

**Planning and Rights of Way Panel 26th February 2019**  
**Planning Application Report of the Service Lead – Infrastructure, Planning and Development.**

<b>Application address:</b> The Fire House, Vincents Walk, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Demolition of the existing building and the erection of a 9-13 storey building comprising 39 flats (11 x 2-bedroom and 28 x 1-bedroom) together with 160 sq.m of commercial floorspace (Use Class A1)			
<b>Application number</b>	18/01820/FUL	<b>Application type</b>	Major Dwellings
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	28.02.2019 (ETA)	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	5 or more objections received	<b>Ward Councillors</b>	Cllr Sarah Bogle Cllr John Noon Cllr Darren Paffey

<b>Applicant:</b> Terramek Developments Ltd	<b>Agent:</b> ArchitecturePLB
---	-------------------------------

<b>Recommendation Summary</b>	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
-------------------------------	---

<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
---	------------

<b>Appendix attached</b>			
1	Development Plan Policies	2	Habitats Regulations Assessment
3	DVS Viability Review dated 22.1.19		

**Recommendation in Full**

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2018).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT3, CLT6, H2, H7 and REI4 of the City of Southampton Local Plan Review (Amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP5, AP9, AP16 and AP17 of the City Centre Action Plan (2015) and the National Planning Policy Framework (2018).

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the Service Lead – Infrastructure, Planning & 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:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. 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.
  - iii. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
  - iv. 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);
  - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
  - vi. Affordable housing viability clause;
2. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

## **1 The site and its context**

- 1.1 The Fire House is a three-storey premises located at the corner of Pound Tree Road and Vincent's Walk. The building comprises a public house with ancillary accommodation on the upper floors. The building has a flat roof design and is finished in red face brick, which is typical of buildings to the rear of Above Bar Street. A rear service yard is accessed to the side of the building. The site has an area of 412 square metres and fronts the central bus interchange with a small green located adjacent to the site and listed Houndwell Park beyond.
- 1.2 Given the city-centre location of the site, the surrounding uses are predominantly commercial and varied in character. The adjoining Above Bar Street buildings are locally listed and to the west of the site, Portland Street contains a number of listed buildings. A retail unit and betting office with residential over adjoin the building to the west. The rear of existing retail premises adjoin the site to the south. An 11-storey residential student block (Vincent Place) is located further south. Existing TRO parking controls are in force within Vincent's Walk and adjoining city centre streets.

## **2 Proposal**

- 2.1 The proposal seeks redevelopment of the site with the erection of 9-13 storey building comprising 39 flats (11 x 2-bedroom and 28 x 1-bedroom) together with a retail unit at ground and first floor (160sqm). Separate residential and retail access is proposed from Vincents Walk with the existing service yard access arrangement retained. The proposed retail unit has an area of 160 square metres with a glazed shopfront to Pound Tree Road and Vincent's Walk. The upper floors comprise a mix of 1-bed, 2-bed and studio units. The 1 and 2-bed units are provided with external balconies with areas ranging from 2.8sqm to 5sqm. Bin and bike storage is provided at basement level with both stair and lift access.
- 2.2 The proposed tower has a contemporary external appearance and has been designed with a vertical emphasis. The elevations are finished in a mix of face brickwork, reconstituted stone cladding and a polycarbonate cladding at roof level. The design also includes window shutters and black painted glass panels with curtain wall.

## **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), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (March 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The updated National Planning Policy Framework (NPPF) came into force on 24th July 2018 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.

#### **4. Relevant Planning History**

- 4.1 Planning permission was granted in 1951 for a licensed premises and accommodation (Ref 984/18).

#### **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 (26.10.2018) and erecting site notices (26.10.2018). At the time of writing the report **5** representations have been received (including objections from City of Southampton Society, Southampton Commons and Parks Protection Society).

