the site.

16.External Materials

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works above ground level shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary for that development phase, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls,

windows with reveal, doors (that shall be fitted not to open outwards into the public realm), balcony details, rainwater goods, screening to the retained sub-station, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality when read against the important local heritage assets.

17.Privacy - Blocks E and F

The agreed privacy mitigation, in the form of off-set projecting bays, shall be installed prior to the first occupation of the affected flats within Blocks E (south elevation) and retained thereafter.

Reason: In the interests of residential amenity.

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 without the prior written agreement of the local planning authority.

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.

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 Site 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.

20.External Ventilation & Extraction Details

Details of suitable ventilation, extraction and filtration equipment for each of the non-residential units, if required, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in, and occupation of, each unit. The details shall include a written scheme for the control of noise, fumes and odours from extractor fans and other equipment. The equipment shall be installed and maintained

in accordance with the agreed information and made ready for use prior to the first use of the unit to which the details relate.

Reason: To ensure that adequate provision is made for the ventilation of the commercial use which does not impinge on the residential amenity of neighbouring residents or the external design of the building hereby approved, or its historic setting, and to accord with the Environmental Statement.

21. Glazing- Soundproofing from external noise

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation is required to provide the necessary sound insulation to enable achievement of the internal noise levels stated within BS 8233: 2014, as follows:

Living Rooms - 35 dB Daytime (LAeq,16hr)

Bedrooms - 35 dB Daytime (LAeq,16hr) and 30 dB Night-Time (LAeq,8hr).

The above specified glazing shall be installed before each of the flats are first occupied and thereafter retained at all times.

Reason: In order to protect occupiers of the flats from traffic noise.

22. Car Parking – Detail

The parking spaces for a minimum of 54 vehicles, including at least 5 disabled spaces and aisle widths of at least 6 metres, shall be marked out in accordance with the approved plans prior to the first occupation or operational use of the development hereby approved. These spaces shall be retained as approved in accordance with a car parking management plan that shall have been agreed in writing by the Local Planning Authority ahead of first operational use of the development hereby approved. A minimum of 8 (15%) parking spaces shall be fitted and retained with an electric car charging point for use by residents and their visitors. Provision for future infrastructure should also be provided and agreed in writing by the Local Planning Authority .

Reason: In the interests of ensuring appropriate car parking is provided and to mitigate any conflict that may otherwise arise between residents and visitors to the associated parking, and to ensure compliance with the assessment made by the Environmental Statement.

23. Car Parking – Ventilation

The undercroft car park hereby approved shall be ventilated in accordance with details first submitted, and approve to the Local Planning Authority unless otherwise agreed following further negotiation in respect of the landscaping and archaeology conditions attached to this permission.

Reason: In the interests of public health and to support the details provided within the Environmental Statement.

24. Cycle Parking

Prior to occupation of the buildings, a detailed plan demonstrating cycle parking in accordance with the standards set out within the Council's Parking Standards Supplementary Planning Document (2011) unless otherwise agreed in writing by the Local Planning Authority. Once the quantum and location of cycle parking has been agreed in writing, the cycle provision shall be carried out in accordance with the approved details prior to first occupation of the approved buildings. Thereafter these

cycle spaces and associated facilities shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason To promote cycling as a sustainable mode of transport.

25.Landscaping, lighting & means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of any site works (excluding any further demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i) Proposed finished ground levels or contours to demonstrate a level access is achievable across and through the development for all users (including those in wheelchairs, with mobility issues and parents with pushchairs) and particularly along the east-west route from the Bargate to Queensway and the north-south route from Hanover Buildings through York Gate to Polymond Tower and the service yard connecting the site to East Street; means of enclosure; servicing and surface car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, bollards, information panels, lighting columns etc.)
- ii) a detailed levels and surfacing plan of the landscaping and level changes around Polymond Tower;
- iii) 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;
- iv) Tree species, tree pit details – including root retaining barriers - and soil volumes;
- v) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- vi) details of any proposed boundary treatment, including retaining walls;
- vii) a landscape management scheme; and,
- viii) confirmation that the submitted landscaping scheme accords with the plans submitted in respect of an s.278 works

The approved hard and soft landscaping scheme for each development phase shall be carried out prior to occupation or first operational use of the building to which the works relate or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

26.Means of Enclosure - Permitted Development Removed

Notwithstanding the details of the proposed scheme and the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority either in response to this condition or through the submission of a planning application.

Reason: To safeguard the open character and appearance of this important area of open space adjoining a Scheduled Ancient Monument.

27.Satellite and antennae - Permitted Development Removed

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no satellite dishes or other antennae shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority either in response to this condition or through the submission of a planning application.

Reason: To safeguard the open character and appearance of this location.

28.Lighting

The external lighting associated with this development shall be carried out in accordance with those amended details submitted, and hereby approved, in respect of LPA ref: 18/00185/DIS unless otherwise agreed following further negotiation in respect of the landscaping and archaeology conditions attached to this permission. 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.

29.Ecological Mitigation Statement

Prior to development commencing, the developer shall submit a programme of habitat and species mitigation and enhancement measures, including method statement for avoiding impacts on bat roosts, black redstart, swifts and starlings will be required, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981

(as amended) in the interests of preserving and enhancing biodiversity.

30. Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- Management of the roof area and 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':

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.aoa.org.uk_wp-2Dcontent_uploads_2016_09_Advice-2DNote-2D3-2DWildlife-2DHazards-2D2016.pdf&d=DwlGaQ&c=pbUzoxRZCRvayVvkYvkiMO6u1jPMdBrTZxWyx_2PsKs&r=E_GbQSaRMExEzL-2Vmtui9pO-MEfVbYuRNtQhMcOOk8&m=IWI_xCd1ivnLD3t6lXhV4iDLjWHi21jbU6CvZepQ3JM&s=IThUtFWx2rPhl6nsTE6UB-hbtF4s01EtgAnwMEJPf7U&e=

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.

31. Tree Retention and Safeguarding

The 3 Fastigate Oaks on the East Bargate frontage to be retained (on the edge of the application site), 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 in accordance with those details agreed under LPA ref: 17/01698/DIS. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

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).

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 student accommodation 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).

34.Energy & Water

Before the development commences, written documentary evidence demonstrating that the residential development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator 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).

35.Energy & Water – Certification

Within 6 months of any part of the residential development first becoming occupied, written documentary evidence proving that the residential development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified 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).

36.Zero or Low Carbon Energy Sources

Energy Sources (Pre-Commencement Condition)

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO2 emissions of at least 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Technologies that meet the agreed specifications must 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).

37.Green Roof

A detailed study for the provision of green roof shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. A specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification shall be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

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

38. Rainwater /Grey-water Harvesting (Pre-Occupation Condition)

A feasibility study demonstrating the investigation of the potential for the installation of a rainwater/grey-water harvesting system on site shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of the development hereby granted consent. If the study demonstrates that the installation of such a system would be technically and financially viable, a specification shall be agreed in writing with the Local Planning Authority. A system to the approved specification must be installed and be rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason: To reduce overall water consumption and demand on resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

39.Sustainable Drainage Systems

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority prior to the commencement of development on the affected building (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details). 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), and the results of the assessment 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 urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

40.Foul and Surface Water Drainage

No development shall commence (excluding any further demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied with the drainage arrangements and to ensure the development will not result in an increased risk of flooding in the area, as set out in Southern Water's detailed responses, or to heritage assets as explained by the Council's Planning Archaeologist.

41.Sewers

No further development shall commence until details of how the existing sewer and water infrastructure shall be protected during that associated development phase have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details

Reason: As further capacity is required to accommodate the proposed intensification of development and to protect existing infrastructure during the demolition/construction phase.

42.The Provision of Lifts

The platform lift serving the development, hereby approved, shall be installed prior to the first occupation of the building to which they relate, 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.

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:

- i) CCTV coverage to all areas including the parking, service yards and post rooms
- ii) concierge arrangements with 24 hour on-site management;
- iii) door types of the storage areas;
- iv) outer communal doorsets and the flat access doorsets;
- v) ground floor windows;
- vi) Electronic access control through the communal access doors;
- vii) security of the car parking areas; and,
- viii) 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.

44. Operating Hours of Commercial Use (Class E) & Floorspace

The ground floor commercial floorspace hereby approved shall be restricted to uses within Class E. The proposed unit incorporating a Sui Generis shall be agreed in writing with the Local Planning Authority prior to occupation of that unit. All non-residential uses, hereby approved shall not be open to the public outside the hours of 06:00 to midnight on any day. Any bar areas or takeaway facility associated with the approved uses shall remain 'ancillary' to the principal use.

Any associated external seating shall be agreed in writing with the Local Planning Authority prior to their first use. These details shall include the design of the tables, seating, umbrellas and associated paraphernalia etc. The details shall be implemented only as agreed prior to each initial, and subsequent, occupation.

Reason: To protect the amenities of adjoining and prospective residential occupiers, the vitality and viability of the city centre and to define the extent of the Class E commercial uses as required by CCAP Policy AP28 that seeks to ensure a retail led development is delivered whilst respecting the setting of the Town Walls.

45. Shopfront Design Strategy

Prior to the first occupation of each phase of development a 'Signage Strategy' for any non-residential uses within that phase shall be submitted to and approved in writing by the Local Planning Authority for use in the determination of any subsequent applications for Advertisement Consent. The Strategy shall include details of a universal fascia size, means of projection, the use of materials and the form of illumination. The development shall proceed only in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority on submission of an application for Advertisement Consent.

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or

any Order amending, revoking or re-enacting these Regulations, the occupiers of the non residential uses hereby approved shall retain clear glazing on the ground and mezzanine floor along the length of the shop frontages hereby approved (without the installation of window vinyls or equivalent) unless otherwise agreed in writing with the Local Planning Authority upon submission of an application to either vary this condition, or secure Advertisement Consent.

Reason: In the interests of visual amenity, natural surveillance, and to protect the setting of heritage assets by securing some uniformity in the signage of the development whilst not preventing a successful corporate branding.

46. Signage Strategy

Prior to the first occupation of each phase of development a 'Signage Strategy' for any non-residential uses within that phase shall be submitted to and approved in writing by the Local Planning Authority for use in the determination of any subsequent applications for Advertisement Consent. The Strategy shall include details of a universal fascia size, means of projection, the use of materials, the form of illumination, and limits on the use of window graphics and vinyls at first floor level. The development shall proceed only in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority on submission of an application for Advertisement Consent.

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the non-residential uses hereby approved shall retain clear glazing on the ground and mezzanine floor along the length of the shop frontages hereby approved (without the installation of window vinyls or equivalent) unless otherwise agreed in writing with the Local Planning Authority upon submission of an application to either vary this condition, or secure Advertisement Consent.

Reason: In the interests of visual amenity, natural surveillance, and to protect the setting of heritage assets by securing some uniformity in the signage of the development whilst not preventing a successful corporate branding.

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 basement car parks, 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.

48. Air Quality Mitigation

The development hereby approved shall be carried out in accordance with those amended air quality mitigation details submitted, and hereby approved, in respect of LPA ref: 18/00185/DIS and Chapter 6 of the Environmental Statement unless otherwise agreed following further negotiation in respect of the landscaping and archaeology conditions attached to this permission. The development of the buildings in the associated phase shall be completed in accordance with the agreed details prior to first occupation with the necessary measures retained for the lifetime for the development thereafter.

Reason: In the interests of improving air quality within the City and mitigating the scheme's direct impacts in accordance with Local Plan Policy SDP15.

49. Façade Retention & Repair - Site B

No further demolition or construction works shall take place on Block B until a Façade Retention Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Statement should detail how the façade to be protected and retained during the demolition and construction phases and how it can be incorporated into the final scheme. The development shall proceed in accordance with the agreed details with the repair works completed in full prior to the first occupation of Site B.

Reason: To ensure that the façade is protected during the demolition phase and subsequently repaired in the interests of visual amenity and the setting of existing heritage assets.

50. Refuse & Recycling

Prior to the commencement of development (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) on each Site building (A-G), details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a commitment to a private refuse operator due to the current capacity proposed and further details of the proposed bailer/compactor (in terms of design, hours of use and noise mitigation). The storage shall be provided in accordance with the agreed details before the relevant building is first occupied and shall thereafter be retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse bins shall be stored to the front of the development hereby 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.

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

51. Servicing Management Plan

The development hereby approved shall be carried out in accordance with a service management that shall be agreed in writing with the Local Planning Authority prior to the first occupation of each use unless otherwise agreed. The agreed Plan shall include details of how servicing vehicles access the site and any turning areas required including refuse collection would need to be kept clear at all times for that purpose and be in place before the relevant building is first occupied and shall thereafter be implemented as approved during the lifetime of the development.

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

52. Ground clearance for the access road

The ground clearance for any part of the new access road to be adopted shall be at least 5.31m clear of any oversailing structures.

Reason: In the interests of highway safety.

53. Balconies

The balconies serving the development hereby approved shall be installed prior to the first occupation of the residential units to which they relate, and shall be constructed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority during the lifetime of the development.

Reason: In the interests of residential amenity.

Informatives to include:

Note to Applicant - Scheduled Ancient Monument Consent required

You are advised that part of the development will require Scheduled Ancient Monument Consent and you should contact Historic England for further advise about obtaining the necessary approvals.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

Note to Applicant - Southern Water - Informative

The applicant is advised to note the comments from Southern Water in relation to this application. In particular they advise that a formal application for connection to the public water supply and a formal agreement to provide the necessary sewerage infrastructure are required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire SO21 2SW - Tel. 0330 303 0119.

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available to read on the website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements

The proposed development would lie within Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy.

Note to Applicant – Southampton Airport

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard 'Code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues', available at
<http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>

Note to Applicant – Hampshire Fire & Rescue

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations. Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

- High reach appliances currently operated by the HFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows. Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

- Additional water supplies for fire-fighting may be necessary. You should contact the Community Response Support, Hampshire Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (risk.information@hantsfire.gov.uk) to discuss your proposals.
- HFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises.
- HFRS is fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.
- HFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.
- Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a 'controlled burn' may take place. This of course could lead to the total loss of the building and its contents.
- Premises' occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.

POLICY CONTEXT

Core Strategy - (Amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	
CS24	
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (Amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP21	Water Quality
SDP22	Contaminated Land
NE4	Protected Species
HE1	Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
RE17	Food and Drink Uses (Class E and Sui Generis)
T12	Vehicular Access

City Centre Action Plan March 2015

AP5	Supporting existing retail areas
-----	----------------------------------

AP6	Extension of the Primary Shopping Area
AP7	Convenience retail
AP8	The Night time economy
AP9	Housing Supply
AP13	Public open space in new developments
AP14	Renewable or low carbon energy plants; and the District Energy Network
AP15	Flood resilience
AP16	Design
AP17	Tall buildings
AP18	Transport and movement
AP19	Streets and Spaces
AP28	Bargate sites (East of Castle Way, Bargate Shopping Centre and Hanover Buildings)

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)

Parking Standards 2011

Other Relevant Guidance

The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990



Mr Rob Sims
Southampton City Council
Lower Ground Floor
Civic Centre
Southampton
Hants
SO14 7LY

Direct Dial: 020 7973 3739

Our ref: P01329671

12 January 2021

Dear Mr Sims

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**BARGATE SHOPPING CENTRE AND ADJOINING LAND IN QUEENSWAY, EAST
STREET, HANOVER BUILDINGS AND HIGH STREET , SOUTHAMPTON , SO14
1HF**

Application No. 20/01629/FUL

Thank you for your letter of 3 December 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

Historic England has concerns, on heritage grounds, over elements of the application which should be addressed by seeking further information, amendments and safeguards. The assets that would be the most affected by the development would be the scheduled Bargate and easterly running Town Wall. These remarkable monuments to Southampton's medieval past would incur a high level of harm to their significance by development affecting their immediate setting. This harm, however, could be offset by a number of heritage benefits as broadly outlined within the application (including new public realm works and interpretation). There are a number of unresolved details relating to the design of the buildings and elements of the landscaping and public realm works that require attention, including the viability of the scheme. We would be happy to continue working with the applicant to resolve these issues and ensure the success of the scheme to the benefit of these nationally important heritage assets.

Historic England Advice

Significance of the Heritage Assets



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





Southampton Old Town

The development site lies within the north-east quarter of the medieval walled town of Southampton. Most of the medieval town is designated as Conservation Area (divided into Old Town North, Old Town West and Old Town South). The town of Southampton developed in this location from the Norman period. The town walls were extended and the fortifications enhanced throughout the 13th and 14th centuries and by 1381 the whole town was enclosed by walls. The Medieval street pattern is still evident within the town with the High Street being the principal route from north (The Bargate) to south (the Water Gate). A grid of narrow streets extended from the High Street to the walls. The Norman Castle occupied the north-west quarter of the town and to the south-west were the quays, wharfs and warehouses associated with the port activity of the waterfront. Significant Medieval remains survive within these areas as above and below ground archaeology. The extensive stretch of town walls is the outstanding feature of the old town conservation areas.

The scale of development within the old town, generally 2-4 storeys, remained consistent throughout the 18th and 19th centuries as the town continued to develop and evolve (including a brief period as a spa town at the end of the 18th century). Buildings survive from the post-medieval period and therefore the historic character of the Conservation Areas is varied. Unfortunately the town was heavily bombed during the Second World War and this led to hasty redevelopment in the post-war period which was of varying architectural quality. As a consequence some areas of the old walled town were considered to be of insufficient historic and architectural interest to merit inclusion within a Conservation Area. Nevertheless, as much of the area is designated as Conservation Area and other sections of wall are designated as Scheduled Monuments, it is appropriate to consider the walled town as a whole as a heritage asset, albeit not all of it designated.

Two noteworthy buildings close to the development site and within the Conservation Area include the former Burton building and No. 6 High Street. The Burton building is locally listed and makes a positive contribution to the variety of architectural style and building date in the street scene and which is integral to the character of the conservation area. It comprises a simple art deco style frontage. In the same row as the Burton building (but outside of the site) is a Grade II listed building (No. 6 High Street). This is a mid-19th century three-storey, three bay building with a stuccoed facade and sash windows

Bargate and section of Town Wall running east from Bargate and including the Polymond Tower

The Bargate dates from c.1180, with alterations and restorations of c.1290, 18th and 19th centuries. It was built as a town gateway with Guildhall at first floor level. The Bargate originally formed a continuous element of the Town Walls, but was separated





by breaches cut in the 1930's to allow traffic movement. The Bargate is deemed to be one of the finest town gateways in England and this is recognized in its Grade I and scheduled status.

Collectively with the Town Walls it tells the story of the construction, evolution, and status of the medieval old town, and it has great communal and aesthetic value as an iconic symbol of Southampton. The evidential value of the Town Walls and Bargate are also high, as their fabric holds information regarding construction techniques and materials of medieval and later phases of alteration. The north eastern element of the Town Wall to the east of Bargate is a significant section of wall due to the presence of three tower turrets, with Polymond Tower marking the corner point where the walls turned southwards. Consequently the wall here has great historical value in demonstrating the extent and scale of the medieval town.

Central Parks Registered Park and Garden

To the north-east of the development site lie the Southampton central parks, which are registered Grade II*. These parks (the linked chain of West Park, East Park, Palmerston Park, Houndwell and Hoglands) have a rich time depth having been formed out of the former medieval open fields (Lammas Lands). However, their principal significance lies in the fact that they are an early example of municipal parks and were laid out in the late 1850's and early 1860's to provide important public green space in the heart of the developing city.

Impact of the development proposals

The Setting of Bargate and the Town Wall

As has been acknowledged in relation to previous development proposals for the site, the construction of tall buildings in close proximity to these nationally important heritage assets has the potential to cause harm through development within their setting. It has always been our view that this is harmful to the significance of the Town Walls and the Bargate, as it disrupts the aesthetic appreciation and historical understanding of them. They were designed to be impressive and dominant structures within their wider surroundings.

The Environmental Statement accompanying the application notes that the present open nature of the site is not 'historically authentic', as this part of the town would have seen development in previous centuries (ES, Vol. 1, 10.38). It also notes that the recently demolished Bargate Shopping Centre was far more detracting in form and appearance and butted up against the walls in a significantly detrimental way (ES, Vol. 1, 10.60). Although we do not contest this it is important to note, given the wall has been present for over 800 years, the shopping centre and even its immediate



precursors do not account for a historic precedent for levels of development. Prior to this and for many hundreds of years the development would have been significantly smaller in scale.

It is for these reasons that we do not agree with the conclusions of the EIA and enclosed Heritage Statement that the effect on the Town Wall and Bargate is low level, we stand by our previous conclusions that development of this scale here causes a high level of harm that is less than substantial through impingement on the setting of the Scheduled Monuments. As a consequence of this the design and realisation of public realm around the wall becomes a vitally important element of the scheme, to ensure the heritage benefits that offset the harm are meaningful (see below for specific comments on the landscape and public realm proposals).

Proposed Building Design and Layout

We commented in our pre-application discussion on the new 'castellated' design, whereby the buildings rise and fall in levels, and it was made clear that increased daylight to the site and within the residential properties was the key objective here. We have previously pushed to ensure the impact of the development on the town walls and Bargate was minimised by having the buildings set back away from it. This had been achieved in the consented scheme with a stepped back arrangement for the buildings that front it from the south. This step back reduced a canyon or cliff edge effect between the wall and the building line. The building line in the new scheme no longer retains the step back and also comes closer to the alignment of the wall towards the west (Block B1), creating a pinch point that closes in on the site of the wall when viewed from Bargate. It is also noted that the building height has increased for Blocks D, F & G from a maximum of 10 storeys to a maximum of 11 storeys, since pre-application discussion began in the summer of 2020.

Although we accept the permeability of the 'castellated' appearance brings some benefit, despite the reduction of a stepped back design, we have not been provided with an explanation of why Block B1 will now come closer to the line of the wall, and indeed the Bargate, at the western end. By moving the building closer the Bargate it increases the imposing effect of the development upon it. We would rather the western most corner of the building could be angled south further so that it could be on the same alignment as the consented scheme. This will ensure wider views of the wall and Polymond Tower from the Bargate (and vice versa), and lessen the impact upon its setting somewhat. We also believe that the design of the elevations should err away from the side of 'playful' as indicated in the Design and Access Statement, so as to ensure it does not become distracting and compete further with the dominance of the wall. A more uniform appearance would be preferable.

One element of the new proposals that differs from the previous is that the break in the buildings has moved to the east and now follows what would have been the trajectory



of the Town Wall as it turned south from the Polymond Tower. This is an improvement on the consented scheme as it respects the historic layout of the town, maintaining the primacy of the, albeit now absent, defensive wall. The proposed pocket park will provide positive opportunities to interpret the route of the wall. The reconfiguration of the buildings in this way now removes the route that led from the York Gate, south through the previously consented development. Although this is an unfortunate loss of what is still a historic route, we feel it is offset by the new pocket park proposals and the ability to demonstrate the trajectory of the city walls more effectively.

Landscaping and Public Realm

The public realm elements of the proposals have developed positively following some pre-application discussions, with a good proportion of the space afforded wider public access. This will enable visitors to step back and view the monument from different perspectives and encourage the public to dwell and enjoy the space. The area around the York Gate has been designed to give it due prominence.

The ideas for interpretation and representation of the wall are encouraging, and we are particularly supportive of the change in finish of paving to Purbeck honed setts, representing the line of the wall and extent of the towers. We are somewhat more wary over the use of glass as it can be reflective, distracting and, unless incredibly well maintained, soon become grubby and prone to vandalism. To that end it would be sensible to consider alternative materials to provide this element of interpretation. We would also suggest the glass balustrade is replaced with a different, more sympathetic material, such as timber. We are interested in the interpretative proposals for the line of the wall where it turns south from the Polymond Tower and are supportive of the goal for achieving an attractive garden walk feeling combined with opportunities for public art. The suggestions for feature lighting to highlight the wall and its trajectory are also positive.

Some concern remains over the proposals east of the York Gate, towards the Polymond Tower. The main issue relates to the reduction of levels around the tower to create a set of steps. Visually this would be somewhat incongruous to the nature of the tower in its medieval setting, where it would seek to be more prominent from outside the city walls than inside them. It also raises concerns over the impact of nationally important archaeological deposits related to the monument and on the foundations of the extant historic structures, which are known from previous archaeological investigations to be shallow. We do not feel this impact has been fully understood or assessed within the Heritage Statement. Even if this design were to be considered acceptable, conservation led consolidation of any exposed foundation masonry would likely be necessary. It would be vitally important that the structural integrity of the tower and its foundations be understood prior to confirming or agreeing to the reduction of levels around it. Such investigation would require Scheduled Monument Consent (SMC). On the whole though, we would strongly encourage that this element of the



scheme is revised.

In heritage terms, the aims of the proposals will need to seek to protect the foundations of the monument and avoiding a reduction in levels that could impact the Saxon, medieval and post-medieval deposits, expose or put the shallow foundations of the tower at risk and cause harm to the setting of the tower. It will be equally important that any ground raising or landscaping features such as the grass beds do not detract from or diminish the dominance of the wall.

Some additional comments:

- We note that the retaining walls will be clad in stone and approve of this use of high quality material. It will need to be visually different but also compliment the stone that forms the historic wall to demonstrate it is clearly a modern addition.
- The positioning of tree's and other plantings close to historic fabric will need to be carefully considered, as it is an archaeologically sensitive area. Thought will also need to be given their location in relation to the wall, so as to not cause a detrimental effect, root damage, sapling growth, leaves and detritus, etc.
- Scheduled Monument Consent will be required for landscaping around the scheduled elements and also for conservation repairs for the wall.
- We would wish to see a management plan included in the proposals to ensure that the monument is maintained and looked after, something that should be established in conjunction with Southampton City Council.

Conservation Area and Registered Park and Garden

We are still of the view that the development would be evident in some views across the conservation areas of the old walled town. It would appear as a relatively minor but additional intrusion of modern development in the historic streetscape. Clearly the taller parts of the proposed development are those which are evident further afield. However, the built-up nature of the town, the general lack of long views within the walls and the already greatly altered townscape means that there would only be a minor adverse impact on the general character and appearance of the conservation areas.

The setting of the Grade II* parks is urban and there are no key views of historic significance out of or into the park which would be affected by development on this site. Although the taller sections of the development would be visible from the park, and certainly the new development on the north end of the Queen's Way would be visible along Palmerston Road, this is not considered to be out of context and would not have an adverse impact on the significance of the registered park.

Construction activities, monitoring and protection



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk



It is noted in the application that although a Scoping Opinion had been requested, Southampton City Council has yet to provide a response. In our own consultation response to this we noted, with some concern, that piling and direct damage to the Town Wall Scheduled Monument during construction was to be scoped out of the EIA, along with effects on other Heritage Assets.

Construction (including piling activities) could have a direct impact on Scheduled Monuments, for example from vibration, construction activities in close proximity, and landscaping works around heritage assets. Such activities may also have an effect on other cultural/heritage assets, such as the locally listed Burton building where concerns related to the stability of the façade remain. The full range of cultural/heritage assets and potential impacts from construction and operation must therefore be assessed in more detail and appropriate mitigation measures further explored.

An extant SMC is already in place for protection and monitoring of the wall, which was for undertaken prior to the demolition of the Bargate Shopping Centre (SMC Ref: S00176812 - issued 8th November 2017). The SMC has conditions attached to it. We will require details on how the monitoring system is to be maintained and managed throughout the construction process and that this, along with the dismantling of the *in situ* protection to be undertaken in accordance with the previously agreed methodologies. A condition survey of the wall with recommendations for any further conservation and consolidation works will be required once the protection has been removed.

Viability

The Viability Assessment provided with the application notes a self-evident challenge in keeping the scheme viable. It is therefore vital that the heritage benefits of the scheme - including landscaping and public realm proposals, interpretation, archaeological and conservation works - are subject to an advanced stage of detail and agreement prior to determination. Final details can be secured by condition or S106 agreement. We would suggest that the council appoints an independent specialist to undertake a review of the viability of the proposed scheme and we be given access to the results of the review.

In sum, the outstanding details and issues as outlined above need to be addressed in order to be certain that the harm caused to the designated heritage assets has been successfully offset in fulfilment of the requirements of DCMS policy regarding Scheduled Monuments and the National Planning Policy Framework (NPPF).

Policy Considerations



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





Statutory Protections

The proposals affect a number of designated heritage assets and asset types including Scheduled Monuments, Listed Buildings, Conservation Areas and Listed Parks and Gardens.

The Bargate and the Town Walls are protected as a Scheduled Monument under the 1979 Ancient Monuments and Archaeological Areas Act on account of their national importance and archaeological and historical interest. As such any works within or interacting with the monument boundary will be subject to the requirement of Scheduled Monument Consent (SMC) which is granted by the Secretary of State for Digital, Culture, Media and Sport, in a process administered by Historic England. These structures are also Grade I listed.

With regard to the conservation areas there is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Areas (s.72, 1990 Act) and this must be taken into account by your authority when making its decision.

Government Policy

The Department for Digital, Culture, Media and Sport (DCMS) document 'Scheduled Monuments and nationally important but non-scheduled monuments (October 2013)' sets out Government policy on the identification, protection, conservation and investigation of nationally important sites and buildings for the benefit of current and future generations. It notes that in addition to their intrinsic value, scheduled monuments can contribute to our perceptions of cultural identity and provide unique opportunities for research, education, leisure and tourism, delivering social benefits and contributing to economic growth.

Paragraph 20 states that, in cases including works proposed for development-, conservation- or presentation-related purposes, the Secretary of State has particular regard to the following principles which align with those contained in the National Policy Framework:

- Only in wholly exceptional cases will consent be granted for works that could result in substantial harm to, or loss of, the significance of a Scheduled Monument; and
- In cases that would lead to less than substantial harm to the significance of a Scheduled Monument the harm will be weighed against the public benefits of the proposal.

National Planning Policy Framework



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk



One of the principal objectives of the National Planning Policy Framework (NPPF) is the conservation of historic environment (paragraph 20). The following additional paragraphs are of relevance to this this application.

- Paragraph 184 notes that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations;
- Paragraph 189 requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance;
- Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal;
- Paragraph 192 describes that in determining applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution their conservation can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness;
- Paragraph 193 is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (it should be noted that a scheduled monument is one of the highest level of designation). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance;
- Paragraph 194 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to, or loss of assets of the highest significance (notably scheduled monuments, and grade I and II* listed buildings) should be wholly exceptional;
- Paragraph 194 (footnote 63) states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments, should be considered subject to the policies for designated heritage assets;
- Paragraph 200 of the NPPF says that opportunities for new development should be sought within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance.

Local Policy

Both the Southampton City Centre Urban Design Strategy and the Southampton Old Town Development Strategy make references to the height of buildings in relation to the medieval townscape and character of the old town. They contain specific requirements for maximum heights for buildings in close proximity to the Town Walls, namely 3-5 storeys.

Historic England's Position

We have undertaken some pre-application discussion with the applicants to encourage them to minimise harm to designated heritage assets from the development proposals. At the end of the last round of discussions, some questions of detail remained which are not addressed or resolved within the documents provided with the planning application. We have carefully considered the information submitted for the planning application and conclude that the development is harmful to designated heritage assets, but acknowledge that it also provides an opportunity to deliver heritage benefits, particularly in relation to the scheduled Town Wall and the Bargate. It is, however, important that the detail of these heritage benefit are agreed to ensure that the harm is offset in a manner appropriate and acceptable to the requirements of national policy and statutory law.

We consider that, on balance, the greatly changed urban context of the old town means that the level of harm to the Conservation Areas arising from the height of the development is acceptable. The development would however contribute to the current general heightening of development in and around the old town which results in either the loss of the scale and character of historic development within the old town (but outside of the conservation area) or a marked differential between the scale of development within the conservation area and that outside.

The harm to the designated heritage assets of the Town Walls and Bargate would be greater and, although we do not deem the proposals to cause substantial harm, we would judge the level of harm to be high. This is because we believe that the construction of tall buildings in this area would disrupt the aesthetic appreciation and historical understanding of the Town Walls and Bargate, which were designed to be impressive and dominant structures within their wider surroundings. The harm to designated heritage assets arising from the height of this development must therefore be clearly and convincingly justified and/or mitigated to satisfy the expectations of the NPPF. Both the heritage and other public benefits from the development must have to be shown to clearly outweigh the harm.

The specific areas that need addressing are;

- justification for the modification to Block B1 that moves it closer to the Bargate



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





and the alignment of the Town Wall or, failing a satisfactory explanation, an amendment to the design which restores it to the position of the previously consented scheme;

- amendments or conditions relating to the agreement of materials for the interpretation and landscaping elements related to the town wall;
- a re-assessment of the impact (and/or design) of the landscaping proposals between York Gate and the Polymond Tower, with greater consideration of the known archaeological data concerning the shallow foundations of the standing structures, the impact on sensitive and potentially nationally important archaeological remains, and the impact on the authenticity of the setting of the tower and dominance of the walls;
- details concerning the continuation and completion of monitoring and protection measures related to the Town Wall and a commitment to a condition survey and an undertaking to address any conservation repairs or consolidation works required once protection has been removed;
- the viability of the scheme and, in particular, its ability to undertake the enhancement, landscaping and interpretation elements which will offset the harm caused to the significance of the monuments by the construction of tall buildings within their setting, needs to be resolved. It would be unacceptable for the buildings to be constructed and the heritage benefits not be undertaken. We would suggest that the council appoints an independent specialist to undertake a review of the viability of the proposed scheme and we be given access to the results of the review. We would also offer our assistance in assessing the viability of the scheme, if required.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 184, 189, 190, 192, 193, 194 (inc. fn. 63) and 200 of the NPPF.

In determining this application you should bear in mind the statutory duty of:

- Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess;
- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas; and
- Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





Historic England

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

Iain Bright

Inspector of Ancient Monuments

E-mail: iain.bright@HistoricEngland.org.uk



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



Mr Rob Sims
Southampton City Council
Lower Ground Floor
Civic Centre
Southampton
Hants
SO14 7LY

Direct Dial: 020 7973 3739

Our ref: P01329671

18 February 2021

Dear Mr Sims

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**BARGATE SHOPPING CENTRE AND ADJOINING LAND IN QUEENSWAY, EAST
STREET, HANOVER BUILDINGS AND HIGH STREET , SOUTHAMPTON , SO14
1HF**

Application No. 20/01629/FUL

Thank you for your letter of 4 February 2021 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The significance of the designated heritage assets, the impact of the proposals and relevant policy considerations have been outlined in our letter dated 12th January 2021 and shall not be replicated here. This letter specifically addresses the applicant's response to our previous comments and the additional information that they have supplied to support their application. This letter should be read in conjunction with our former advice.

Public Realm design proposals around the Polymond Tower

In response to our concerns over public realm designs around the Polymond Tower, the applicant has submitted a series of alternative options. It is still our belief that the originally consented scheme presented the most appropriate response with regard to the setting of the scheduled monument and the impact on undesignated archaeological remains. Of the alternative proposals, option 1 is problematic on account of the removal of the turfed banks adjacent to the wall between the York Gate and the Polymond Tower. The presence of medieval render in this location lends the turfed banks the benefit of providing protection to this highly significant survival. In order to be able to assess the impact of removing the banks from the scheme in this



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk



location on the protection of the render, a full and detailed survey and analysis would need to be undertaken by an experienced conservator who could make recommendations for the needs and requirements necessary for its preservation and protection. There are Scheduled Monument Consent (SMC) implications with regard to these proposals.

Alternatively, an option that retains the turfed banks in these locations could be considered acceptable. It is recognised that options 2 and 3 are an improvement on the setting of the tower, but nevertheless introduce undesirable pinch points and additional barriers respectively. We would therefore suggest that a new proposal is developed that retains the more positive elements of both these options. For instance, the layout of option 2 could be adjusted so that the central planting bed is not so substantial. It could be narrower and follow the line of the proposed balustrade within option 3. A suitable species of planting could be incorporated that provides a low barrier in place of the glass balustrade. We would wish to see the arrangement of the grass beds adjacent to the wall and tower retain their option 2 configuration so as to not encroach upon medieval architectural features.

In conclusion we do not feel the issue of the public realm design around the Polymond Tower has been resolved to our satisfaction and there are potentially harmful implications for the setting and/or preservation of significant historic fabric that form part of the scheduled wall and tower.

Surveys and Conservation works

It should be noted that regardless of which design is eventually agreed, a full up-to-date survey of the entire monument, including analysis of the aforementioned render and proposals for its conservation and protection, will still need to be undertaken prior to the commencement of works. This would feed into a specification for works for any conservation repairs and consolidation that may be required.

This will be included in the conditions of any SMC granted for the scheme. We would therefore suggest that surveys and conservation works to the monument before and after construction of the development are explicitly referenced in a condition attached to any planning permission granted or a S106 agreement (along with details of future management and maintenance).

Proposed materials for landscaping and interpretation

Our comments on the proposed materials for landscaping elements from our previous letter still stand and are reproduced below for convenience.



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





The ideas for interpretation and representation of the wall are encouraging, and we are particularly supportive of the change in finish of paving to Purbeck honed setts, representing the line of the wall and extent of the towers. We are somewhat more wary over the use of glass as it can be reflective, distracting and, unless incredibly well maintained, soon become grubby and prone to vandalism. To that end it would be sensible to consider alternative materials to provide this element of interpretation. We would also suggest the glass balustrade is replaced with a different, more sympathetic material, such as timber. We are interested in the interpretative proposals for the line of the wall where it turns south from the Polymond Tower and are supportive of the goal for achieving an attractive garden walk feeling combined with opportunities for public art. The suggestions for feature lighting to highlight the wall and its trajectory are also positive.

We would suggest that a condition concerning the final design and materials used for landscaping and interpretive elements be attached to any planning permission granted.

Construction activities

Our comments on construction (including piling activities) have not yet been fully addressed. They are reproduced below for your convenience.

Construction (including piling activities) could have a direct impact on Scheduled Monuments, for example from vibration, construction activities in close proximity, and landscaping works around heritage assets. Such activities may also have an effect on other cultural/heritage assets, such as the locally listed Burton building where concerns related to the stability of the façade remain. The full range of cultural/heritage assets and potential impacts from construction and operation must therefore be assessed in more detail and appropriate mitigation measures further explored.

We would suggest that a condition concerning these issues are attached to any planning permission granted.

Viability

It is noted that Southampton City Council have sought an independent review of the viability assessment provided by the applicant. We would request that the report of this review is made available to ensure the heritage benefits of the scheme can be achieved.

Recommendation



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF.