##### **Loss of public house and music venue**

- 5.2 *Officer Response – This venue has not been nominated or listed as an Asset of Community Value. Pubs are not safeguarded in the city centre because there are alternative venues to meet the day to day needs of the community, including live music venues. The applicants have confirmed that the tenancy can be terminated at any point with sufficient notice, however in parallel with this, they have in fact been looking for an alternative venue for 'The Firehouse' for around 18 months. As part of this, they have drawn up a wish list of alternative (existing) pubs with the management company and the current pub manager. Local agents have been instructed to establish the feasibility of these sites. The applicants have indicated that they wish to find a new venue for The Firehouse before the site is redeveloped. The applicants have indicated that it is not practical to re-incorporate the venue into the redevelopment for noise impact reasons. It is not appropriate for planning to intervene to secure an alternative venue.*

##### **5.3 No details of car parking, bin and cycle storage has been provided**

*Officer Response – This is a car free development which can be supported in the city centre having regard to site accessibility and existing parking controls to prevent increased on-street parking pressure. Bin and cycle storage is provided within the basement area with lift access provided. The site is next to a bus interchange with excellent links across the city and cannot secure parking without significantly reducing the development potential.*

## Consultation Responses

### 5.4 **SCC Highways** – No objection

The site is situated within a city centre location and therefore a car-free scheme for the residential development with commercial on ground floor is considered to be acceptable. A servicing management plan will need to be secured so that refuse bins are not stored on the public highway and to ensure that servicing vehicles do not prejudice pedestrian and highway safety. Any footway works will need to be carried out to an adoptable standard.

### 5.5 **Historic England** – No objection on heritage grounds.

The new building has the potential to impact on various heritage assets; principally the Central Parks (grade II\* Registered Park and Garden), The Bargate (Scheduled Monument), and 1-11 and 12 and 13 Portland Street and 23 and 25 Portland Terrace (grade II listed buildings).

5.6 All of these heritage assets exist in an urban environment which has evolved over time and which generally makes only a limited contribution to their significance. The appearance of this building in views of the Bargate from the High Street and along Portland Street has been raised as a potential concern at the pre application stage and as a consequence the application is supported by very helpful visualisations to assist in assessing impact on these heritage assets. With regard to the Bargate there would be a glimpsed view of this building in the backdrop to the right hand side of the Bargate itself as viewed from the High Street (from some positions only). However, the building is set back by some distance and is set behind modern development in the foreground (the top of the building only being visible) and when coupled with the proposed light-coloured materials this would all mean that it would have limited presence in these views. I consider the impact on the Bargate to be minimal.

5.7 The environs of Portland Street have changed considerably in the latter part of the 20th century. A key view of the listed buildings is from the west end of the street looking obliquely across the front façade of the elegant terrace. While the new building would appear in this view it would be some distance away so its presence would not be overly dominating in relation to the scale of the listed buildings. Therefore I conclude that the proposal would have minimal impact on the significance of these listed buildings.

5.8 The significance of the registered park would not be adversely affected by a tall building in this location and the principle of some taller buildings on the perimeter of the park is accepted. However, 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' affect, restricting views out and undermining the visual connectivity between the parks and the wider townscape. This is a consideration for the future and is not raised as an objection to this scheme.

5.9 While height and massing has been a main consideration materials would also be important in relation to potential impact on the heritage assets. As mentioned above the use of light-coloured materials for the upper storeys would reduce visual impact in longer views. I note that a concern has been raised by others in regard to the weathering of the proposed materials and the risk of staining. It is important that the appearance is of a high quality building so as not to detract from the setting of the park and generally degrade the area. This is therefore a legitimate concern which needs to be carefully considered with your urban designer.

#### 5.10 **Urban Design Manager – No objection**

Generally happy with the proposals as the ground floor shop unit now has glazing on two sides. Roof drainage design needs to be considered in relation to the reconstituted stone cladding to ensure that in a few years the building won't look like the Police Station with black staining and streaking disfiguring the façade. Like the Police Station this building has no projecting top to effectively help to protect the top of the façade from the elements. Also in the light of a number of good buildings in the city centre being ruined by the later introduction of a galvanised metal safety rail to meet Building Regs, the top needs to be lifted as a parapet to negate the need to provide a safety rail. The only comment I have on layout is that two bed units on the north side of the building have no windows for the second bedroom from the 1st to 5th floor.