In determining this application you should bear in mind the statutory duty of:

- section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

Iain Bright

Inspector of Ancient Monuments

E-mail: iain.bright@HistoricEngland.org.uk





Valuation Office
Agency

DVS Property Specialists
for the Public Sector

Viability Report for Bargate Shopping Centre and adjoining land in Queensway, East Street, Hanover Buildings and High Street Southampton

Report for:
Simon Mackie
Southampton City Council

Prepared by:
[REDACTED] BSc MRICS
RICS Registered Valuer
DVS

Tel: [REDACTED]

[REDACTED]

Case Number: 1756209

Client Reference: 20/01629/FUL

Date: 1 February 2021

Contents

1.	Executive Summary	1
2.	Introduction	3
3.	Date of Assessment / Date of Report.....	3
4.	Viability Methodology / Professional Guidance	3
5.	RICS Financial Viability in Planning Conduct and Reporting	4
6.	Restrictions on Disclosure / Publication	5
7.	Validity	6
8.	Confirmation of Standards	6
10.	Conflict of Interest	7
11.	Engagement.....	7
12.	Status of Valuer	7
13.	Assessment Details.....	7
14.	Date of Inspection	8
15.	Planning Policy / Background	8
16.	Local Plan Policy Scheme Requirements / S106 Costs	9
17.	Development Scheme / Special Assumptions.....	9
18.	Development Scheme information and Assessment.....	11
19.	Benchmark Land Value (BLV).....	19
20.	Viability Assessment	20
21.	Conclusions / Presentation of Results.....	21
22.	Sensitivity Analysis and Testing	21
23.	Comments and Recommendations	21
24.	Appendices	23
24.1	Development Appraisal – Proposed For Sale Scheme	24
24.2	Development Appraisal – Proposed PRS Scheme	25
24.3	Terms of Engagement	26

1. Executive Summary

1.1 Proposed Development Details

This updated report provides an Independent Review of a Financial Viability Appraisal in connection with:

Proposed Development	Redevelopment 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
Subject of Assessment:	Bargate Shopping Centre and adjoining land In Queensway, East Street, Hanover Buildings and High Street Southampton SO14 1HF
Planning Ref:	20/01629/FUL
Applicant:	Bargate Property Limited C/O Tellon Capital LLP
Applicant's Viability Advisor:	JLL

Non-Technical Summary of Viability Assessment Inputs

Policy Compliant Inputs	JLL	DVS Viability Review	Agreed (Y/N)
Assessment Date	November 2020	1 February 2021	
Scheme, Net and Gross Internal Area	Residential 29,348m2 net Commercial 2,490 m2 net 39,169 m2 gross	Residential 29,337m2 net Commercial 2,490m2 net 42,708 m2 gross	Y¹ Y N
Construction Period Sale Period	32 months For Sale 27 months PRS 1 month	32 months For Sale 27 months PRS 1 month	Y Y Y
For Sale Gross Development Value	£121,350,236	£124,289,026	N
PRS Gross Development Value	£100,195,913	£100,195,912	N
For Sale Housing	£111,250,000 £3,792per sq m	£111,250,000 £3,792 per sq m	Y
PRS Housing	£96,536,842 gross	£106,600,000 gross	N
Affordable Housing	N/A	N/A	Y

For Sale Commercial incl ground rents, retail and car parking	£10,782,442 gross	£13,837,632 gross	N
PRS Commercial incl retail and car parking	£10,969,502 gross	£11,678,299 gross	N
Purchasers Costs	For Sale - £682,206 PRS - £7,310,431	For Sale - £798,607 PRS - £7,502,695	N N
Planning Policy / S.106 Total	CIL - £2,080,521 S.106 - £280,200	CIL - £3,045,637 S.106 - £520,888	N N
Construction Cost Inc. Externals & Abnormals. Total and £/sq. ft.	£88,083,597 £2,249 psm net	£81,542,701 £1,909 psm net	N
Contingency	5%	5%	Y
Professional Fees & Surveys etc	8%	8%	Y
Finance Interest and Sum	6.5% debit rate 2.0% credit rate	6.5% debit rate 2.0% credit rate	Y Y
Other Fees			
Marketing Fees	1.5%	1.5%	Y
Sales / Agency Fees	1%	1%	Y
Legal Fees	0.25%	0.25%	Y
Commercial Letting	20%	20%	Y
Commercial Sale Fees	1.25%	1.25%	Y
Land Acquiring Costs	N/A	N/A	Y
For Sale Profit Target %	Residential 20% of GDV Commercial 15% of GDV	Residential 17.5% of GDV Commercial 15% of GDV	N Y
PRS Profit Target %	15% of GDV	15% of GDV	Y
EUV	N/A	N/A	
EUV Premium to BLV	N/A	N/A	
AUV	N/A	N/A	
Benchmark Land Value	£7,975,000	£7,975,000	Y
Purchase Price (if relevant)	N/A	N/A	
Viability Conclusion	For Sale Scheme Deficit excluding land £12,983,597 PRS Scheme Deficit excluding land £23,387,479	For Sale Scheme Deficit excluding land £6,569,070 PRS Scheme Deficit excluding land £9,710,365	N
	Schemes Not Viable	Schemes Not Viable	Y

Y¹ - Agreed subject to rounding

2. Introduction

2.1 I refer to your instructions dated 7 December 2020 and my Terms of Engagement dated 15 October 2020.

2.2 This opinion of the development viability of the proposed development scheme assessed is based on a review of the planning applicants/agents report dated November 2020 submitted to the Local Authority.

2.3 As this is a desk top assessment I have not inspect the site and I have now finalised my viability assessment and I am pleased to report to you as follows.

2.4 A copy of my Terms of Engagement dated 15 October 2020 are attached.

2.5 Identification of Client

Southampton City Council

2.6 Purpose of Assessment

It is understood that the Southampton City Council require an independent opinion on the viability information provided by JLL, in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme.

2.7 Subject of the Assessment

Bargate Shopping Centre and adjoining land in Queensway, East Street, Hanover Buildings and High Street, Southampton SO14 1HF

3. Date of Assessment / Date of Report

The date of viability assessment is 1 February 2021

Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.

4. Viability Methodology / Professional Guidance

4.1 The review of the applicant's viability assessment has been prepared in accordance with the recommended practice set out in the National Planning Policy Framework; the NPPG on Viability (July 2018, updated May 2019, September 2019) and the Royal Institution of Chartered Surveyors (RICS) Professional Statement, Financial Viability in Planning (**FVIP: Conduct and Reporting**)

(effective from 1st September 2019) and the RICS (**FVIP**) Guidance Note (1st Edition) (GN 94/2012), where applicable.

- 4.2 The Residual appraisal methodology is established practice for viability assessments. In simple terms the residual appraisal formula is:

Gross Development Value less Total Development Cost (inclusive of S106 obligations, abnormal development costs and finance) less Profit, equals the Residual Land Value.

- 4.3 The Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance on Viability. Where the Residual Land Value produced from an appraisal of a policy compliant scheme is in excess of the Benchmark Land Value the scheme is financially viable, and vice versa:

Residual Land Value > Benchmark Land Value = Viable
Residual Land Value < Benchmark Land Value = Not Viable

- 4.4 The appraisal can be rearranged to judge the viability of a scheme in terms of the residual profit, which is compared to the target profit:

Residual Profit > Target Profit = Viable
Residual Profit < Target Profit = Not Viable

- 4.5 For this case the DVS appraisal produces a Residual Land Value which is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance on Viability and expressed as a deficit /surplus which is the same method as JLL.

5. RICS Financial Viability in Planning Conduct and Reporting

In accordance with the above professional standard it is confirmed that:

- 5.1 In carrying out this viability assessment review the valuer has acted with objectivity impartiality, without interference and with reference to all appropriate sources of information.
- 5.2 The professional fee for this report is not performance related and contingent fees are not applicable.
- 5.3 DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.

- 5.4 The appointed valuer, [REDACTED] BSc MRICS, Registered Valuer is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- 5.5 Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.
- 5.6 DVS are employed to independently review the applicant's financial viability assessment, and can provide assurance that the review has been carried out with due diligence and in accordance with section 4 of the professional standard. It is also confirmed that all other contributors to this report, as referred to herein, have complied with the above RICS requirements.

6. Restrictions on Disclosure / Publication

- 6.1 The report has been produced for Southampton City Council only. DVS permit that this report may be shared with the applicant and their advisors as listed above, as named third parties.
- 6.2 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party who may seek to rely on the content of the report.
- 6.3 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor reproduce the whole or any part of this report, nor make reference to it, in any way in any publication. It is intended that a final report will later be prepared, detailing the agreed viability position or alternatively where the stage one report is accepted a redacted version will be produced, void of personal and confidential data, and that this approved document will be available for public consumption.
- 6.4 None of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will not bring any claim against any such individuals personally in connection with our services.
- 6.5 This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as

amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

7. Validity

This report remains valid for 3 months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

8. Confirmation of Standards

- 8.1 The viability assessment review has been prepared in accordance with paragraph 57 of the National Planning Policy Framework, which states that all viability assessments should reflect the recommended approach in the National Planning Practice Guidance on Viability, (July 2018, updated May 2019 and September 2019).
- 8.2 The viability assessment review report has been prepared in accordance with the Professional Statement Financial Viability in Planning: Conduct and Reporting (effective from 1st September 2019). Regard has been made to the RICS Guidance Note "Financial Viability in Planning" 1st Edition (GN 94/2012), where applicable.
- 8.3 Valuation advice (where applicable) has been prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards 2020 and RICS UK National Supplement, commonly known together as the Red Book. Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).
- 8.4 Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your internal decision making and for planning purposes, and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our assessment and conclusion may be used by you as part of a negotiation, therefore RICS Red Book professional standards PS1 and PS2 are applicable to our undertaking of your case instruction, compliance with the technical and performance standards at VPS1 to VPS 5 is not mandatory (PS 1 para 5.4) but remains best practice and they will be applied to the extent not precluded by your specific requirement.
- 8.5 Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).
- 8.6 Where relevant measurements stated will in accordance with the RICS Professional Statement 'RICS Property Measurement' (2nd Edition) and, the RICS Code of Measuring Practice (6th Edition).
- 8.7 Agreed Departures from the RICS Professional Standards
 - 8.7.1 As agreed, any commercial and residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal

Area has been used for value and Gross Internal Area for costs. Such a measurement is an agreed departure from 'RICS Property Measurement (2nd Edition)'. This method of measurement is standard practice for Viability assessments.

- 8.8 It is agreed that the DVS terms of engagement appended to this report will omit commercially confidential and personal data.

10. Conflict of Interest

- 10.1 In accordance with the requirements of RICS Professional Standards, DVS as part of the VOA has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists however previous viability assessment where undertaken on behalf of the council on this site in 2016, 2018 and 2019.
- 10.2 It is confirmed that the valuer appointed has no personal or prejudicial conflict in undertaking this instruction. It is confirmed that all other valuers involved in the production of this report have also declared they have no conflict assisting with this instruction. Should any conflict or difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

11. Engagement

- 11.1 The DVS valuer has / has not conducted any discussions negotiations with the applicant or any of their other advisors other than requests for confirmation of details provided.

12. Status of Valuer

- 12.1 It is confirmed that the viability assessment has been carried out by [REDACTED] BSc MRICS, Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge, skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased review. [REDACTED] is referred hereafter and in redacted correspondence as 'the DVS reviewer'.

13. Assessment Details

13.1 Location / Situation

The site is located in the City Centre to the east of the High Street and occupies back land within the urban block between East Bargate, East Street, Hanover Buildings and Queensway all of which have been cleared for development.

The site is served well by all local facilities as you would expect in a major city centre location.

13.2 Description

The existing site comprises the former covered Bargate Shopping Centre and multi storey car park and adjoining sites and buildings in Queensway, East Bargate and High Street and previous consents have been implemented with the properties on site having been demolished.

13.3 Site Area

The planning application form states that the site area is 1.398 hectares (3.45 acres)

14. **Date of Inspection**

As agreed with the Council the property has not been inspected but it is well known to the DVS Reviewer.

15. **Planning Policy / Background**

The current application, the subject of this review, is reference 20/01629/FUL - 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).

The site has been subject to the following applications and decisions:

- 16/01303/FUL – Mixed use scheme approved in August 2017 including 152 flats, 185 units of student residential accommodation and A1-A3 uses. Reviewed in November 2016 by DVS and assessed as not viable. This scheme was implemented and demolition has now been completed.
- 18/015/FUL – Mixed use scheme approved in December 2018 and replaced the student accommodation with additional residential (total of 287 flats) and a 240 bed hotel. This scheme was reviewed in November 2018 and July 2019 by DVS and it was assessed as not viable.
- 20/01629/FUL – Current application which increases the number of flats to 519, removes the hotel and reduces the amount of retail in light of the current market.

In addition to the NPPF and NPPG the Southampton Development plan comprises:

- The City Centre Action Plan 2015
- Southampton Core Strategy 2015

- Saved Policies of the Local Plan Review 2013
- CCAAP Policy AP9 allocates the site as appropriate for a mixed use development including residential
- Policy CS15 provides for 35% affordable housing on sites of 15 or more net dwellings.

16. Local Plan Policy Scheme Requirements / S106 Costs

I'm advised that in accordance with policy CS15 35% affordable housing is required plus the following planning obligations:

- Highways/Transport – £6,000 plus site specific works
- Solent Disturbance Mitigation Project - £219,374
- Employment & Skills Plan - £69,372 (Estimate)
- Carbon Management Plan - £95,514
- Late Night Community Safety Facilities - £20,000 (Estimate)
- Development Mitigation - £110,628 (Estimate)
- Total 106 - £520,888
- CIL - £3,045,637

JLL have included for:

- S106 - £280,200
- CIL - £2,080,521

17. Development Scheme / Special Assumptions

17.1 The following assumptions and special assumptions have been agreed with the Council and applied:

- that your council's planning policy, or emerging policy, for affordable housing is up to date
- There are no abnormal development costs in addition to those which the applicant has identified, and (for cases with no QS review) the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.

17.2 Scheme Floor Areas

Measurements stated are in accordance with the RICS Professional Statement '**RICS Property Measurement' (2nd Edition)**, and where relevant, the **RICS Code of Measuring Practice (6th Edition)**.

As agreed, any commercial and residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area has been used for value and Gross Internal Area for costs. Such a measurement is an agreed departure from 'RICS Property Measurement (2nd

Edition)'. This method of measurement is standard practice for Viability assessments.

The accommodation schedule of the scheme has been provided and confirmed by JLL and these areas have been assumed to be correct and adopted as follows:

Type / Description	No of Units	Average Sq m	Average Sq Ft	Total Sq m	Total Sq Ft
Open Market Housing					
Studio	73	34.7-51.1	373-550		
1 Bed Flat	211	42.7-63.7	459-685		
2 Bed Flat	201	44.3-82.1	477-883		
2 Bed Duplex	6	73.0-74.7	785-804		
3 Bed Flat	28	78.9-86.3	849+-930		
	519				
Block A	24			1,396	15,023
Block B/C	225			12,436	133,862
Block D/F/G	198			10,760	115,820
Block E	72			4,745	51,080
Residential Total	519			29,337 sq m	315,785 sq ft
Commercial					
Block A	2			486	5,233
Block B/C	4			999	10,749
Block D/F/G	2			661	7,118
Block E	1			344	3,701
Total	9			2,490 sq m	26,801 sq ft

According to the Order of Cost Estimate dated 2 November 2020 the gross internal area of the residential is 39,169 sq m which represents a net to gross ratio of 75% which is within the range we would normally expect for scheme of this type.

In addition the Order of Cost Estimate includes a GIA of 2,527 sq m for the commercial which equates to a net to gross ratio of 98.5% which again is reasonable.

We also understand that the undercroft car park in Block B amounts to 50 spaces with a GIA of 1,011 sq m.

17.3 Mineral Stability

The property is not in an underground mining area and a Mining Subsidence Report has not been obtained.

17.4 Environmental Factors Observed or Identified

Not applicable since no inspection carried out and the site is currently a car park.

17.5 Tenure

We assume the site is held Freehold with vacant possession

17.6 Easements and Restrictions

It is assumed that there are no easements or restrictions affecting the property.

17.7 Services

It is assumed that all services are available to the site.

17.8 Access and Highways

It is assumed that access is available from the adopted highway.

18. Development Scheme information and Assessment

This report deals with each major input into the viability assessment of the scheme. This assessment has been undertaken following our own research into both current sales values and current costs. We have used figures put forward by JLL if we believe them to be reasonable.

I understand that whilst the previous assessments on this site were carried out by GL Hearn following changes in personal the FVA has been transferred to JLL.

We have used a copy of our bespoke excel based toolkit with cash flow to assess the scheme which is attached whilst JLL have used Argos also with a cash flow.

We would summarise our assessment of the scheme as follows:

18.1 Gross Development Value (GDV)

18.1.1 Residential

JLL have undertaken two assessments for this scheme assuming:

- A for sale scheme when all residential units are sold individually (For Sale)
- All residential units are let individually and then the investment sold to a investor as a Private Rented Scheme (PRS)

18.1.2 For Sale Scheme

JLL have undertaken research as to values in the area as follows:

- Saxon Gate – 1 and 2 Bed units sold in 2019 – Average of £370 per sq ft (£3,982 per sq m)
- Portland Place – 1 and 2 bed units sold in 2019/2020 – Average of £365 per sq ft (£3,929 per sq m)
- Seafarers Court – 1 and 2 bed units 2019/2020 – Average of £360 per sq ft (3,875 per sq m)

- Royal Crescent Apartments – 1 and 2 bed units 2020 – Average of sold/asking £258 to £371 per sq ft
- Chapel Riverside – 1 and 2 bed sold in 2020 – Average of £332 to £385 per sq ft sold/asking.

On the basis of this evidence JLL have adopted the following:

Type	No	Size Ft2	Average Value	Rate per Ft2/m2
Studio	73	373-550	£168,630	£396/£4263
1 Bed Flat	211	459-685	£186,339	£363/£3907
2 Bed Flat	201	477-883	£245,759	£340/£3660
2 Bed Duplex	6	785-804	£260,000	£326/£3509
3 Bed Flat	28	849-930	£309,464	£345/£3714
Total	519	315,785	£111,250,000	£352/£3789

We have undertaken our own market research in the area of new build units including our own data base, recently assessed schemes and Zoopla/Rightmove.

The Zoopla area guide of post code SO14 states that the average current value for flats is £230,555 - £3,509 per sq m (1.8 beds) whilst the average asking prices in the post code are as follows:

- 1 Bed Flat - £140,582
- 2 Bed Flat - £221,355
- 3 Bed Flat - £459,748

In addition from recent schemes assessed the average rate per sq m adopted was £3,739 per sq m for 1 bed to 3 bed units in the city centre whilst in 2019 we agreed £3,063 per sq m and the Land Registry House Price Index for Southampton shows limited growth for flat over the period since.

On this basis I'm prepared to accept the values adopted by JLL as reasonable.

18.1.3 PRS Scheme

JLL have undertaken research as to rentals in the area as follows:

- Bow Square – 279 unit PRS scheme – Rents range from £870 pcm to £1050 for 1 bed to £1025 pcm to £1135 for 2 bed
- Saxon Gate - £750 to £1100 pcm
- Portland Place - £830 to £1000 pcm
- Empress Heights – Approx £795 pcm for a 1 bed flat

On the basis of their evidence JLL have adopted the following:

- Studios - £750 pcm - £612,000 pa gross
- 1 Bed - £900 pcm - £2,332,800 pa gross
- 2 Bed - £1100 pcm - £2,732,400 pa gross
- 3 Bed - £1300 pcm - £436,800

Total - £6,114,000 pa gross

We have undertaken our own market research in the area of new build units including our own data base, recently assessed schemes and Zoopla/Rightmove.

The Zoopla area guide of post code SO14 states that the current asking rents in the post code are as follows:

- 1 Bed Flat - £697 pcm
- 2 Bed Flat - £988 pcm
- 3 Bed Flat - £1364 pcm

On the basis of our evidence etc we have slightly amended the rents as follows:

- Studios - £750 pcm - £612,000 pa gross
- 1 Bed - £900 pcm - £2,332,800 pa gross
- 2 Bed - £1200 pcm - £2,980,000 pa gross
- 3 Bed - £1400 pcm - £470,400

Total - £6,396,000 pa gross

JLL have then reduced the gross rent by 25% to take account of management and operational costs (Voids, repairs, letting fees etc) with a net income of £4,585,500 pa and then capitalised at 4.75% with a gross capital value of £96,536,842 before purchaser's costs.

Taking into account recent evidence and other PRS schemes assessed in the area I'm of the opinion that a net deduction of 25% is reasonable but 4.75% yield is currently slightly high and taking into account other assessments and agents current research reports I have capitalised at 4.5% with a gross capital value of £106,600,000 before purchasers costs.

18.1.4 Affordable Housing

No affordable housing has been included by either party at this stage.

18.1.5 Ground Rents for the For Sale Scheme

JLL have not included any ground rents due to impending legislation.

It should be noted that the government have announced that they would crack down on unfair leasehold practices in respect of ground rents. However since no legislation has been enacted the policy of DVS is to include ground rents at the present time.

On this basis we have included for ground rents based on an average of £200 per unit pa capitalised at 5% which we believe is reasonable in the current, market and agreed on similar schemes with a total of £2,076,000 before purchaser's costs. This takes account of the limits placed by funders on ground rents.

However if legislation is enacted it could affect this assessment and I have included an appraisal without ground rents as a sensitivity.

18.1.6 Car Parking

I understand that there are 50 car parking spaces provided as an undercroft to Block B. JLL have assumed £15,000 per space for the For Sale scheme and £1,100 per space pa for the PRS scheme.

Whilst I'm of the opinion that £1,100 per space pa for the PRS scheme is reasonable in respect of the For Sale scheme I believe that due to the potential demand for these spaces and the range we normally consider of £15,000 to £20,000 per space that the higher rate is reasonable and I have adopted £20,000 per space.

18.1.7 Commercial

JLL have based their rental values on £30 per sq ft (£323 per sq m) capitalised at 7% less a 24 month rent free period/ capital package and purchasers costs.

Taking account of the location of the scheme and evidence reviewed I'm prepared to accept these rental values as reasonable but have increased the yield to 6.5% again as reasonable due to the location of the scheme in the City Centre but also included a 24 month rent free/ capital package and a 3 month void in the cash flow.