Given the huge increase in scale over the existing, we should expect the old worn out paving around the building and along the street to the precinct to be replaced.

*Officer Response - A condition is recommended to secure roof drainage design details to reduce the potential for staining of the stone cladding. An alternative roof safety system is proposed (man fix) and therefore galvanised railings at roof level will not be required. The plans have been amended to ensure that all bedrooms have windows. Improvements to the pavement adjacent to the site can be secured through the S106 agreement.*

#### 5.11 **Design Advisory Panel – No objection**

- Revised treatment to Park frontage is acceptable, but still unsure regarding the view along Portland Terrace as the image provided seems to have been taken from a very odd position
- The use of reconstituted ribbed stone cladding should be avoided as it will deteriorate rapidly at high level in Southampton's maritime climate. See Police Station building which has deteriorated very badly in a short space of time, ruining an otherwise good building. If metal cladding is used it will be important to create texture in the façade, not smooth and flat.

*Officer Response – No objection has been raised by Historic England in respect of the impact on the view along Portland Terrace. The stone and metal cladding type can be reserved by condition.*

- 5.12 **Ecology Officer – No Objection** subject to conditions to secure ecological mitigation, protection of nesting birds and lighting design.

The ecological appraisal accompanying the planning application confirms that the site has limited biodiversity value although the vegetation and roof could provide nesting habitat for birds. A bat emergence survey was also undertaken however, no bats were recorded roosting in the building and only low numbers of bats were recording foraging in the adjacent park. I therefore have no objection to the principal of re-development. I do, however, have concerns about the height of the building which is substantially higher than the surrounding structures and could pose a collision risk to birds using the park. Measures to minimise collision risk e.g. low reflectivity of surfaces, offsetting windows to avoid views through the building, low levels of exterior lighting at the top etc. should be secured through a planning condition. The ecological appraisal made a number of recommendations for biodiversity mitigation and enhancement measures, including a sensitive external lighting scheme to avoid impacts on bat foraging, swift and bat roosting boxes and wildlife friendly planting such as a green roof, which need to be secured via a planning condition.

- 5.13 **Archaeology** – No objection subject to conditions to secure archaeological investigation

- 5.14 **Environmental Health** – No comments received

- 5.15 **SCC Land Contamination** - No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.

- 5.16 **SCC Flood** – No objection subject to a condition to secure sustainable drainage.

- 5.17 **Employment and Skills** - An Employment and Skills Plan Obligation will be sought via the Section 106 Agreement.

- 5.18 **Sustainability - No objection** subject to conditions to secure 15% 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. Green roof feasibility should also be investigated.

- 5.19 **SCC Housing** – As the scheme comprises of 38 dwellings net (39 proposed ' 1 existing) the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 13 dwellings (13.3 rounded down).

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 I await the findings of the independent report into the proposed scheme's financial viability and its ability to provide affordable housing.

*Officer Response – SCC Housing have accepted the findings of the DVS viability review which found the scheme is not viable and cannot provide any contribution towards affordable housing*

5.20 **Southern Water:** No objection subject to a conditions regarding sewer diversion, network capacity and foul and surface water disposal. Informatives also requested regarding connection to the public sewer and drainage design to take into account the possibility of surcharging.

5.21 **University Hospital Southampton National Health Service Foundation Trust (NHS Trust) – Holding Objection**

The NHS Trust has submitted a representation and Regulation 122 CIL compliance statement in respect of this planning application. The Trust has an obligation to provide healthcare services. Although run independently, NHS Foundation Trusts remain fully part of the NHS, with the primary obligation to provide NHS services to NHS patients and users according to NHS principles and standards - free care, based on need and not ability to pay. The Trust is a secondary care and community services provider delivering a range of planned and emergency hospital services to residents of the area. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The Trust are seeking a financial contribution to provide services needed by the occupants of the new development, and the funding for which cannot be sourced from elsewhere. The Trust suggest that the development directly affects the ability to provide the health service required to those who live in the development and the community at large. The population increase associated with this proposed development will, in their opinion, significantly impact on the service delivery and performance of the Trust. Without the contribution requested for this proposed development of £50,611 the development is not, in their opinion, sustainable and should be refused. The Trust have confirmed that they would attend any subsequent appeal to defend their position.

*Officer Response - A full response is provided within the Planning Considerations section of this report.*

**City of Southampton Society – Objection**

5.22 The proposed development of a 13 storey tower block on the edge of Houndwell and Palmerston parks goes against the council's commitment not to approve tall buildings overlooking the central parks. This is particularly important in this case because of the amount of shadowing created by not only the height but also the positioning (to the West and South) of the building.

In addition the flats on the south-west corner on the lower three levels only have an outlook onto the enclosed service yard. This is unsatisfactory as there will be insufficient light not to mention the outlook.

*Officer Response – A shadowing analysis has been provided which shows a negligible impact on the parks with a limited increase in shading in the margins of*



*Houndwell Park, adjacent to Pound Tree Road during late afternoon. The Council's Ecologist has raised no objection regarding increased shadowing. It is agreed that the studio units on floors 01-03 will have limited outlook towards the rear servicing however on balance this is not considered to outweigh the merits of housing delivery having regard to the constraints of the site and given that a 12m separation distance from the nearest gable wall accords with the daylighting and outlook requirements set out within the Residential Design Guide SPD (section 2.2 refers).*

**5.23 Southampton Commons and Parks Protection Society - Objection**

The proposed development has a seriously detrimental impact on the II\* registered Central Parks because it is too high and of a design which fails to respect and enhance the setting of the Parks. It is a small site; the scale of development, the number of residential units proposed, represents over-development of a small site in a visually sensitive location. Policies AP17 and SDP9 support tall buildings adjacent to City Parks.

5.24 SCAPPS has fought long and hard to protect the character of the Central Parks and their setting. The City Centre Action Plan (CCAP), the statutorily prepared and adopted planning policy to be taken into account in determining this application, in several places sets out the requirement that development should respect and enhance the setting of the Parks. During preparation of the CCAP SCAPPS objected to the wording permitting tall buildings affecting the setting of the Central Parks. As recognised in supporting material to this application (Design and Access Statement 3.3), until recent years the Parks were fronted by buildings of generally 3 to 5 storeys (3 storeys on this and neighbouring sites) with harmonious design giving emphasis to continuity of street frontage appearance, reinforced by use of similar materials and design style. The wording of CCAP policy AP17 was the City Council's compromise intended to allow for a limited number of tall buildings adjacent to the Parks but to prevent tall buildings in close proximity on the same frontage.

5.25 Drawings submitted with this application show the large number of tall buildings permitted in recent years adjacent to the Parks which inevitably can be seen rising above the prevailing tree line and so visible from many viewpoints within the Parks. It is that visual intrusion of tall buildings, often of assertively eye-catching design and materials, which is eroding the character of these nationally important Victorian public parks. Instead of giving a sense of separation from the surrounding city centre, the intrusion of these buildings into views from within the Parks is a constant and unwanted reminder of surrounding urban bustle and activity. SCAPPS objects to demolition of the present unassuming 3 storey building at this extremely prominent site which 'fits' harmoniously into the street scene and gives an appropriately low-key setting to the neighbouring Houndwell and Palmerston Parks and its replacement with a 13 storey building of visually assertive design so close to the recently completed 11 storey Vincent's Place building. To permit another tall building in such close proximity to Vincent's Place and in a completely different design style would be contrary to the intentions of CCAP policy AP17.