18.1.8 Total GDV of For Sale Scheme

	DVS	JLL
Market Units	£111,250,000	£111,250,000
Car Parking	£1,000,000	£750,000
Affordable Units	NIL	NIL
Ground Rents	£2,076,000	NIL
Commercial	£10,761,632	£10,032,442
Purchasers Costs	£798,607	£682,206
Total	£124,289,026	£121,350,236

18.1.9 Total GDV of PRS Scheme

	DVS	JLL
PRS Units	£106,600,000	£96,536,842
Car Parking	£916,667	£868,421
Affordable Units	NIL	NIL
Commercial	£10,761,632	£10,101,081
Less Purchasers Costs	£7,502,695	£7,310,431
Total	£110,775,604	£100,195,912

18.2 Build Cost

18.2.1 Construction cost

JLL have adopted in their appraisal a total cost of £88,082,455 excluding fees and contingency. This is based on the NPR Order of cost estimate although the appendix included shows an Order of Cost Estimate dated 2 November 2020 which totals £88,963,280 including a 1% contractor contingency or net £88,082,455. This is broken down as follows:

Block A -	£4,379,313 (£1,874 per sq m)
Block B/C -	£28,390,182 (£1,578 per sq m)
Block D/E/F -	£26,229,482 (£1,732 per sq m)
Block E -	£10,236,584 (£1,643 per sq m)
Block B Undercroft -	£907,547 (£898 per sq m)
Facilitating Works -	£985,374
External Works -	£2,700,149
Prelims -	£10,059,424 (13.6%)
Contractors OHP -	£4,194,403 (5%)
Contractor cont -	£880,825 (1%)
NRP Total -	£88,963,280

In accordance with advice from our QS we have taken account of the default median (January 2021) BCIS rate rebased to Southampton for 6 storey plus of £1,749 per sq m, the retail rate generally of £1,186 per sq m and undercroft car parking at £827 per sq m plus externals etc as follows:

Residential

Block A -	£3,172,868 (£1,749 per sq m)
Block B/C -	£29,712,012 (£1,749 per sq m)
Block D/F/G -	£25,325,520 (£1,749 per sq m)
Block E -	£10,298,112 (£1,749 per sq m)

Commercial

Block A -	£620,278 (£1,186 per sq m)
Block B/C -	£1,184,814 (£1,186 per sq m)
Block D/F/G -	£783,946
Block E -	£407,984

Undercroft Parking

Block B -	£836,097 (£827 per sq m)
Externals etc -	£7,234,145 (10%)
Additional Items -	£780,000
DVS Total -	£81,542,701

Overall we have used BCIS to benchmark the build costs as above but please advise if a separate QS review is required although considerably more detail would be required in order for this to be undertaken.

18.2.2 Contingency

JLL have adopted a contingency of 5% (£4,404,180) which is within the range of 3% to 5% we adopt as reasonable and due to the complexity of the scheme and

the current issues of Covid 19 I believe that 5% is reasonable (£4,077,135) and previously agreed in 2019.

18.3 Development Costs

18.3.1 Professional Fees

JLL have adopted 8% (£7,046,688) for professional fees. This is within the all-inclusive range we normally adopt for flatted schemes of 7% to 12% and have therefore adopted 8% (£6,523,416) as reasonable which was adopted in 2019.

18.3.2 CIL/Section 106 Costs

JLL have included for the following:

- CIL - £2,080,521
- Section 106 - £280,200

You have now advised us that the following contributions are required:

- Affordable Housing – 35%
- Highways/Transport – £6,000 plus site specific costs
- Solent Disturbance Mitigation Project - £219,374
- Employment & Skills Plan - £69,372 (Estimate)
- Carbon Management Plan - £95,514
- Late Night CSF - £20,000 (Estimate)
- Development Mitigation - £110,628 (Estimate)
- Total Section 106 - £520,888

- CIL - £3,045,637

In addition we have assumed that the section 106 costs would be payable at start on site and the CIL costs phased over the development period in accordance with previous schemes assessed.

18.3.3 Marketing and Agency Costs

JLL have included the following as fees:

- For Sale Scheme -
Residential Agent and Marketing Costs – 2.5% - £2,781,250
Legal Sale Fees – 0.25% - £303,376
Retail Sales Fee – 1% - £93,502
Commercial Letting Fees – 20% - £160,806
Total - £3,338,934

- PRS Scheme
Sale Agent Fees – 1% - £993,275
Sales Legal Fee – 0.25% - £250,490
Letting Fees – 20% - £160,806
Total - £1,404,571

NB I do not believe that the sale agent fees include for the commercial

I have adopted the following as reasonable and compare to similar schemes:

- For Sale Scheme
 - Residential Marketing Costs – 1.5% - £1,668,750
 - Commercial Marketing – 0.5% - £50,429
 - Residential Agent Sale Fees – 1% - £1,112,500
 - Residential Legal Sale Fees – 0.25% - £278,125
 - Commercial Letting Fees – 20% - £160,807
 - Commercial sale fees incl car parking and ground rents – 1.5% - £162,988
 - Total - £3,409,184

- PRS Scheme
 - Sale Agent Fees – 1% - 1,107,756
 - Sales Legal Fees – 0.25% - £276,939
 - Letting Fees – 20% - £160,806
 - Total - £1,545,501

18.3.4 Finance Costs

JLL have adopted a finance debit rate of 6.5% and 2% credit rate calculated in accordance with their cash flow.

I have also used an all-inclusive debit rate of 6.5% which is within the range of 6% to 7% plus 2% credit rate that we normally adopt as reasonable and calculated in accordance with the cash flow.

18.3.5 Programme

JLL have adopted the following programmes:

For Sale Scheme:

Block A – 3 months pre construction, 17 months construction and 3 months sales.
Block B/C – 6 months pre construction, 26 months construction and 22 months sales.

Block D/F/G – 12 months pre construction, construction 25 months and 19 months sales.

Block E – 18 months pre construction, 20 months construction and 7 months sales.

Overall

- Construction – 32 Months
- Sales – 27 months

PRS Scheme:

Block A – 3 months pre construction, 17 months construction and 1 month letting and sale.

Block B/C – 6 months pre construction, 26 months construction and 3 months letting and one month sale.

Block D/F/G – 8 months pre construction, construction 25 months and 3 months letting and one month sale.

Block E – 16 months pre construction, 20 months construction and 1 months letting and sale.

Overall

- Construction – 30 Months
- Sales – 1 month from PC of each Block

I have adopted the following programme as reasonable when compared to similar schemes:

For Sale Scheme:

Site Purchase – Month 1

Lead in – 6 months

Construction – Month 7 to 38 (32 months)

Sale of Residential – 27 months (Phased from month 24 to month 56)

Sale of Commercial – 3 months after PC of each block to allow for a void period

Sale of Ground Rents – Month 56

PRS Scheme:

Site Purchase – Month 1

Lead in – 6 months

Construction – Month 7 to 36 (30 months)

Sale of Residential – 1 month from PC of each block

Sale of Commercial – 1 months after PC of each block

18.3.6 Profit

JLL have suggested a target profit of 20% of GDV on residential for sale, 15% on PRS investment and 15% on commercial.

The latest NPPF guidance suggests a profit level of 15-20%. On this basis I have adopted the following as reasonable and agreed on similar schemes:

For Sale Residential – 17.5% of GDV

PRS investment – 15% of GDV but this could reduce if a pre-sale in place

Commercial – 15% of GDV

In respect of affordable units if included on site I would adopt a profit level of 6% due to the reduced risk on the basis of a forward sale to an RP.

19. Benchmark Land Value (BLV)

19.1. JLL have adopted a Benchmark Land Value of £7,975,000.

19.2 Existing Use Value (EUV)

JLL have adopted the existing use value as a shopping centre of £7,975,000 based on the GL Hearn valuation as part of the previous assessment exclusive of a 20% landowner's premium.

In our previous assessments of this site we adopted the following:

1) *Properties surrounding the Bargate Centre - £6,595,000*

2) *The Bargate Shopping Centre*

Although the centre was vacant GLH assessed its valued based on a refurbishment - £1,380,000

3) *No additional premium was added*

We reviewed all the evidence previously provided and undertook our own research as to rental values and yields for these types of properties in the city and were of the view that the base values adopted were not unreasonable.

Therefore in accordance with our 2016/2018 and 2019 viability assessments we have also adopted a BLV of £7,975,000.

19.3 Premium (EUV)

JLL have not included a premium.

19.4 Purchase Price

19.4.1 The PPG and the RICS encourage the reporting of the purchase price to improve transparency and accountability.

19.4.2 RICS FVIP (1st edition) 2012 guidance states at para 3.6.1.2 "It is for the practitioner to consider the relevance or otherwise of the actual purchase price, and whether any weight should be attached to it, having regard to the date of assessment and the Site Value definition.."

19.4.3 However, the NPPG on viability very much dissuades the use of a purchase price as a barrier to viability this is reinforced at several places in the PPG: The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. And under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

19.4.4 The PPG does not invalidate the use and application of a purchase price, or a price secured under agreement, where the price enables the development to meet the policies in the plan.

19.4.5 We are not aware of the purchase price for the site.

19.5. Market Transactions

Market transactions for residential and PRS schemes were taken into account in order to establish the EUV of the site.

19.6 Alternative Use Value (AUV)

19.6.1 Not applicable in this case.

19.7 Other Evidence

19.7.1 Other Evidence from recent schemes assessed for Southampton City Council has been taken into account in this assessment.

19.8 Benchmark Land Value Considerations

19.8.1 The methodology of using the EUV of the site and based on a refurbishment of the shopping centre is considered reasonable in the case and as previous no landowners premium has been added.

19.9 Benchmark Land Value Conclusion

19.9.1 For this stage one report we have adopted a BLV of £7,975,000 with no premium.

20. **Viability Assessment**

JLL have concluded the following:

- 1) A For Sale Scenario which shows a residual land value of a negative £12,938,597 and when the BLV of £7,975,000 is taken into account the total deficit is £20,958,597 and is not viable
- 2) The PRS Scenario is reported with a residual land value of a negative £25,219,568 and when the BLV of £7,975,000 is taken into account the deficit is £31,362,479 and is not viable. However the appraisal shows a negative RLV of £23,387,479 not £25,219,568.

JLL advise that although the scheme could be deemed unviable the applicant, contractors, funders and advisors have worked extensively over the course of 3 applications to ensure that a deliverable scheme can be delivered although any affordable housing and increased planning obligations could jeopardise the delivery of the scheme.

However with these level of deficits the schemes may well be termed undeliverable and the deficits may be underestimated since no finance has been included on the BLV.

21. Conclusions / Presentation of Results

I have undertaken two assessments as follows:

- 1) For Sale Scheme – On the basis of a scheme including 519 for sale units, 50 parking spaces, ground rents and 2,490 sq m of retail the scheme excluding a land value shows a deficit of £6,569,070 and if the BLV is included a total deficit of £17,917,903 including finance.
- 2) PRS Scheme – On the basis of a scheme including 519 PRS units, 50 parking spaces and 2,490 sq m of retail the scheme excluding a land value shows a deficit of £9,710,365 and if the BLV is included a total deficit of £20,073,450 including finance.

Clearly both of these schemes are unviable and undeliverable unless costs reduce and values increase.

22. Sensitivity Analysis and Testing

As set out in the RICS Professional Standard 'Financial viability in planning: conduct and reporting' (effective from 1st September 2019), I have carried out sensitivity tests to test the robustness of the viability conclusions described above as follows:

- 1) If ground rents are excluded from the For Sale scheme the deficit before the BLV is taken into account increases to £7,086,948
- 2) In order for the For Sale scheme to be viable on the basis of the DVS costs which are approx 7.5% less than JLL residential values would need to increase by over 20%.
- 3) In order for the PRS scheme to be viable on the basis of the DVS costs which are approx 7.5% less than JLL the PRS value would need to increase by almost 25%.

23. Comments and Recommendations

Following a review of the viability assessment undertaken by JLL the key differences are:

- 1) Inclusion of Ground rents in For Sale Scheme
- 2) Higher Value of Car Parking in both Schemes

- 3) Higher Rentals for 2 bed and 3 bed units in PRS scheme
- 4) Yield of PRS units in PRS scheme – 4.5% as opposed to 4.75%
- 5) Lower Overall Build Cost of approx 7.5%
- 6) Higher CIL and S106 contributions as advised by the Council
- 7) For Sale Residential Profit of 17.5% rather than 20%

Clearly there are major issues in respect of the viability of both of the proposed schemes and if the Council wish to proceed at less than policy we would suggest that any section 106 agreement include a review mechanism.

23.1 Market Uncertainty

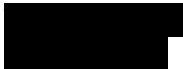
The outbreak of the Novel Coronavirus (COVID-19), declared by the World Health Organisation as a “Global Pandemic” on the 11 March 2020, has impacted many aspects of daily life and the global economy – with some real estate markets experiencing significantly lower levels of transactional activity and liquidity. As at the valuation date, in the case of the subject property there is a shortage of market evidence for comparison purposes, to inform opinions of value.

Our valuation of this property is therefore reported as being subject to ‘material valuation uncertainty’ as set out in VPS 3 and VPGA 10 of the RICS Valuation – Global Standards. Consequently, less certainty – and a higher degree of caution – should be attached to our valuation than would normally be the case. For the avoidance of doubt, the inclusion of the ‘material valuation uncertainty’ declaration above does not mean that the valuation cannot be relied upon. Rather, the declaration has been included to ensure transparency of the fact that – in the current extraordinary circumstances – less certainty can be attached to the valuation than would otherwise be the case.

The material uncertainty clause is to serve as a precaution and does not invalidate the valuation. Given the unknown future impact that COVID-19 might have on the real estate market and the difficulty in differentiating between short term impacts and long-term structural changes, we recommend that you keep the valuation[s] contained within this report under frequent review.

I trust that the above report is satisfactory for your purposes. However, should you require clarification of any point do not hesitate to contact me further.

Yours sincerely

 BSc MRICS
RICS Registered Valuer
DVS

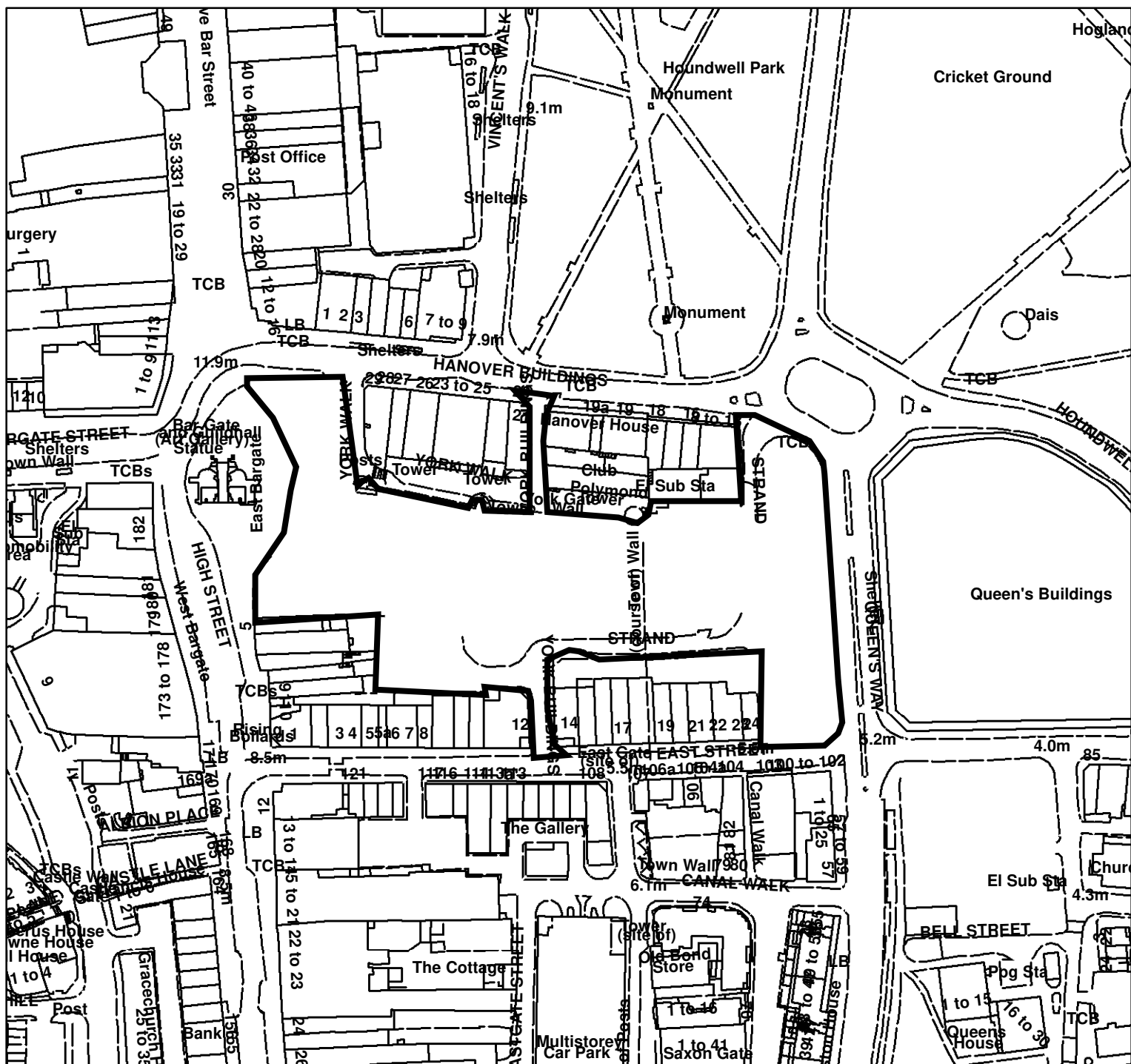
24. Appendices

- 24.1 Development Appraisal of the For Sale Scheme
- 24.2 Development Appraisal of the PRS Scheme
- 24.3 Terms of Engagement dated 15 October 2020

24.1 Development Appraisal – Proposed For Sale Scheme

24.2 Development Appraisal – Proposed PRS Scheme

24.3 Terms of Engagement



Scale: 1:2,000



This page is intentionally left blank

Agenda Item 6

Planning and Rights of Way Panel 16th March 2021 Planning Application Report of the Head of Planning & Economic Development

Application address: Leisure World, West Quay Road, Southampton			
Proposed development: 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).			
Application number:	20/01544/OUT	Application type:	Outline
Case officer:	Jenna Turner	Public speaking time:	15 minutes
Last date for determination:	12.02.2021 (subject to Planning Performance Agreement)	Ward:	Bargate
Reason for Panel Referral:	More than 5 letters of objection have been received	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Applicant: Sovereign Centros on behalf of Triton Property		Agent: Montagu Evans	

Recommendation Summary	Delegate to Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
-------------------------------	--

Community Infrastructure Levy Liable	Yes
---	------------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out at Appendix 1 of this report. The Council has taken into account the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The Council accepts the methodology used in the Environmental Statement, and its conclusions, and is satisfied that the proposed design principles and quantum of development, which formed part of the assessment in the ES and are subject of planning conditions, are acceptable. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the

applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment to be provided in advance of the Planning and Rights of Way Panel Meeting.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure 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 highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - vi. 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).

- vii. 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).
- viii. 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.
- ix. 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.
- x. 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.
- xi. A Waste Management Plan to address the management of refuse storage and collection within the development.
- xii. Construction Management Plan to include the routeing and timing of construction traffic to avoid peak times.
- xiii. A Development Phasing Plan.
- xiv. Provision, retention and management of the public open space together with securing public access in perpetuity.
- xv. The provision of on-site play space in accordance with Policy CLT6 of the Local Plan Review.
- xvi. 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.
- xvii. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
- xviii. Provision of on-site 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.
- xix. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets.

- xx. 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 the Head of Planning & Economic Development be given delegated powers 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 & Economic Development 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 comprises the Leisure World complex and the long-term vacant Quayside pub/restaurant building, together with the associated surface level car parking. Leisure World currently contains the Odeon Cinema, Grosvenor Casino, Oceana nightclub and other food and drink uses. The wider application site also encompasses the former John Lewis storage and distribution warehouse, and its curtilage, within the City Industrial Park. Currently, there are some 828 surface car parking spaces on the site. The main access to the site is the traffic-light controlled junction from West Quay Road. A secondary service access also exists adjacent to Grosvenor Casino. There is an attractive group of trees to the front of the site, abutting West Quay Road. As these are owned by the Council, they are not subject to a Tree Preservation Order. This development is currently located within Environment Agency flood zone 1, where the risk of flooding is low (a less than 1 in 1,000 annual probability of river or sea flooding).
- 1.2 The sites abuts The Port of Southampton with City Cruise Terminal located to the south. Immediately to the south-east, is the West Quay Industrial Park. The site is also broadly opposite the Ikea store.
- 1.3 Southampton City Council is the freeholder of the site although, it is subject to a long ground lease to UBS.