5.26 In addition to this objection to height, SCAPPS objects to design and appearance of the proposed development. CCAP policies require a design which respects and enhances the setting of the Parks. The CCAP contains no reference to, or policy for, tall buildings giving 'emphasis' to entry points to the Parks. Photomontage

images submitted with the application demonstrate just how intrusive the proposed building would be in views from Palmerston Park and Houndwell Park. It would appear rising above the trees in views from almost any viewpoint in these Parks. Its siting means it would be a jarringly obtrusive end-point in views from the diagonal path in Palmerston Park. It is a corner site (Pound Tree Road and Vincent's Walk) but only at ground and first floor level does the design acknowledge that there are two street frontages. Above that level, and so dominant in views from Palmerston Park, the design provides an austere, unrelieved grey-clad north flank wall on the Pound Tree Road frontage. The east elevation facing Houndwell Park is a restless design and a confused mix of materials, with little if any visual relationship with or sympathy for the existing nearby Vincent's Place building or the 1950s neighbouring properties in Pound Tree Road. The design emphasis is on verticality, not on giving a harmonious continuity in street-level views. The south elevation is visible from Houndwell Park (not 'hidden' as claimed by the applicant) and is an austere and unsatisfactory slab of brick surmounted by a further 6 storeys of unrelieved grey cladding.

- 5.27 SCAPPS objects to lack of provision of on-site outdoor amenity space and failure to include any form of 'greening' or landscaping. Planning policy requires provision of outdoor amenity space or contribution to off-site provision. The site is adjacent to public open space which is already heavily used and showing signs of wear from that level of use. Any permission should be subject to section 106 agreement to contribute to cost of works to improve the Central Parks.
- 5.28 It is unfortunate that the applicant chose not to extend pre-app consultation to representative bodies like SCAPPS and City of Southampton Society, and, given proximity to and undoubted impact on the registered Parks, not to include The Gardens Trust, a statutory consultee, in the pre-app consultation. SCAPPS is particularly concerned by the applicant's assertion (Design and Access Statement page 21, section 3.0 Park Analysis) 'The application proposes a building of 13 storeys. This height has been approved through a pre-app consultation process with SCC and Historic England ...'. No such approval can be given by a LPA in a pre-app consultation. SCAPPS requests firm rejection of this assertion; that there has been no pre-empting of decisions to be taken in considering and determining the current application.
- 5.29 At the examination in public (public inquiry) into the CCAP, the Inspector supported SCAPPS request that the CCAP should require preparation and adoption of design guidance/planning policy for the Central Parks and their surroundings. The City Council accepted the principle but delayed action because of 'lack of resources', that is relevant professional skills. If that guidance had been prepared, this application would almost certainly have been very different. SCAPPS still seeks careful guidance for those frontages to the Parks at present dominated by back-servicing rather than contributing to the setting, and therefore public enjoyment, of the Parks. We are ending up with piecemeal redevelopment of these visually significant sites facing the Parks as-and-when developers gain control of individual sites rather than having a coordinated and harmonious vision for how frontages to the Parks could and should look.
- Officer Response – Policy AP17 of the City Centre Action Plan supports individually designed tall buildings adjoining the Central Parks that contribute positively to their setting and respond to the scale of the parks. The proposal represents an individually designed tall building and no objection has been raised by the Design Advisory Panel or Historic England.*

*The scale was reduced from 15 storey to 9/13-storey and the design revised through the pre-application process to better respond to the setting of the Central Parks.*

5.30 **The Gardens Trust** – Objection

Increased shadowing and impact on the setting of the central parks

Officer Response – *As per response to the City of Southampton Society above.*

**6. Planning Consideration Key Issues**

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

- the principle of the development
- design and heritage impact;
- residential environment
- highways;
- habitats regulations;
- affordable housing and viability; and
- NHS request for S106 financial contributions

**Principle of Development**

6.1 The site is located within a defined secondary retail frontage under policies REI4 of the Local Plan and AP5 of the City Centre Action Plan, which support ground floor retail use and residential on the upper floors. The proposal would represent windfall housing delivery on previously developed land, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. Policy AP9 of the City Centre Action Plan indicates that city centre windfalls contribute towards housing supply in the city centre.