2. Proposal

- 2.1 The application has been submitted following extensive pre-application discussions with the Planning Department, and other relevant teams within the Council, secured through a Planning Performance Agreement (PPA). The applicant has engaged with the Council's Design Advisory Panel through the PPA process and the scheme has evolved to take on board comments provided.
- 2.2 The application proposals are in outline with access being the sole matter for detailed consideration. **Layout, Scale, Appearance and Landscaping are all reserved from consideration in this application and will be the subject of another set of planning applications in due course.** The application is supported by parameter plans, which set out the maximum extent of the development, and by detailed Design Codes, which provides rules for all aspects of design and which subsequent reserved matter applications will be assessed against. This is an established approach within the UK planning system and is often used for large complicated developments. An Environmental Statement has

been submitted under the Environmental Impact Assessment Regulations 2017 which assesses the significant effects of the development proposal on the environment. The application is also accompanied by a package of indicative information which serves to demonstrate how the parameters sought for approval could be accommodated on the site.

2.3 The submitted parameter plans divide the site into 6 distinct development plots. The following mix and quantum of development has been provided:

2.4

Use		Plot	GEA sq.m	Rooms/Units
Leisure	Cinema (Sui Generis)	1	4,490	
	Casino (Sui Generis)		2,900	
	Leisure (Use Class F2)		2,600	
	Restaurants/Café (Use Class E)		2,500	
	Retail (Use Class E)		490	
Hotel (Use Class C1)		2	11,500	150 keys/80 serviced apartments
Office (Use Class B1)		3	9,800	
Residential + GF Retail (Use Classes C3 + E)		4	57,510	650 units (mix not specified)
Hotel (Use Class C1)		5	6,000	150 keys
Flexible (Use Class E)		6	5,000	

2.5 The submitted parameter plans set out the following maximum building heights for the development:

Plot 1 (Casino, Cinema and Class E): +34.85m Above Ordnance Datum

Plot 2 (Hotel): +51.87 m AOD

Plot 3 (Office): +38.1m AOD

Plot 4 (Residential): +51.9M AOD

Plot 5 (Hotel): +33.9m AOD

Plot 6 (Health & Wellbeing): +33.9m AOD

For comparison purposes, the existing Leisure World building is approximately 28.85m AOD at its highest point and the Ikea building 29m AOD.

2.6 The submitted Design Codes set further parameters with regards to the height and massing of the development, for example, confirming that the massing of buildings must facilitate views from cruise liners in berth from the train station (Design Code MP8) and from key spaces within the development. The Codes

also set out that the residential development within plot 4 must incorporate a variation in height and the office block in plot 3 relates to the height of the Ikea store, opposite. All subsequent Reserved Matters applications will be guided by the Design Codes.

- 2.7 To the south-western boundary of the site, a strip of land will be safeguarded through the section 106 legal agreement in order to accommodate future flood defences and the West Quay Relief Road, which is planned in the Council's Local Transport Plan.
- 2.8 The primary access to the development would reflect the position of the existing access to Leisure World, with a secondary, controlled access in the location of the existing service access. The development would be served by 1,354 car parking spaces in total. This would be provided as follows:
- Leisure uses would be served by a 600 space multi-storey car park within plot 1
 - Residential accommodation would be served by 376 bays provided across the development, including within residential parking podiums, on street and within the multi-storey car park
 - Office, hotel and health and wellbeing uses would be served by 166 bays within on-street spaces within the development
 - 56 drop-off on-street bays will be provided across the site
 - 156 temporary spaces would be located on the safeguarded land. These spaces would initially be allocated to residential units and removed when the land is required for the flood defence/relief road.
- 2.9 The submitted parameter plans and Design Codes make provision for public realm and open space to be incorporated within the development. The parameter plans include a new Civic Square which, at its entrance, would be no less than 3 metres in width, broadening to 38 metres. The submitted Design Codes confirm that the Square must provide an activity space of at least 500sq.m. The parameter plans also incorporate a linear Green Link which would be a minimum of 18m in width and include 150sq.m of amenity space for the office building. The Green Link provides a pedestrian and cycle route which incorporates tree planting and soft landscaping to create a verdant character. The street widths within the development are also specified on the parameter plans.
- 2.10 The Design Codes provide a considered landscape strategy which incorporates different character areas within the public realm, reflecting the coastal position of the site. The landscape will transition from an 'Urban Forest' character adjacent to West Quay Road, to a 'Boardwalk' character area in the centre of the site, to a 'Shore' character adjacent to the rear boundary of the site with The Port. The character areas are designed to reflect the manner in which an estuarine environment changes away from the foreshore to wetland and then to forest.
- 2.11 A phased approach would be taken to the development. It is intended that the current cinema and casino operators would be re-accommodated within the proposals and the phasing is designed to enable continuous operation as follows:

Phase 1

The demolition of the former John Lewis Warehouse and the construction of the new cinema, casino, food and drink units to the north-west of the site and a hotel

(150 rooms 80 serviced apartments) adjacent to the northern boundary with West Quay Road. Following the decanting of existing tenants into the new facilities, demolition of the existing Leisure World buildings would commence.

Phase 2

New office building to the north-east of the site, adjacent to the boundary with West Quay Road and 300 residential units.

Phase 3

Further 350 residential units and the second hotel adjacent to the south-east boundary of the site.

Phase 4

A health and well-being or other commercial facility to the south-west of the site.

- 2.12 Whilst the layout and appearance of the development are reserved from consideration at this stage, the Design Codes also provide some clarity on whether the Council's design aspirations for the site could be achieved within the parameters provided. The Design Codes provide guiding principles on standards for external space, appearance, use of materials and the quality of the development and envisage an industrial maritime aesthetic for the development.

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 1**.
- 3.2 The adopted Core Strategy and City Centre Action Plan (CCAP) identify the site as being part of the Western Gateway Quarter of the Major Development Zone, now known as Mayflower Quarter. The Core Strategy confirms that City Centre is the focus for significant new offices, retail, hotel and leisure development, the majority of which can be accommodated in the Mayflower Quarter.
- 3.3 Policy AP20 of the City Centre Action Plan provides an over-arching policy for Mayflower Quarter. It confirms that Mayflower Quarter will form a comprehensive high density, mixed use development to enhance the city centre's regional commercial status. In particular, Policy AP20 requires the maintenance and creation of strategic views from key public areas and to maintain or create views of the Port and cruise ships. The policy also sets out the requirement for the creation of new, high-quality civic spaces and the creation of new, pedestrian and cycle friendly links throughout the Quarter. To ensure development proceeds in a comprehensive manner, the policy sets out the requirement for a Development Scheme Plan for each phase of the development. The purpose of this plan is to demonstrate how the proposal:
- Meets the relevant policies
 - Helps to create the strategic links to key destinations
 - Integrates with the area and city centre

- Maintains the ability to integrate with surrounding phases of development.

- 3.4 Policy AP22 of the City Centre Action Plan specifically relates to proposals within the Western Gateway of Mayflower Quarter. This policy supports the mixed-use redevelopment of the area and requires the creation of a high-quality, distinctive gateway to the city centre and waterfront. The policy supports office, leisure, residential, hotel, food and drink and small-scale retail (under 750 sq.m gross). The policy sets out the importance of complying with the Council's flood risk policies and the policies that safeguard the activities of the Port. It confirms the requirement for creating a civic square and maintaining and creating views of cruise ships in berth. The policy also supports the remodelling of West Quay Road to improve pedestrian and cycle connectivity.
- 3.5 The site is currently identified as an important part of the city's night-time economy by policy AP8 of the City Centre Action Plan. Although this policy provides flexibility for the loss of the late-night hub subject to the merits outweighing the existing benefits of the hub or if the uses are no longer needed.
- 3.6 Also relevant is the Council's Transport Strategy, Connected Southampton 2040 which confirms, in policy C2, that the Council will look to improve the city centre's inner ring road, including options for the realignment of West Quay Road to the west to release the opportunity to downgrade the existing West Quay Road. This would better connect development within the Western Gateway to the Central Station and rest of the city centre.
- 3.7 Policies AP12 and AP18 of the City Centre Action Plan set out the requirement for the provision of a Green Grid within the city centre, including through sites within the Mayflower Quarter. The purpose of the Green Grid is to create an attractive network of pedestrian and cycle links between neighbourhoods, destinations, open spaces and the waterfront. The Green Grid will include tree planting, landscaping, green spaces and/or green walls. Within the Green Grid the Council will require, where appropriate, the inclusion of a sustainable urban drainage network to include water courses, ponds, water features and channels. AP13 of the City Centre Action Plan sets out the requirement of public open space in new developments. It confirms that a Civic Park or series of Civic spaces should be provided within the Western Gateway and also promotes the creation of the Station Boulevard (strategic link) between the central station and sites in the Mayflower Quarter.
- 3.8 The National Planning Policy Framework (NPPF) 2019 confirms at paragraph 213 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 1** of this report. The Leisure World site was originally developed for warehouses in following planning permission in 1989 and was subsequently changed to leisure use in 1996, for which the site has been used since. The John Lewis warehouse was originally granted planning permission in 1983 and has undergone alterations and extensions since this time. It's authorised planning use is as a storage and distribution warehouse (Use Class B8).

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 (27.11.2020) and erecting a site notice (20.11.2020). At the time of writing the report **25 representations** have been received from surrounding residents and interested parties. The following is a summary of the points raised:

5.2 Councillor Bogle:

- This development has aspects which are positive including new investment into the area. My main objection is that this proposal is 'cart before the horse', that it should not pre-date the overall Mayflower Quarter master planning process and could undermine it.
- There are distinct parallels with the process recently gone through in Ocean Village, where the arguments about getting a clearer and more sustainable vision/masterplan for that area contributed to the decision to refuse that application.
- If approval is recommended (and appreciate this is an outline planning application which could evolve considerably once the detail comes through in individual Full planning applications) I would like to see a condition that it follows the principles and overall direction of travel of the Mayflower Quarter masterplan and is subject to amendment accordingly. Ideally, I suggest the decision is delayed until the master plan is ready.
- I also object to the development of housing so close to the port boundary, as there is a high likelihood of noise pollution as well as air pollution from the ships and associated port traffic.

Officer Response:

- *Whilst the City Centre Action Plan discusses the need to develop the Mayflower Quarter in a comprehensive way, it also confirms that "there is no 'in principle' planning reason to prevent an earlier partial or comprehensive redevelopment of the quarter" and recognises that development will come forward in a phased manner over time. The Development Scheme Plan provided with the application demonstrates that the proposal will not prejudice development elsewhere in the area, fulfilling the requirement of policy AP20.*
- *The National Planning Policy Framework (NPPF) provides specific guidance on the circumstances in which planning applications can be considered to be 'premature' to an emerging planning policy document. Currently, the Masterplan is not at a sufficiently advanced stage to be a material consideration in this planning application. Paragraph 50 of the NPPF explains that the refusal of planning permission on the grounds of prematurity will seldom be justified before the end of its publicity period (in the case of a neighbourhood plans). Furthermore, since there are up-to-*

date Development Plan policies in place concerning the scale, location and the nature of development within the Mayflower Quarter, the proposal would not undermine the plan-making process.

- *Unlike Ocean Village, the City Centre Action Plan identifies the Leisure World site for the development, including for tall buildings.*
- *The indicative plans demonstrate how residential could be accommodated on the site without being adversely affected by operations within the neighbouring Port. In particular, the residential would be set away from the boundary with the Port with intervening commercial uses acting as a buffer. Soundproofing measures can also be incorporated into the detailed design of the residential buildings.*

5.3 **Councillor Noon**

- Welcomes the development and investment into the site with a good mix of residential and leisure.
- Has concerns about the number of applications for hotels in the city centre and the number of hotel bed spaces could reach saturation point sometime in the future.

Officer Response:

- *Both the City Centre Action Plan and the Core Strategy supports hotel development within the Mayflower Quarter.*

5.4 **ABP**

Support the application pending the following further information:

- AP4 of the CCAP confirms that residential near the Port will only be permitted if there are unlikely to be negative impacts on the current or future operations of the Port or the benefits of the scheme outweigh the impact on the Port.
- It is anticipated that the area in the Western Docks will be used more intensively in the future.
- The NPPF confirms that new development should not be an 'agent of change' for existing business operations by resulting in unreasonable restrictions on existing business operations. The proposal has the potential to become an agent of change for the port and so if the application is approved it should be conditional upon the installation of appropriate acoustic measures into the position and design of the proposed structures, namely insulation, glazing and ventilation systems.
- Should future residents be disturbed by activities in the Port, the Council, developer or freeholder should be responsible for providing any mitigation measures.
- Highlight the Council's Green City Plan 2030 and the principles of Net Gain to offset the impact of new developments.

Officer Response:

Agree that the development should not compromise existing and future Port operations. Residential blocks within the development would be set away from the boundary with the Port, with intervening commercial uses to act as a buffer. Furthermore, acoustic protection measures can be designed into residential blocks including soundproofing, specification of glazing and ventilation. These can be secured by condition. This approach is consistent with the advice from the Council's Environmental Health Team, who raise no objection to the proposal.

5.5 Barton Willmore on behalf of Hammerson UK Plc/West Quay

- Supportive of development proposals that provide new investment and job opportunities in the city and recognises the role of the redevelopment of Leisure World in delivering the Council's wider regeneration objectives.
- Conserved with the quantum of retail floorspace proposed which exceeds the amount envisaged within the adopted City Centre Action Plan.
- As an edge of retail centre site, the provision of under 750sq.m of retail and food and drink space would be supported. Whilst the application sets out retail is not expected to account for 490 sq.m of the development, the applicant has not offered to control the maximum amounts of retail floorspace provided by the way of a planning condition. Since the introduction of Use Class E, commercial uses could change freely to retail. The application should set out maximum parameters for the retail floorspace or provide a Sequential Test in accordance with National policy.

Officer Response:

A condition is suggested to ensure the retail component of Class E does not exceed 750 sq.m in accordance with policy AP22 of the City Centre Action Plan and the requirements of the NPPF.

5.6 Ikea

- The proposed development would have a material and detrimental impact in transport and highway terms on the operation of the Ikea Southampton store.
- Ikea therefore objects to the application on transport and highway grounds
- Concern with the access immediately opposite the Ikea access, the increase use of would present a material impact on the operation of the Ikea junction.
- The TA concludes that the development would result in increase in delays along West Quay Road and which would present a material impact on the operation of the Ikea access junction.
- The transport modelling should include an assessment further into the future than carried out (to 2023). At least until the end of the Plan period (2026).
- An assessment of the Sunday peak should be carried out.

Officer Response:

- *It is acknowledged that the development would increase journey times on West Quay Road, although it is not considered that this increase would represent a 'severe' impact that, the NPPF explains, would justify the refusal of planning permission.*
- *The scheme proposes measures to encourage a modal shift from private car use to more sustainable modes of transport, such as walking and cycling. These measures will also be assisted by the Travel Plan, secured by the section 106 agreement.*
- *The section 106 agreement will secure works to West Quay Road to provide a bespoke left-turn lane into the site which will improve the amount of red traffic light time at this junction and thereby improve the flow of traffic.*
- *The section 106 agreement will also secure a car parking management plan, which will also require restricted use of the service access to ensure*

that higher-levels of vehicular movements at the Ikea junction does not occur. It is likely that this would take the form of a barrier control with number plate recognition, restricted to specified users within the development.

- *The assessment of the Saturday peak provided is considered to represent the worse case scenario and so an assessment of the Sunday peak would not add further to the understanding of the traffic impacts of the development.*

5.7 **GO! Southampton**

- The decision on the application should be deferred until the Mayflower Masterplan is complete and adopted as a Supplementary Planning Document.
- Not clear that isolated leisure and office development is viable in this location.
- The site offers the unique opportunity to reconnect the city to its waterfront and direct access to the nearby cruise terminal.
- Disappointed that the most prominent use on the site is residential
- Go Southampton's preference for Mayflower Quarter is for employment space, including Grade A office space that would improve the city's economy.
- The jobs created would be low-skilled perpetuating the existing employment profile of the city centre.
- There should be less car parking.

Officer Response:

- *As per paragraph 5.2 above, a phased approach to the Mayflower Quarter is supported by the City Centre Action Plan and there is no justifiable planning policy reason to defer the determination of the application.*
- *The mix of uses proposed are in accordance with the policies for the site.*
- *The submitted parameter plans do not prevent a physical connection being made to the neighbouring cruise terminal in the future. At this point in time, it is not an option that is available to the applicant due to the security issues it creates for the operators of the Port, ABP.*
- *The application proposes a genuine mix of uses. Less than 50% of the site area is given over to residential. Moreover, the Council's policies recognise the need for housing growth within the City Centre and Mayflower Quarter. The City has a defined housing need.*
- *The application seeks to re-accommodate existing employment generating uses on the site, which is welcome. The range of uses proposed provides a range of employment opportunities.*
- *The level of car parking proposed does accord with the Council's adopted standards.*

5.8 **Southampton Commons and Parks and Protection Society**

- Objects to the proposal since they prejudice the comprehensive redevelopment of the Mayflower Quarter
- The proposed layout is out-dated and vehicle-dominated.
- The application provides inadequate pedestrian connectivity with the rest of Mayflower Quarter and the City Centre.
- The proposed at-grade crossing of West Quay Road is poor.

Officer Response:

- *As per paragraph 5.2 above, a phased approach to the Mayflower Quarter is supported by the City Centre Action Plan and there is no justifiable planning policy reason to defer the determination of the application.*
- *The layout of the development is indicative and serves to demonstrate that the maximum amount of development proposed can be accommodated on the site.*
- *The proposal will secure improved pedestrian and cycle connectivity with the central station and city centre (see recommendation 1(i) above). The proposal also incorporates a Green Link for pedestrian and cycle use, which can link to neighbouring sites in the future.*
- *The development future-proofs the site against future possible changes to the city's highway infrastructure, by safeguarding land to the south of the site for a possible West Quay relief road. This transport scheme would be a significant project that would be beyond the scope of this application to deliver.*
- *There is no highway or design objection to providing an at-grade pedestrian crossing.*

5.9 City of Southampton Society

- *The plan envisages this area for commerce and leisure and not residential*
- *The application should be deferred until the next Local Plan has been adopted.*
- *The additional traffic will adversely affect access to the Port*
- *The development will be affected by poor air quality*
- *The development will be adversely affected by noise from the 24 operations at the nearby Port.*
- *The development would generate a demand for healthcare which should be catered for.*
- *Insufficient green space for the development*
- *Potential for late night disturbance for residents of the development by the leisure uses*
- *The development is dense and will restrict views of the waterfront*
- *Query if the development will be served by public transport*

Officer Response:

- *The Southampton Core Strategy and City Centre Action Plan provide detailed policies in respect of the Mayflower Quarter, which includes residential growth in this area. These policies are consistent with the NPPF and can be considered up-to-date. As such, there is no justifiable planning reason to defer the application.*
- *Neither the Port nor the Council's Highway Team have expressed concerns that the development will hinder their access.*
- *The submitted Air Quality Assessment concludes that the development will not be adversely affected by Air Quality and the Council's Air Quality Team agree with this conclusion.*
- *There are no planning policy requirements for the development to be served by new or improved healthcare infrastructure. The application*

proposals do indicate that a health and well-being facility could be accommodated on the site, should a suitable operator be found.

- *The proposal includes a new civic square and green link as required by the policy. The submitted Design Codes require reserved matter planning applications to incorporate private amenity space to meet the Council's adopted standards set out in Policy AP12 of the City Centre Action Plan (for residential developments 0.22 hectares per 1,000 population and for office developments over 25,000 sq m or a pocket park to a standard of 0.05 hectares per 1,000 workers). The use of roof tops and balconies are also encouraged by the submitted Design Codes.*
- *As set out in paragraph 2.6 above, the submitted Design Codes requires subsequent detailed applications to achieve the required views of the waterfront and cruise ships. The information submitted with the application demonstrates that these views are achievable within the parameters proposed.*
- *Currently, the Council's bus operators do not wish to provide a service to the site itself.*

5.10 Old Town Community Forum

- Overly dense development with very tall buildings that would create a barrier to the waterfront
- There is little breathing space between buildings with an urgent need for more green landscaping, given the deficit within the city
- The casino is dominant and would present a poor image of the city
- Too many car parking spaces
- Concerned about air quality and noise for the prospective residents, given the proximity to the port.
- The development should have regard to the new Mayflower Quarter masterplan
- Given the proximity to the Old Town Conservation Area, a more sensitive plan would be welcome.