6.2 The proposed site redevelopment would result in the loss of a public house. National planning policy indicates that pubs can be considered as community facilities and that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (see paragraph 92 of the National Planning Policy Framework). However it is often difficult to resist planning applications for the loss of pubs in the city centre because there remains a choice of alternative facilities available in the city centre, including live music venues, to meet the day to day needs of the community.

6.4 This venue has not been nominated or listed as an asset of community value. Pubs are not safeguarded in the city centre because there are alternative venues to meet the day to day needs of the community. The applicants have confirmed that they have been looking for an alternative venue for 'The Firehouse' for around 18 months. As part of this, they have drawn up a wish list of alternative (existing) pubs with the management company and the current pub manager. Local agents have been instructed to establish the feasibility of these sites.

The applicants have indicated that they wish to find a new venue for The Firehouse before the site is redeveloped. The applicants have indicated that it is not practical to re-incorporate the venue into the redevelopment for noise impact reasons. The existing Bar owner has raised no objection and is in discussions with the applicant.

- 6.5 Policy CS5 of the Council's Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of high density where net density levels of over 100 dwellings per hectare can be supported. The proposal has a density of 926 dwellings per hectare. The proposed housing mix of 11 x 2-bedroom and 28 x 1-bedroom flats is appropriate for the city centre having regard to the character of the neighbourhood and the requirements of policy CS16 of the Core Strategy. It is accepted that the site doesn't easily lend itself to family housing.

### **Design & Heritage Impact**

- 6.6 The proposed design approach has evolved following thorough pre-application discussions and an assessment of the building's relationship with nearby heritage assets, which include the Grade II\* Registered Parks, the adjoining Locally Listed Buildings on Above Bar Street, Listed Buildings on Portland Street as well as the Bargate Scheduled Ancient Monument. In addition to this, the applicant has engaged with the Southampton Design Review Panel and Historic England and the chosen design has been revised accordingly.
- 6.7 Policy AP17 of the City Centre Action Plan indicates that tall buildings of 5-storeys or more can be permitted as individually tall buildings to provide variety adjoining the central parks with active frontages that contribute positively to their setting and respond to the scale of the parks. The architecture has been designed to give the building verticality and relief within the elevations. The materiality of the scheme would respect nearby heritage assets with the use of reconstituted stone cladding (light grey). A condition is recommended to secure roof drainage details to reduce the likelihood of water staining to the stone cladding. The proposed ground floor retail unit provides active frontage to Pound Tree Road and Vincents Walk.
- 6.8 The application is supported by a visual impact assessment to demonstrate the proposed tall building will not impact on key strategic views, the setting of nearby heritage assets which include the central parks, the Bargate Scheduled Ancient Monument, Portland Street Listed Buildings and Above Bar Locally listed buildings. Pre-application consultation was undertaken with Historic England and they have raised no objection to this planning application. As such the scheme is not considered to harm the setting of heritage assets and therefore accords with the requirements of the National Planning Policy Framework (2018).
- 6.9 The application is supported by evidence to demonstrate the scale and layout of development will not prejudice the future development of adjoining sites. It is unlikely that further clustering/ excessive massing of tall buildings would be supported in this area in order to protect the skyline, key views and setting of the parks. It has been demonstrated that adjoining sites could be developed to a height of 5-storeys with a full blank gable provided on the south elevation and a blank gabled to a height of 5-storey on the west elevation.

The neighbouring buildings on the eastern side of Above Bar Precinct are locally listed and in the event they are subject to future redevelopment the height of any replacement buildings would likely be restricted to 4/5-storeys to protect the setting of the Grade I Bargate Scheduled Ancient Monument.