Officer Response:

- *The Council's adopted policies seek high-density development within the City Centre to promote efficient use of land in the most accessible locations in the city. Policy AP16 of the City Centre Action Plan recognises that the site is suitable for tall buildings.*
- *See paragraph 5.9 above. The submitted Design Codes will require subsequent reserved matter applications to meet the Council's amenity space standards.*
- *The casino is re-provided from the existing site. There is no policy objection to the location of a casino on this site. The submitted Design Codes stresses the importance of high-quality design for the Casino to provide a positive gateway to the site.*
- *The level of car parking spaces accords with the Council's standards.*
- *The submitted Air Quality and Noise assessments demonstrates that an acceptable residential environment can be achieved, and the Council's teams agree with this.*
- *The Mayflower Quarter Masterplan is not at a sufficiently advanced stage to represent a material consideration in the planning process.*
- *The design and layout of the development is not for consideration in this*

application. That said, the submitted Design Codes and Design and Access Statement demonstrate that a high-quality development can be achieved within the parameters requested.

5.11 Friends of Town Quay Park

- Object to the application
- Concern with the impact of port emissions on residents
- Over-development with insufficient amenity space
- Over-provision of parking
- Design is bland

Officer Response:

See officer response in paragraph 5.10 above.

5.12 Additional Individual Third Party Comments (not covered above)

Concern with the risks from over-crowding within the development. More green space should be provided.

Officer Response:

The residential density proposed is accords with policy CS5 of the Core Strategy. Local and national policies support high density development on previously developed land inaccessible locations as an important guiding principle. The level of open space and amenity space within the development also accords with standards.

Consultation Responses

5.13 Highways Agency

No objection to the proposal subject to the following conditions:

- Submission of a Construction Management Plan
- Submission of a Framework Travel Plan

5.14 Southern Water

- The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised (water mains).
- The 150 mm, 6 inches public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance. No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- Suggests a condition to secure measures to protect the public water supply

5.15 Sport England

- Sport England would encourage the Council to use CIL receipts from the development towards new and improved facilities for sports.
- Recommend that regard is had to the Active Design Guidance in masterplanning residential development.

5.16 Natural England

- Further information is required relating to the Ecological assessment of

impacts of the operational and construction phases of the development on designated sites and detail of mitigation measures to address identified impacts.

5.17 BAA Safeguarding

- Suggest a condition to secure a Bird Hazard Management Plan

5.18 Historic England (HE)

- In this case, HE do not wish to offer any comments and are content for the proposals to be assessed by the LPA, taking into account their own specialist conservation advice.

5.19 Hampshire Constabulary

- Unauthorised access to the multi-storey car park should be prevented with controlled vehicular access and egress
- CCTV should be installed within the multi-storey car park
- Access to residential car parks should also be controlled and CCTV provided and emergency access provided.
- Access to residential blocks should be controlled using electronic access control system.
- Lighting within the development should comply with the relevant British Standards.

5.20 Hampshire County Council

- The south western portion of the site lies within the minerals and waste consultation area (MWCA) - sites section. It lies within the applied buffer zone of the safeguarded Western Docks area.
- While the quoted policy does not object to the proposed demolition and redevelopment of the Leisure World site, consideration should be given to any potential impact the development may have on the operation of the Western Docks area and if appropriate buffers and mitigation measures are required.

5.21 New Forest District Council

- No comments to make

5.22 SCC Highways

There are several highways and transport issues which will need clarification on before the application can be supported.

- Accident data for West Quay Road,
- Justification on the need for the temporary parking need and management plan,
- Further information on the servicing arrangement, including location of refuse stores, and access to the hotel and vehicle turning areas, and
- Arrangement for the Service Road.

Subsequent to the above comments being made, the following has been agreed between the Highways Team and the applicant:

- Accident data provided and this raises no new issues.
- Justification has been provided and accepted. A management plan for the temporary car parking will be secured by the section 106 legal agreement.

5.23 **SCC Housing**

- As the scheme comprises of up to 650 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). For 650 dwellings the affordable housing requirement is therefore 228 dwellings (227.5 rounded up).
- In this, on-site provision would be sought subject to the findings of the independent assessment of financial viability.
- Planning conditions or obligations will be used to ensure that the affordable housing will remain at an affordable house for future eligible households, or for the subsidy to be recycled to alternative housing provision.
- The application advises that a proportion of the residential units are intended to be delivered as a Build for Rent scheme. The affordable element of any Build to Rent scheme is expected to be Affordable Private Rent (as per the glossary of the NPPF) with the rents (including service charges) needing to meet affordability criteria and remain affordable.
- The affordable element of the open market units would be delivered via a Registered Provider.

5.24 **SCC Sustainability Team**

The applicant confirms further information regarding the sustainability strategy will be provided at each reserved matters stage, this is agreed. Whilst it would be preferable to have more detailed information upfront, as this is an outline application, it is understandable why this information may not be available at this stage. However, since the information is not available at this stage, it is recommended that the energy strategy condition is strengthened in order to ensure passive measures which have been promised are delivered.

- Would like to see the exploration of more vertical green infrastructure. If the proposed green roofs can be secured and the Planning Ecologist is satisfied the proposed condition can be modified to remove this point.

5.25 **SCC City Design Manager**

- Supports the comments of the Design Advisory Panel and refers back to pre-app comments.
- Concern with the lack of architectural aspiration for the buildings, which should be as inspiring as Watermark West Quay.
- A strong maritime aesthetic isn't really reflected in the images provided.
- Disappointed that they haven't presented more illustrative CGI images of the proposed development itself, to illustrate the view to the pedestrian entrance to the development and the view of the new civic space and green link and on to a ship at berth. Also, would benefit from night-time imagery.
- Concern with how the Green link will be delivered and the inclusion of the large cycle store in this link.
- That said, unlikely to be harmful enough to refuse on design grounds.

5.26 **SCC Design Advisory Panel**

- The panel reiterated the concerns of previous design advisory panels in being concerned that this proposal was still a largely car born, out of town development of large monolithic uses, rather than a pedestrian priority, mixed-use, integrated, fine-grained piece of city centre townscape
- The panel felt that this is the wrong location for a significant leisure development as the site is not easily accessible other than by car.

Locations closer to the railway station and the core of the city centre should be where development such as this should be focussed

- Should the council be supporting another multi-storey car park for developments such as this? This just perpetuates a car born focus for development. Difficult to see that this development has offered anything particularly positive to the pedestrian/cyclist or public transport user
- The civic space and linear green link required by the CCMP are not readily discernible from the proposed master plan
- The loss of the direct route from the station to civic space is a fundamental error in terms of the strategic ambition to connect the station to the waterfront via this site
- The green link appears a token gesture rather than the major public realm element envisaged by the CCMP
- There don't appear to be any ground-based pedestrian eye views, showing what these streets, spaces and buildings will feel/look like for someone moving through the development. Only aerial views are presented. If these represent what the applicant sees as good design then the panel feel that this appears to show a lack of imagination, ambition and aspiration for the proposed development and its architecture. Overall there appears little desire to create a distinctive place like at West Quay South.
- The landscape concept of forest, boardwalk and shoreline is a good one, but it has not been carried out with any great conviction and is not readily discernible when viewing the masterplan. This principally appears to be because, the road network and desire to create zonal blocks of development have prevented any sense of fluidity of this concept transferring through the development.
- The scale and location of the hotel on West Quay Road and the tight public opening is likely to negatively impact on the event space by significant down drafts from the hotel and funnelling of winds focussed into the gap. This could render the space unpleasant and unusable for a significant number of days a year.
- The panel were concerned that the important design/aesthetic issues for the development will have to be negotiated by officers at the Reserved Matters stage, probably with different architects/developers and this is likely to be problematic as the council will have little justification for arguing for improved design quality having approved a design code at outline.
- The Panel did not support this proposal

Officer Response:

- *The City Centre Action Plan is supportive of leisure uses on this site and the re-provision of the existing employment uses on the site is welcome.*
- *Multi-storey car parks remain as an efficient way of meeting the car parking demands of development. The development does not exceed the Council's maximum car parking standards for this location.*
- *Policy AP13 of the City Centre Action Plan sets out that the size of each civic space in the Quarter will depend on the role of the space in the city. The supporting information with the application demonstrates the type of activities and landscape character that can be achieved within the space proposed.*
- *The civic space is positioned at the end of the main pedestrian entrance to the development which will align with the improved pedestrian crossing facility on West Quay Road.*

- *The submitted plans demonstrate that a corridor of 18m (between buildings) will be achieved for the Green Link, this route will solely be for pedestrians, cyclist and landscaping. For comparison purposes, the West Quay Road carriageway is approximately 23 metres wide. As such, it is considered that there is sufficient space to ensure the Green Link appears as an attractive piece of public realm.*
- *The submitted masterplan is indicative whereas the Design Codes which set out how the landscape character areas will be achieved, will be a document for approval and will be used to assess subsequent reserved matter applications.*
- *As set out, the design and layout of the development are reserved matters, and there is further opportunity to influence the look of this development before further planning applications are lodged.*
- *It is important to note that the submitted Design Codes require the application of wind mitigation strategies at reserved matters stage. A new wind and microclimate assessment will need to be produced at reserved matters stage and any mitigation measures secured in the detailed design and landscaping.*

5.27 **SCC Historic Environment Officer**

- No above-ground heritage assets or their settings would be adversely impacted by the proposals and no objections would be raised from a heritage perspective.
- Whilst redevelopment is welcome, the proposed layout, the appearance, and the intensification of the design raises concern and it appears that the proposals would simply replace an existing dated development with another series of box-like structures that fails to promote a sense of local distinctiveness. It is disappointing that the development would not improve the links to the waterfront/Mayflower Park and the design ethos for the proposed hotel, due to its regimented window pattern and standard build proportions is not considered a particularly bespoke form of architecture for such a gateway site.
- It is therefore advised that the advice of the Urban Design Officer, and the Design Advisory Panel, is taken on board to secure an improved form of development in this location.

5.28 **SCC Archaeology**

- The main risk from the proposals come from the construction impacts of the development on any surviving submerged peat and alluvial deposits below the made ground. A site-based investigation is required and, depending on the results of this work, it may be necessary to carry out further investigation. Conditions are suggested to secure the investigation and work programme.

5.29 **SCC Environmental Health Pollution and Safety**

- No objection. Request more detail on the following:
 - Mitigation and insulation measures required to meet WHO guidelines for noise in internal environments.
 - The ventilation of residential units may require mechanical ventilation
 - A demolition and construction management plan with phasing plan to include vibration predictions
 - Details of location and noise levels for the extraction and plant

for commercial units.

- No fires during construction.

5.30 **SCC Air Quality** – No objection. Initially requested clarification on a number of points, which has been provided to the satisfaction of the Air Quality Team.

5.31 **SCC Environmental Health (Contaminated Land)**

- No objection. The proposed land use is sensitive to the affects of land contamination and records indicate that the site may be affected by historic land contamination. Suggests conditions to assess and secure any remediation.

5.32 **SCC Ecology**

- No objection provided the biodiversity impacts are satisfactorily mitigated and a net gain is achieved.
- A biodiversity mitigation plan will be required
- Welcome the intention to produce a biodiversity strategy
- The effect on the herring gulls nesting on the roof of the existing distribution centre needs to be considered
- Encourage the use of properly designed biodiverse green roofs
- Encourage the use of more ambitious green infrastructure measures
- Lighting should not exceed 0.5 lux, preferably LED using warm white (2700k to 3000k) luminaires with a peak wavelength higher than 550nm.
- CEMP needs to be secured
- Proposed mitigation for recreational impacts is acceptable. However, mitigation measures to address nutrient enrichment will need to be more specific to conclude no likely significant effects.

N.B Further information regarding herring gulls has been provided.

5.33 **SCC Flood Risk Management Team**

- This development is currently located within Environment Agency flood zone 1, however has been identified as an area that will be at risk of a 0.5% AEP flood within the 100 year design life for development containing residential dwellings. Finished floor levels of all blocks are to be set no lower than 4.1mAOD which is the flood estimate for 2085 inclusive of the 300mm freeboard allowance. Flood resilience measures (FRA Para 4.5.6) and appropriate waterproofing (FRA para. 4.6.2) are to be incorporated into the building design and therefore expected to be demonstrated within a full planning application when brought forward.
- To ensure that site remains safe from the risk of flooding beyond 2085, it is agreed that a 20m strip of land to the western boundary of the site will be safeguarded for placement of a future strategic flood defence, alongside a financial contribution in line with Southampton City Centre Action Plan Policy AP15. The use of land and contribution for the future strategic flood defence is as set out within the prepared S106 agreement.
- In accordance with Policy CS20 of the Southampton Core Strategy (Amended 2015) and the written statement made by the Secretary of State for Communities & Local Government, dated 18 December 2014, any major development proposals must incorporate the use of a sustainable

drainage system to manage surface water runoff, unless demonstrated to be inappropriate.

- For this site, the outline proposal is to utilise a combination of blue roofs, permeable paving with sub base storage, rain gardens and underground geocellular storage to formulate a current estimated requirement of 2732-3976m³ storage. The proposal is to limit peak runoff to 72l/s including 40% allowance for climate change. The use of above ground rain gardens is welcomed as this supports additional benefits of biodiversity, habitat creation, water quality improvements and amenity. Consideration could be given to use of tree pits to provide further attenuation and amenity.
- When this development is brought forward to full planning stage, a detailed drainage strategy will be required

5.34 **SCC CIL Officer**

- The development will become CIL liable at the reserved matters stage.
- If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development (the approval of the last reserved matter).

5.35 **SCC Employment and Skills**

- An Employment and Skills Plan obligation will be required for this development and applied via the section 106 legal agreement.

6. Planning Consideration Key Issues

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

- The principle of development;
- Flood risk;
- Design and effect on character;
- Residential amenity, including relationship with the Port;
- Parking highways and transport;
- Air Quality, sustainability and relationship with the Green Charter;
- Affordable Housing and mitigation of direct local impacts;
- Likely effect on designated habitats and;
- Environmental Effects.

6.2 Access is the sole detailed matter for consideration in this application, along with the quantum, principle and mix of uses proposed. Other matters, such as scale, appearance, layout and landscaping must be considered 'in principle' using the indicative information provided. In essence, the assessment is whether the type and level of development proposed can be accommodated whilst meeting the policy aims for the area, outlined in section 3 of this report.

6.2 **Principle of Development**

6.2.1 The application site is located in the Western Gateway of the Mayflower Quarter and both the adopted Core Strategy and City Centre Action Plan envisage significant growth within this location, for a variety of different uses. The range of uses proposed as part of this application are all supported by adopted policy

framework, subject to retail floorspace being restricted to no more than 750 sq.m as befits the location of the site, not within the primary or secondary retail area.

- 6.2.2 Through the careful approach to the phasing of the development, the application facilitates the re-provision of some of the existing employment-generating leisure uses on the site. The modernised and improved offer would enhance the attractiveness of the site as a key leisure destination within the city centre. Currently, there are estimated to be 158 staff (FTE) employed on the site. The Environmental Statement estimates that the proposal will generate 692 construction jobs and a further 942 jobs once the development is completed and operational, to the benefit of the city's economy.
- 6.2.3 It is envisaged that the site could accommodate up to 650 residential units which would make a significant contribution to the city's housing need. The Core Strategy sets out the need for 16,300 homes within the city by the end of 2026, and the City Centre Action Plan indicates that approximately 5,450 dwellings could be accommodated in the city centre up to 2026. The Partnership for South Hampshire has indicated that Southampton has a gap in its longer-term provision of housing (up to 2036) of 3,128 dwellings. The residential proposed would help to address this shortfall. Furthermore, the provision of a genuine mix of uses will create activity on the site at different times of the day, which fosters a sense of safety, security and vitality.
- 6.2.4 The mix of residential units is yet to be determined but will be assessed at reserved matters stage in accordance with Policy CS16 of the Core Strategy, which requires an appropriate proportion of family dwellings (with 3 bedrooms and outdoor space) to be incorporated. In terms of the level of residential development proposed, policy CS5 of the Core Strategy confirms that in city centre locations, densities of over 100 dwellings per hectare (dph) are supported. When considered in terms of the area of plot 4 (within which the residential element would be located), a density of 459 dph would be achieved, which accords with policy CS5 and makes good use of this previously developed site.
- 6.2.5 The Council is currently preparing a Masterplan for the Mayflower Quarter. A draft of the Masterplan is yet to be completed and public consultation has not been undertaken. As such, the Masterplan cannot be afforded weight in the consideration of this planning application, and determination of the application cannot be held up. It is likely, however, that at the time of reserved matters submission, the Masterplan will have accrued greater planning weight by this time and, if this is the case, would then become a material consideration. As noted above, the Council already has up-to-date and detailed policies in place which guide the nature, location and scale of development within Mayflower Quarter. The proposal can be fully assessed against those policies without undermining the plan-making process. Furthermore, the policies in the City Centre Action Plan accept that development in the Quarter will occur in bespoke phases. The Leisure World and warehouse site form a discrete development parcel and the submitted Development Scheme Plan demonstrates that the proposals would not limit the development potential of neighbouring sites. If executed well, the scheme has the potential to kick-start development within Mayflower Quarter by both improving the character and raising the profile of the area. Moreover, the benefits to the city's economy and the contribution to housing delivery is also welcome. The principle of development is, therefore, considered to be acceptable.

6.3 Flood Risk

6.3.1 The application site lies within the Flood Search Zone as highlighted within the City Centre Action Plan. This means that, whilst in the present day the site is not within an area of high flood risk, this will change during the lifetime of the development. Policy AP15 of the City Centre Action Plan sets out the requirement for a strategic shoreline flood defence on the southern section of Mayflower Quarter or, land raising of sites to ensure that developments are safe from flooding and that the strategic flood defence for the city centre is provided.

6.3.2 No habitable accommodation is proposed on the ground floor of the development. The application proposes finished floor levels of +4.10m AOD which would not protect the means of access to the development from predicted flood levels for its 100 year design life. As such, the development also safeguards a 20 metre strip of land to the south of the site, within which a future flood defence can be accommodated. A contribution towards the full delivery of this defence will also be secured through the section 106 legal agreement. The application is also accompanied by a Framework Flood Warning and Evacuation Management Plan which can be implemented when the site becomes at risk from flooding in the future. The purpose of the plan is to ensure that residents and users of the site have adequate warning prior to a flood event and provide clear guidance on the best course of action during that event, including highlighting means of escape and areas of safe refuge. The implementation of the Management Plan will be secured through the section 106 legal agreement. As such, the Council's Flood Management Team have raised no objection to the application and the proposal is considered to be acceptable in this respect.

6.4 Design and effect on character

6.4.1 Whilst scale, appearance, layout and landscaping are reserved from consideration, a judgement must be taken as to whether the development can be accommodated on the site whilst achieving the standards of design expected by the policies in the Development Plan. The submitted parameter plans and Design Codes are central to this assessment. The existing Leisure World building has a significant effect on the character and appearance of the city centre due to the height and cuboid form of the building, which has a notable presence on the city centre skyline. The utilitarian appearance of the existing building, with its monotonous form and grey, metal clad elevations gives a poor impression of the leisure offer on the site and has a deleterious effect on the character of the surrounding area. The effect of the building is compounded by the large swathe of unbroken surface car parking which creates a car-dominated appearance and represents an inefficient use for the site. The redevelopment of the site is, therefore, welcome in terms of creating the opportunity to dramatically improve an important part of the city centre.

6.4.2 In terms of scale, policy AP17 of the City Centre Action Plan supports tall buildings within the Western Gateway. The policy defines tall buildings as having 5 or more storeys in height. The indicative plans show that, within the height parameters sought, the maximum height could equate to buildings of 14-storeys on the site, which would accord with Policy AP17. The context of the site contains buildings of significant scale and massing including West Quay, Ikea (29m high), the Carnival offices (6-storeys) and the Moxy Hotel (8-storeys). As such, it is considered that the maximum building height parameters proposed could be

accommodated on the site and achieve a development that is both context-sensitive, whilst providing sufficient scale to create a presence that can celebrate this gateway location. It is important to note that the submitted Design Codes add controls to ensure that there is a variation of building heights across the development to ensure a monotony of scale is not provided.

- 6.4.3 A further consideration in relation to the scale and massing of the development is the requirement to retain and create views across the site to the water, including to cruise ships in berth. The submitted parameter plans indicate the location of the important view corridor which will be integral to distributing the scale and massing of the development at the reserved matters stage. The submitted Design Codes build on this and require the development to achieve views to the waterfront, including to cruise vessels in berth. The Design Codes also promote rooftop access, including within the hotel uses, to further foster views from the development to the water. The new Civic Square is designed to achieve views towards the Port though the new liner link route (the central access route that runs through the site). This route will incorporate an attractive public realm, reflecting the coastal location of the site which will also foster public views to the water. The submitted Design Codes reinforce this requirement. Moreover, it is important to note that a verified image has been provided with the application which demonstrates that the development would facilitate the creation of views to ships from the Central Station. On this basis, the maximum scale of development is considered to be acceptable.
- 6.4.4 The public realm will be fundamental to ensuring that the development creates a distinctive sense of place which 'lifts the spirits' and whilst landscaping is a reserved matter, the application carefully considers the approach to landscaping and the public realm. As set out above, at this early stage the application provides a framework to shape the approach to landscaping and the public realm which will reflect the industrial maritime location of the site in an exciting and comprehensive way. The suggested approach of creating Urban Forest, Boardwalk and Shore character areas across which will reflect the natural transition of an estuarine environment, will achieve a distinctive sense of place. Clear changes in the type of planting, materials and street furniture will be used to signpost these character areas. The Design Codes also provide rules for the architecture of buildings to further reinforce the different character areas.
- 6.4.5 The scheme incorporates the elements of the public realm required by the relevant Development Plan policies including the Civic Square and Green Link. As set out above, the size parameters and nature of these spaces are considered to be acceptable. The delivery of these spaces will be secured through the phasing plan in the section 106 agreement.
- 6.4.6 In terms of the elevational design of buildings, the submitted Design Codes and Design and Access Statement set out the intention to create an industrial maritime design aesthetic and provides guidance on how this can be achieved through for example, the use of coloured metal panels, corten, exposed steel columns and perforated cladding. The Design and Access Statement points to the architecture of traditional maritime warehouse house buildings in the city together with the rhythm and pattern of stacked shipping containers as potential design cues for the development. The Design Codes recognises the prominence of the

site when viewed from the water and require the design to appear positive when viewed from this perspective. The principles set out within the Design Codes are considered to provide robust and clear rules that should result in a distinctive and exciting sense of place within the scheme. The Council will be asked to consider the detail as part of subsequent planning applications and can, therefore, influence the finished scheme at the appropriate time in the future.

6.4 Residential amenity

6.4.1 A key consideration of the application proposal is the relationship of the residential element with the neighbouring Port of Southampton. The Port is a significant part of both the local and national economy. As set out in the NPPF, it is important to ensure that new development does not act as 'an agent of change' for the Port by introducing potential noise complaints that could hinder the operation of the Port. The Port is a 24hour operation and has extensive permitted development rights to develop and intensify as required. The submitted parameter plans propose that the residential plot would be located approximately 64 metres from the boundary with the Port, which intervening commercial plots. The Design Codes secure this approach confirming that subsequent applications must adhere to parameter plans to shield the residential development from the noise pollution from ABP. The submitted Environmental Statement outlines mitigation measures including glazing specification, ventilation and suitable soundproofing measures to the facades of buildings to ensure that the residential development is not adversely affected by noise and disturbance from the Port. The appropriate acoustic mitigation measures would be secured at the detailed design phase in consultation with the Environmental Health Team. Overall, it is agreed that residential accommodation can be provided within Plot 4 without being subject to significantly harmful noise disturbance. As such, the development should have a harmonious relationship with the Port.

6.4.2 The non-residential uses on the site have the potential to generate noise and disturbance to residential occupiers. Policy AP8 of the CCAP permits hours of opening until 3AM in Leisure World which is potentially disruptive to residents. That said, the mitigation measures to address noise disturbance from the Port would also mitigate the impacts of commercial uses on the site. Whilst the site would not have a tranquil residential environment, residents would be attracted by other benefits of city centre living such as accessibility to jobs, retail, services and leisure opportunities.

6.4.3 The qualitative aspects of residential design will need to be addressed at the reserved matters stage. That said, the submitted layout plans indicate that the level of residential development can be achieved within a good quality residential environment. The indicative information shows a courtyard style development with residents served by both private balconies and internal podium communal amenity space area. The quantum of amenity space is secured by the Design Codes, to comply with the CCAP standards. The Design Codes also envisage a stepped approach to the scale of the residential blocks which will enable sufficient daylight and sunlight to penetrate. Children's playspace can be secured on-site by the s.106. Overall, the parameters indicate that a satisfactory residential environment can be achieved for the level of development sought.

6.5 Parking highways and transport

6.5.1 The Council's Transport Team have advised that the development will have a significant impact on journey times along West Quay Road. West Quay Road is a

sensitive transport corridor that currently suffers from capacity and journey time issues, particularly on a weekend peak. Any new developments of this nature and scale will inevitably generate a significant level of impact. There is limited opportunity to increase the capacity of West Quay Road. That said, as noted above, the applicant is receptive to providing a left-turn lane into the site on the southbound carriageway, which will improve the junction by reducing the amount of red traffic light time required to facilitate pedestrian crossing.

6.5.2 Although the future West Quay Relief Road would provide the ideal solution to mitigate the development’s impact, as well as wider benefits, this is not a committed project at this current time and therefore cannot be given weight in the planning process. That said, the safeguarding of land within the site to facilitate the delivery of the relief road in the future is welcome. Furthermore, as set out in recommendation 1(i) above, a package of works will be secured through the section 106 agreement which will provide improvements to the highway and promote sustainable transport. These measures are centred around improvements to the public realm, pedestrian and cycle connectivity to the site and surrounding area and active travel facilities to and from the site. The overarching aim is to provide safer and more attractive spaces that support and encourage active travel modes and change the highway environment in order to prioritise walking, cycling and disabled users.

6.5.3 With several highway improvements, the impact on traffic flow impact on West Quay Road could be reduced. The mitigation (S106 & S278) package will help achieve other Council objectives to improve linkages to the rest of the City Centre. The mitigation package will also significantly improve the highway from a sustainable & active transport point of view. The measures will improve safety for non-motorised users as well as help create a higher quality public realm to make active travel more attractive.

6.5.4 In terms of parking, the table below sets out the level of car parking proposed for the respective uses and compares with the Council’s maximum car parking standards. This does not include the temporary spaces on the safeguarded land which would be removed once the safeguarded land is required for the flood defence and West Quay Relief Road. The table demonstrates that across the development as a whole, the maximum level of car parking permitted by the City Centre Action Plan is achieved. The proposal is, therefore, considered to be acceptable in this respect.

	SCC Standards	Proposed	Difference
Residential	669	376	-293
Hotel	100	166	-75
Office	93		
Wellness/Health	48		
Casino	48		
Cinema	96	500	+347
Retail	7		
Restaurants	12		
Leisure	38		
Totals	1,142	1,142	0

6.6 Air Quality, Sustainability and Green Charter

- 6.6.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.6.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.6.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
 - Minimise the impact of climate change
 - Reduce health inequalities and;
 - Create a more sustainable approach to economic growth.
- 6.6.4 The site is not within an Air Quality Management Area but lies approximately 500 metres from the Town Quay Air Quality Management Area. An Air Quality Assessment has been provided with the application. It sets out that air quality is expected to gradually improve in future years due to the renewal of the vehicle fleet with cleaner vehicles emitting less pollutants. In addition to this, National policies, such as the intention to ban new combustion engine private vehicle sales by 2040, would also assist. The Assessment concludes that, with or without the development in place, concentrations of pollutants would be below the relevant objectives and as such the development would also be suitable for the uses proposed. The Council's Environmental Health Team have agreed with these conclusions.
- 6.6.5 The application is accompanied by a detailed Sustainability Strategy which confirms that, for non-residential properties, BREEAM Excellent is targeted and a pre-assessment estimator has been provided which confirms that this could be achieved. The Strategy also sets out the intention to use passive design and energy efficiency measures to reduce the carbon emissions of the development. An investigation of the feasibility of providing either on-site district heating system or connecting to the Southampton District Energy Scheme was carried out. This was shown to offer lower benefits when compared to the proposed strategy and so is unlikely to be taken forward at the Reserved Matter stage. The measures proposed would meet the requirements of Policy CS20 in terms of energy savings and the development is, therefore, acceptable in this respect.

6.7 Affordable Housing and Mitigation of Direct Local Impacts

- 6.7.1 Policy CS15 of the Core Strategy sets out the expectation for developments of this scale to achieve 35% affordable housing. In this case, the expectation would be for 228 dwellings to be provided on the site. Policy CS15 does, however, confirm that *'the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)*.
- 6.7.2 The applicants have submitted a detailed viability appraisal of their scheme which concludes that the development shows an overall deficit of approximately £22m after a developer profit and is, therefore, unable to deliver affordable housing. In accordance with Policy CS15, the application has been assessed by the District Valuation Service (DVS) who provide the Council with independent advice on the viability. Whilst DVS have found an improvement in the submitted figures, they confirm that the scheme still would produce a deficit. The DVS report concludes that, on the basis of the proposed mixed use scheme including ground rents but excluding the value of the MSCP the appraisal shows a deficit of £22,488,241 which converts to a reduced profit of 7.83% and is not viable against the target profits. A full copy of the DVS will be provided to the Panel ahead of the meeting.
- 6.7.3 Given the deficits involved it would be right to question why the scheme is coming forward at the current time. Clearly, this is a matter for the applicant and as the scheme is at outline stage it will be some time yet before the full development potential will be realised on the ground, by which time circumstances may change. The s.106 clauses will build in review mechanisms in line with our normal practices. In response to this matter the applicant has set out the following:

Potential Market Growth – *The DVS report confirms the scheme would become financially viable with a 14% increase in revenues. Whilst this would be a significant increase for a smaller scheme intended to be built over shorter period of say 12-24 months, the proposed scheme is different and will be delivered in phases over the next 6-7 years. The applicant is prepared to take a longer term view on financial returns as its intention is to retain income streams from the completed development. Whilst this is not directly relevant to the assessment of viable planning obligations (which must not be applicant specific), these forecast stable long term income streams enable the applicant to progress a development when the financial appraisal is showing a present day deficit.*

Pre-Let Elements – *The applicant is currently in pre-letting discussions with leisure and hotel operators for the first phase scheme which is due to start on site in Q2 2022. The intention is to commence development with certain pre-lettings secured. The applicant would also aim to pre-let a proportion of the office space before commencing the second phase in 2024 and would build out the residential BTR speculatively.*

More widely, the applicant believes in and wishes to be a part of the long term prospects of both Southampton and the Mayflower Quarter vision. As a long term investor, the desirability of being not just a stakeholder but a first mover in a wider

regeneration story is appealing as it will both enable and benefit from the future social, environmental and economic improvements which will be realised as the vision is progressed. The applicant sees the scheme as a long term opportunity to hold a strategically important, well diversified, high quality asset within a vibrant new neighbourhood in a strategically important city.

- 6.7.4 The applicant has expressed an interest in applying for Exceptional Relief from CIL in respect of the land provided for the West Quay Relief Road and, possibly, the Strategic Flood Defence. The applicant has also indicated that if Exceptional Relief is granted that they would look to secure some Affordable Housing. It is important to note that the decision of whether or not to grant Exceptional Relief takes place after planning permission is granted and rests with the Executive Director for Place at the Council in consultation with the relevant Cabinet Member, Executive Director: Finance & Commercialisation and Service Director: Legal & Business Operations. As such, any potential gain in affordable housing at the expense of a reduced CIL contribution holds no weight in the decision-making process on this application. Any such request could, of course, be declined.
- 6.7.5 Whilst failing to secure Affordable Housing is a weakness of the application proposal, the adopted Development Plan allows for viability to be considered when determining the level of affordable housing. The proposal also brings other benefits to the city, including job creation and the delivery of homes (with associated spin offs) and the much-needed regeneration of this site. As such, and in light of the advice from the DVS, it is recommended that the development be supported on the basis of the current viability position which does not support Affordable Housing. Alternatively, the Panel may decide that it would be better to wait for the economic conditions to improve, and seek affordable housing to meet our significant need when a fully policy compliant viable scheme is achievable. Clearly the risk with this approach is that the site may remain vacant. A refusal on this basis could result in an appeal where the Council would need to justify its reasons in light of the DVS findings.
- 6.7.6 The application also 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 'Developer Contributions' Supplementary Planning Document. Given the wide-ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application as summarised within the above recommendation.
- 6.8 Likely effect on designated habitats
- 6.8.1 The site is located immediately adjacent to the Solent and Dorset Coast potential Special Protection Area (SPA), approximately 245m from the Solent and Southampton Water SPA /Ramsar site and approximately 5.1km from the New Forest Special Area of Conservation (SAC)/ SPA/Ramsar site. 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 SAC/SPA/Ramsar site. In accordance with Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) an Appropriate Assessment of the Development is required

before planning permission can be issued. This Assessment will be circulated in advance of the Panel meeting.

6.9 Environmental Effects

6.9.1 The Environmental Statement (ES) accompanying the application has been the subject of full public consultation, including with the relevant consultation bodies identified in the EIA Regulations. The submitted ES has been relied on throughout this report and is central to the assessment of the planning application, addressing such key issues such as Air Quality, Noise, Ecology and Transport. Overall, it is agreed that, subject to the suggested conditions and section 106 measures, the development would not have an adverse environmental effect.

7. Summary

7.1 The redevelopment of the Leisure World and adjoining warehouse site represents the first step in realising the Mayflower Quarter as envisaged in both the Core Strategy and City Centre Masterplan. This outline application provides a robust framework against which future reserved matter planning applications can be assessed, and will ensure that the development fulfils the requirements and aspirations of the Council for this area. The application presents the opportunity for significant benefits including the regeneration of an area and the replacement the existing Leisure 'box' with a more urban and efficient form of development, which reflects the industrial maritime heritage of the city. Furthermore, the employment generating activities, the delivery of housing and the provision of an enhanced leisure destination in the city centre is welcome.

8. Conclusion

8.1 It is recommended that outline planning permission be granted subject to a Section 106 agreement and conditions set out below.

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)

JT for 16/03/21 PROW Panel

PLANNING CONDITIONS to include:

1. Outline Permission Timing (Pre-Commencement)

Before any development is commenced, approval of the details of the Appearance, Landscaping, Layout and Scale of the development (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing. An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this Outline Permission. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

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

2. Site Levels (Pre-Commencement)

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves 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 ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

3. Archaeological investigation (Pre-Commencement)

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

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

4. Archaeological work programme (Performance)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

5. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be

submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

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

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

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

6. 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.

7. 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.

8. 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.

9. Southern Water Drainage (Pre-commencement)

Prior to the commencement of the development hereby approved details of foul and surface water disposal 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.

10. 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 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 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).

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

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out on each respective development phase until a written schedule of external materials and finishes for that phase, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. The schedule shall include terracotta cladding to Block H with varied shades and banding widths. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary, this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

12. BREEAM Standards (Pre-commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out on non-residential uses until written documentary evidence demonstrating that the commercial and retail development will achieve at minimum Very Good 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).

13. BREEAM Standards (Performance)

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 Very Good 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).

14. Sustainable measures (Pre-Commencement)

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report including detail on the following:

- 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)

15. Energy Strategy (Pre-Commencement)

Prior to the commencement of the development hereby approved a confirmed energy strategy shall be submitted to and approved in writing by the Local Planning Authority 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).

16. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, 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.

17. 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

18. Green roof feasibility study (Pre-Commencement)

Prior to the commencement of each respective phase of the development hereby approved, a detailed feasibility study for the installation of a green roof shall be submitted to and approved in writing by the Local Planning Authority. If the approved feasibility study demonstrates that a green roof can be accommodated within the development, 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.

19. Submission of a Bird Hazard Management Plan (Pre-commencement)

Development shall not commence until a Bird Hazard Management Plan has been 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.

20. 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

21. Road Construction (Pre-Commencement 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.

22. Electric Vehicle Spaces (Pre-Use)

Prior to 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.

23. Noise - plant and machinery (Pre-Use)

The non-residential uses hereby approved shall not come into use until details of measures to minimise noise from plant and machinery associated with the relevant phase of development, has been 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.

24. Noise Mitigation Measure – Residential (Pre-commencement)

No development on the residential uses shall commence until mitigation measures for the respective phase, to protect residents from external noise sources have been 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.

25. Hours of Delivery Restriction (Performance)

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

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

26. 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.

27. 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.

28. 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.

POLICY CONTEXT

**Local Development Framework Core Strategy Development Plan Document
(Amended Version March 2015)**

- CS1 – City Centre Approach
- CS2 – Major Development Quarter
- CS4 – Housing Delivery
- CS5 – Housing Density
- CS6 – Economic Growth
- CS7 – Safeguarding Employment Sites
- CS13 – Fundamentals of Design
- CS14 – Historic Environment
- CS15 – Affordable Housing
- CS16 – Housing Mix and Type
- CS18 – Transport
- CS19 – Car and Cycle Parking
- CS20 – Tackling and adapting to Climate Change
- CS22 – Biodiversity and Protected Species
- CS23 – Flood Risk
- CS24 – Access to Jobs
- CS25 – Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review (Adopted Version 2nd Revision 2015)

- SDP1 – Quality of Development
- SDP4 – Development Access
- SDP10 – Safety and Security
- SDP11 – Accessibility and Movement
- SDP12 – Landscape and Biodiversity
- SDP13 – Resource Conservation
- SDP14 – Renewable Energy
- SDP15 – Air Quality
- SDP16 – Noise
- SDP19 – Aerodrome Safeguarding
- SDP22 – Contaminated Land
- NE1 – International Sites
- NE4 – Protected Species
- HE6 – Archaeological Remains
- CLT6 – Provision of Children’s Play Areas
- H1 – Housing Supply
- H2 – Previously Developed Land
- H7 – The Residential Environment
- TI2 – Vehicular Access

City Centre Action Plan (Adopted March 2015)

- AP4 – The Port
- AP8 – The Night Time Economy
- AP9 – Housing Supply

AP12 – Green Infrastructure and Open Space
AP13 – Public Open Space in New Developments
AP14 – Renewable or low carbon energy plans
AP15 – Flood Resilience
AP16 – Design
AP17 – Tall Buildings
AP18 – Transport and Movement
AP19 – Streets and Spaces
AP20 – MDZ
AP22 – MDZ Western Gateway

The Community Infrastructure Levy Charging Schedule April 2013

Supplementary Planning Documents:

Developer Contributions Supplementary Planning Document April 2013
Parking Standards Supplementary Planning Document September 2011
The Residential Design Guide 2006
NPPF2019

Relevant Planning History

Leisure World Site:

882422/E: Redevelopment of the site by the erection of a warehouse and ancillary offices and associated car parking – Conditionally Approved 19.01.89

951069/W: Change of use to Leisure with car parking – Conditionally Approved 10.05.96

970362/E: Erection of a restaurant with managers accommodation above – Conditionally Approved 16.07.07

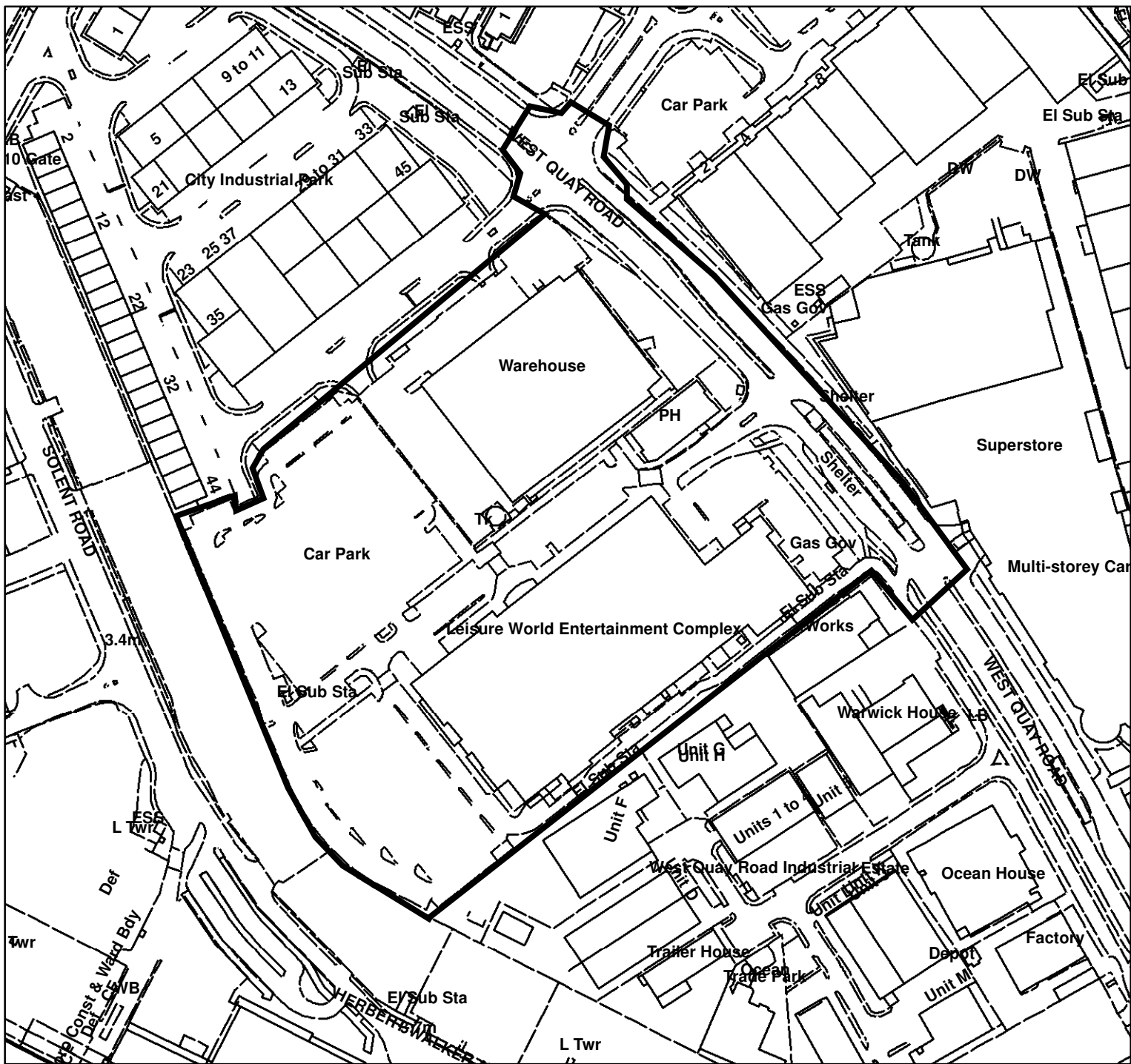
970996/EX: Variation of condition to enable use as public house – Conditionally Approved 19.11.97

02/00509/FUL: 10 metre high side extension and new entrance – Conditionally Approved 17.04.03

20/00606/SCO: Request for a Scoping Opinion under Regulation 15 of the EIA Regs for the redevelopment of the site for a mixed-use development No objection 01.07.2020

John Lewis Warehouse Site:

160/M34: Erection of two industrial building (11,677 sq.m) to include ancillary offices and car parking – Conditionally Approved 20.05.1983



Scale: 1:2,500



This page is intentionally left blank

**Planning and Rights of Way Panel 16th March 2021
Planning Application Report of the Head of Planning & Economic Development**

Application address: 18 Grosvenor Road, Southampton			
Proposed development: 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			
Application number:	21/00065/FUL	Application type:	FULL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	15.03.2021	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr Mitchell Cllr Cooper Cllr Savage
Referred to Panel by:	Cllr Cooper	Reason:	Impact on residential amenity and long and complex history
Applicant: Mr Ron Meldrum		Agent: N/A	

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	Not applicable
---	-----------------------

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 such as the planning history of the site 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 - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the relevant sections of the NPPF (2019).

Appendix attached			
1	18/00765/FUL and 19/01533/FUL –	2	Development Plan Policies

	Panel Minutes		
3	Relevant Planning History		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is located midway along the eastern side of Grosvenor Road in a predominately residential area to the north of Portswood. The road is typified by traditionally built detached and semi-detached dwellings benefiting from good size plots with mature tree planting in rear gardens and also along parts of the street frontage. This results in an established and attractive character with original elements such as front boundary walls being retained in sections. Outbuildings are generally subservient in scale and located to the rear or side of properties.
- 1.2 The application site contains a two-storey, semi-detached family dwelling house with an unusually wide (for this road) gap between it and the neighbouring property to the south. Within this gap there is currently a two-storey garage structure, which has replaced a smaller garage. The existing building is partially screened from the road by a low brick wall across the front boundary and mature tree and shrub planting. The existing house and garage structure are set back from the road by approximately 10m. The application site slopes gently down across the site from north to south.

2. Proposal

- 2.1 This application proposes an amendment to the previously approved scheme granted consent under 18/00765/FUL. The 2018 application was approved by the Planning Panel in July 2018 and a copy of the associated minutes are attached to this report at **Appendix 1**. The current proposal seeks to revise the approved window design of the first floor window nearest the host property from a narrow width casement to provide a window casement to match the adjacent existing window on the rear elevation.

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). The most relevant policies to these proposals are set out at **Appendix 2**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 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. Only the relevant applications to this proposal are set out below.
- 4.2 Consent was originally granted in 2015 for a replacement garage with modest decoration to the roof parapet, and a mezzanine first floor for storage (15/01644/FUL). Works began on site, however the structure constructed was larger than approved, with full width first floor accommodation, additional windows and larger castellations around the roof. Following an Enforcement enquiry, various applications were sought.
- 4.3 The most significant application to this proposal was to regularise the structure (application reference 18/00765/FUL). This application was approved and included amendments to bring the structure more in line with the originally approved plans. In particular, a reduction in height was agreed, with a maximum height set at 4.57m, measured at the entrance door of the garage, opposite the door of the main house, along with timber rear double doors and a six month compliance period for completion of the building.
- 4.4 A further application 19/01533/FUL was approved by the Planning and Rights of Way Panel on 12th November 2019 (minutes can be found at **Appendix 1**) and sought to vary Condition 1 (approved plans) and Condition 2 (relating to windows and doors). This enabled the following;
- Change the approved ground floor rear timber double doors to glazed doors; and
 - Installation of a roof access hatch.
- 4.5 The most recent application sought to amend the approved 2018 scheme, this was refused under delegated powers on 8th October 2020. The scheme proposed the following amendments;
- An open brick and clear glazed link between the existing house and garage/workshop;
 - Six large (size) solar panels are proposed on the roof at potentially a 45-degree angle which roughly equates to additional 80 cm in height; and
 - The existing first floor window adjacent to the host house is proposed to be amended to the same size as the adjacent window.
- 4.6 Prior to the submission of the current application a non-material amendment (NMA) application 21/00030/NMA was submitted to seek the changes proposed in this current application. As the amended scheme involved changes to a window close to a boundary, it was deemed unsuitable for the NMA process, as there is no neighbour consultation involved. This application

was, therefore, withdrawn.

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. At the time of writing the report **4 representations** have been received from surrounding residents, including the local Resident's association and a Panel referral by Ward Cllr Cooper. The following is a summary of the points raised:

5.2 **The proposal provides further amendments to a scheme already previously amended significantly due to the development being constructed incorrectly.**

Response

Noted but officers must assess every application submitted on its own merits regardless of the planning or enforcement history of the site. There is no limit to the number of changes and applications an applicant can make.

5.3 **The changes to the window will result in overlooking into neighbouring sites.**

Response

A condition is imposed to require the revised window to be obscured glazed with only a top opening element to prevent loss of privacy.

5.4 **Condition 2 of planning permission 18/00765/FUL prevents any further alteration to windows**

Response

The condition imposed prevents any alteration to the approved scheme being undertaken without planning permission in relation to windows and doors. It does not prevent the applicant applying for, or the Council from approving, subsequent changes to the scheme via planning permission provided they comply with material planning considerations.

5.5 **Works approved under planning application 19/01533/FUL are still being undertaken outside the six month window set out in the decision notice.**

Response

The Council's Planning Enforcement team have been monitoring the site but due to covid restrictions site visits are limited. However, the works are not relevant to this application and the Council applies the 'expediency tests' in any event to all enforcement enquiries..

5.6 **The covering letter submitted with the application states that the window will be clear glazed. Due to the nature of the proposal there is a sufficient**

number of windows and an obscured glazed window would be appropriate.

Reason

Agreed, obscured glazing in line with the adjacent window is preferable. This has been agreed by the applicant as part of our negotiations during the application phase and will be secured via condition.

5.7 Consultation Responses

5.8 Councillor Gordon Cooper (Portswood Ward):

Objection – Referral to PROW panel

Although it has not attracted a large number of objections it has a long and complex history with concerns for the immediate neighbours and which in my view should be aired in a democratic forum.

6.0 Planning Consideration Key Issues

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

- Design and effect on character; and
- Residential amenity;

The merits of the building itself, or the manner in which the applicant is delivering the project are not for consideration. The Panel should focus on the changes to the proposed development as set out above.

6.2 Design and effect on character

6.2.1 The change to the size and shape of the window would mimic the existing size and design of the adjacent window at first floor. Therefore, the proposal would result in an elevation that is simpler. As the change is located to the rear of the building it would not be visible from any public vantage points and would have a negligible impact on the character of the host property or local area. Thereby complying with local plan policy.

6.3 Residential amenity

6.3.1 It is understood neighbours are concerned about the alteration to the size and shape of the window, but officers feel given the set back of the building and distance to the boundary, the increase in window size would not be detrimental to the privacy of adjacent occupiers. This is especially the case as the applicant has agreed that the proposed window would be obscured glazed and top opening only. This is suggested to be secured via a condition. Given that the use is for an 'incidental' workshop/garage and not habitable accommodation the restriction to provide obscured glazed in this case is appropriate as no outlook is required for the users of this building. The restricted glazing would still allow sufficient light which is all that is required for

the approved use.

6.3.2 Given the discussions above, whilst there will be an impact on the amenity of neighbouring properties, this impact is not considered to be significantly harmful, subject to a suitable condition to ensure the protection of the privacy and amenity of neighbouring residents in accordance with saved Policy SDP1(i)

6.4 Unauthorised Works

6.4.1 Officers recognise the frustration that arises when an applicant does not fulfil the full requirements of their planning permission. However, this in itself, is not justification for objecting to unauthorised development as the Planning system provides appropriate mechanisms for either compliance or enforcement. The Panel are being asked to consider the merits of the alteration to the first floor rear window only.

7. Summary

7.1 The proposed changes to the first-floor rear window are not considered to cause detrimental harm to the amenity of neighbouring residents, or to the character of the local area. Therefore, upon balance, the current proposal is considered to be acceptable subject to suitable conditions as recommended below.

8. Conclusion

8.1 Subject to the conditions laid out further below, the application is recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AL for 16/03/2021 PROW Panel

PLANNING CONDITIONS

01.Approved Plans - 6 months completion

The development hereby permitted shall be carried out in full in accordance with the approved plans listed in the schedule attached below within 6 months from the date of this planning permission.

Reason: In the interests of the amenities of neighbouring properties and local area and to ensure a timely resolution to the amended scheme.

02.No other windows or doors other than approved (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

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

03. Obscure glazing (Performance)

The proposed and installed rear facing first floor windows, adjacent to the side boundary with No.20 shall be retained with a fixed shut, obscurely-glazed unit with obscurity level 5, as approved.

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

04. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

05. Restricted use of flat roof area (Performance Condition)

The flat roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

06. Use of garage - domestic/incidental use (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the garage building, including the first floor, hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house at 18 Grosvenor Road and associated ancillary storage relating to, and incidental to the enjoyment of the occupation of this dwelling house. At no time shall the garage building, including first floor, be used for the parking of commercial vehicles, or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be used as separate living accommodation or as a meeting place without first obtaining planning permission to do so.

Reason: To ensure that sufficient off-street car parking is available in the interests of highway safety, to protect residential amenity and to ensure that the building's use remains incidental to 18 Grosvenor Road.

07. Retention of trees (Performance Condition)

The two mature trees on the front boundary, 1x Purple Leaved Plum to the left of the driveway and 1x Robinia to the right of the driveway, shall be retained for the lifetime of the development hereby approved. For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, either during construction or thereafter shall be replaced by the site owners within 2 months with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority in writing prior to its planting. The replacement planting shall be maintained and retained thereafter.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area and further mitigate the development's impact.

08.Replacement boundary screening (Performance)

A boundary screen - such as a hedge or fence - to a minimum height of 1.8 metres shall be maintained along the common boundary between 18 and 20 Grosvenor Road following the insertion of glazing to the rear doors of the garage building hereby approved.

Reason: To protect the privacy of neighbouring residents.

PLANNING PANEL MINUTES FOR APPLICATIONS 18/00765/FUL AND 19/01533/FUL

Councillor Coombs in the Chair

PLANNING APPLICATION - 18/00765/FUL - 18 GROSVENOR ROAD

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

Erection of detached garage building with workshop at first floor level for use in association with the dwelling house known as 18 Grosvenor Road (part retrospective).

Nick Jones (local resident objecting) and Councillors Mitchell and Savage (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the report additional correspondence had been received. It was noted that this correspondence was from the applicant and did not raise any fresh issues to those set out in the report. The Panel noted a correction to the report in paragraph 4.7.1 that outlined the differences between the application that had been granted permission and the proposals set out in this application. The presenting officer set out an additional condition for the application, wording set out below, that would secure the mature trees on site.

6. Retention of trees (Performance Condition)

The two mature trees on the front boundary, 1x Purple Leaved Plum to the left of the driveway and 1x Robinia to the right of the driveway, shall be retained for the lifetime of the development hereby approved. For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, either during construction or thereafter shall be replaced by the site owners within 2 months with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority in writing prior to its planting. The replacement planting shall be maintained and retained thereafter.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area and further mitigate the development's impact.

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

A further motion was then proposed by Councillor Coombs and seconded by Councillor Murphy that delegated authority be given to the Service Lead – Infrastructure Planning and Development to negotiate amended plans that would reduce the roof height to match that of the original planning permission and grant

planning permission, or to refuse planning permission should the amended plans not be submitted within 1 month for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice.

RECORDED VOTE to delegate planning permission

FOR: Councillors Coombs and Murphy

AGAINST: Councillors L Harris and Wilkinson

The recommendation was carried on the use of the Chair's second and casting vote.

RESOLVED that the Panel:

- (i) Delegated authority to the Service Lead – Infrastructure Planning and Development to negotiate amended plans to reduce the roof height to match that of the original planning permission 15/01644/FUL (4.57m), whilst retaining the proposed/as built footprint, and issue subsequent conditional approval.
- (ii) Delegated authority to the Service Lead – Infrastructure Planning and Development to refuse the application, should the amended plans not be submitted within 1 month, for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice

NOTE: that Councillors Mitchell and Savage withdrew from the Panel to represent their Ward in this matter

Councillor mitchell in the chair

PLANNING APPLICATION - 19/01533/FUL -18 GROSVENOR ROAD

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

Application for variation of Condition 1 (approved plans) and Condition 2 (relating to windows and doors) of planning permission ref: 18/00765/FUL (amended after validation to include Condition 1).

Nick Jones and Nigel Hodge (local residents/ objecting) and Councillor Savage (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the issues related to the application and requested that and voted to add an additional condition relating to the hedge on the boundary be added, as set out below. 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 Mitchell and Coombs

AGAINST: Councillors Windle ABSTAINED: Councillors Galton and Harris

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

Additional Condition

8 Replacement boundary screening (Performance)

A boundary screen – such as a hedge or fence - to a minimum height of 1.8 metres shall be maintained along the common boundary between 18 and 20 Grosvenor Road following the insertion of glazing to the rear doors of the garage building hereby approved. REASON: To protect the privacy of neighbouring residents.

NOTE: Councillor Savage withdrew from the Panel to represent his ward on this matter.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide SPD (September 2006)

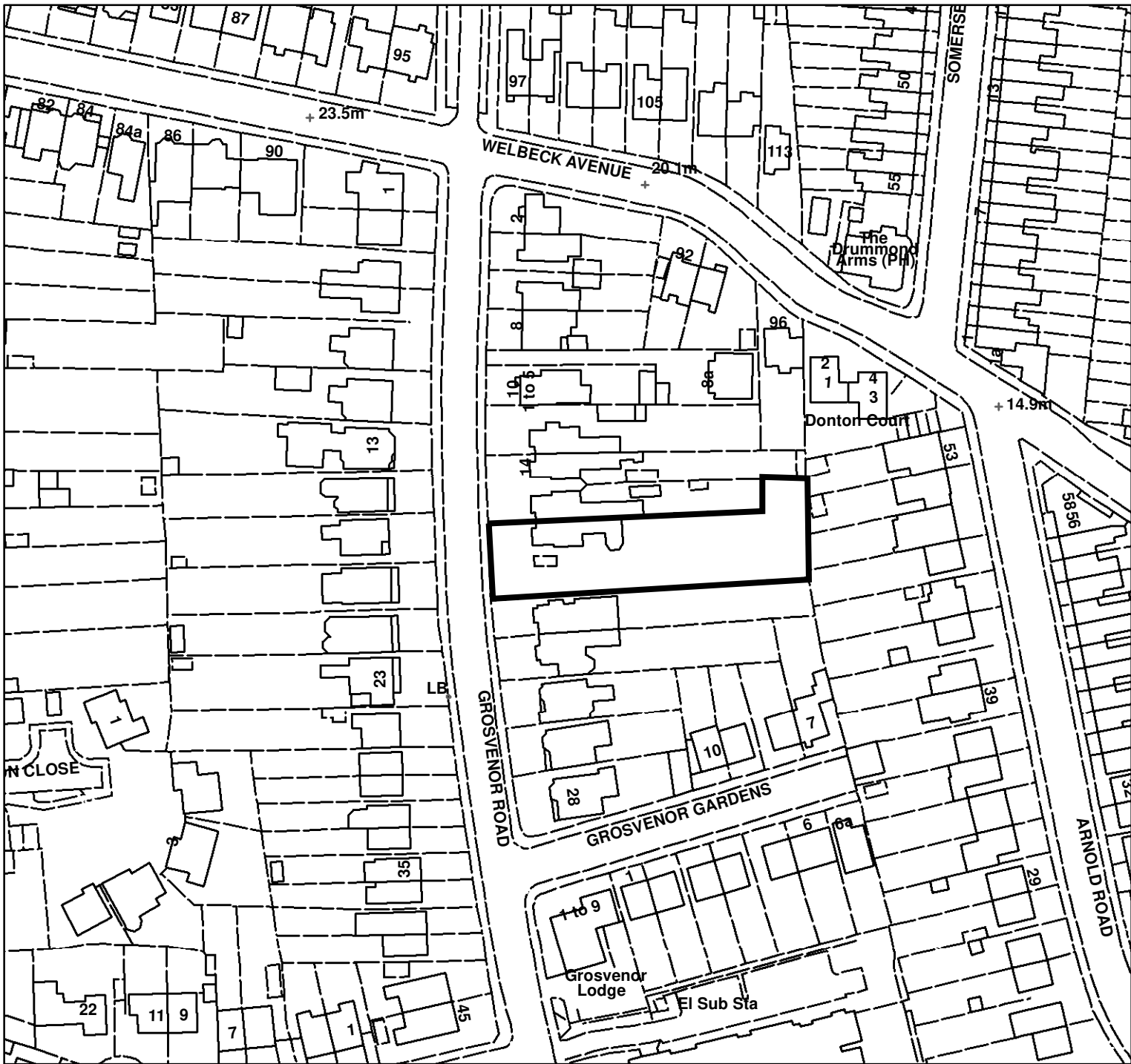
Other Relevant Guidance

The National Planning Policy Framework (revised 2019)

Relevant Planning History

Case Ref	Proposal	Decision	Date
1335/8	Erection of a garage	Conditionally Approved	06.09.1967
14/00862/PLDC	Application for a lawful development certificate for a proposed single-storey side extension and replacement garage.	Granted	07.10.2014
15/01644/FUL	Replacement garage.	Conditionally Approved	07.10.2015
17/01112/NMA	Non material amendment sought to planning permission 15/01644/FUL for alterations to parapet and additional window openings for replacement garage.	Withdrawn	11.10.2017
17/01517/FUL	Replacement garage (amendment to planning permission ref 15/01644/FUL)	Application Refused	10.11.2017
18/00765/FUL	Erection of detached garage building with workshop at first floor level for use in association with the dwelling house known as 18 Grosvenor Road (part retrospective).	Conditionally Approved	09.08.2018
19/01533/FUL	Application for variation of Condition 1 (approved plans) and Condition 2 (relating to windows and doors) of planning permission ref: 18/00765/FUL (amended after validation to include Condition 1)	Conditionally Approved	14.11.2019
20/00595/FUL	Amendments to planning permissions 18/00765/FUL and 19/01533/FUL for the erection of a two storey garage with workshop, including solar panels on the roof, erection of covered link between the main house and the garage workshop and a change of shape of rear window.	Application Refused	08.10.2020
21/00030/NMA	To alter the shape of a rear facing window.	Withdrawn	05.02.2021

This page is intentionally left blank



Scale: 1:1,250



This page is intentionally left blank