- 6.10 The proposal is supported by a Daylight and Sunlight assessment which demonstrates this tall building will not lead to adverse shadowing of the parks and surrounding streets, taking 21<sup>st</sup> March as the average circumstance. The shadowing analysis shows minor increased shadowing around the margins of the park between the hours of 2-5pm. Unfortunately the size of the plot does not allow for any landscape enhancements along the site frontage. However a condition will be applied to secure a feasibility study to look at the potential for a Green Roof.

### **Residential Environment**

- 6.11 The proposed living environment is considered acceptable for city centre living with all habitable rooms receiving genuine outlook and day lighting. The building has east, west or north facing windows and there are no single aspect north facing flats. All 1 & 2-bed units are provided with small external balconies ranging from 2.8sqm to 5sqm in area. Less than 20sqm of private amenity space per unit can be supported in the city having regard to the character and density of the neighbourhood and the proximity to central parks.
- 6.12 The Council does not have adopted policy requiring minimum room size standards however the proposed flats are broadly compliant with the Nationally prescribed space standards with the 1-bed units ranging from 35sqm to 43sqm and 2-bed units 72sqm. A condition is recommended to secure the noise mitigation measures set out within the submitted noise report.

### **6.13 Highways**

The Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would be a 'car free' scheme without any on-site car parking provision. Having regard to the nature of the proposed use and the city centre location of the site, this approach is considered to be appropriate. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets.

- 6.14 Adequate bin and bicycle storage provision is made within the basement area with lift and stair access provided. A servicing management plan will need to be secured to that refuse bins are not stored on the public highway and to ensure that servicing vehicles do not prejudice pedestrian and highway safety

### **6.15 Habitat Regulations**

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

Regulations 2017, see Appendix 2. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

**6.17 Affordable Housing and Viability**

Policy CS15 sets out 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 application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal 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.

6.18 The DVS report concludes that a 100% private scheme incorporating a site value of £420,000 with CIL contributions totalling £218,265 is not viable and cannot provide any contribution towards affordable housing. The appraisal shows a deficit figure of -£143,131 following a developer profit of 15.5% of Gross Development Value.

6.19 The benefits of redeveloping the site in this manner and the need to comply with the policy constraints outweigh the requirement for affordable housing in this case. The Panel may attach greater weight to the need for affordable housing in this part of the City but in doing so – and thereby rejecting this application – the Council would then need to defend an appeal where an independent Inspector is likely to attach significant weight to the DVS report (also independent).

**6.20 NHS request for S106 financial contributions**

The request for a financial contribution by the NHS Trust to support this development forms a material consideration in the determination of this planning application. The representation seeks a contribution towards additional healthcare activities as a result of population increase without being specific. The NHS Trust are not seeking a contribution to infrastructure or the maintenance thereof. Consequently, regulation 123 of the CIL Regulations (2010) does not come into play. There is a reference to a formula, which it considers to comply with regulation 122 and not amount to a generalised tariff.

6.21 In response to the NHS Trust’s request it is considered that the application cannot be refused in the absence of the contribution requested as the request does not specifically meet the tests in regulation 122 in respect of being necessary to make the development acceptable in planning terms, being directly related to the development itself, and being fairly and reasonably related in scale and kind to the development. Para 54 of the NPPF (2018) states that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of planning obligations. Officers have concluded that the development is not unacceptable (in other words, that it is acceptable); there is no demonstrable harm in this regard and there isn’t a sufficient degree of nexus between people living in this development (rather than elsewhere) and the impact on the NHS

Trust's operations, which can only be identified in general terms based on a statistical analysis of population growth. The requests for contributions towards service provision are predicated on population growth. However, the construction of this development does not in itself lead to population growth. The need for housing is a consequence of population growth. More people aren't living in the country or in Southampton directly as a consequence of the development of housing and there is no direct evidence in respect of this development. In officers' view therefore, the impact on the cost of running of a hospital is not a harm caused by this development per se, and the external cost of supporting population growth (as sought by the NHS) is not imposed by the development. As such, for these reasons, whilst supporting the NHS Trust is clearly desirable it is considered that the requested contribution is not sufficiently directly related to the development, and not necessary to make the development acceptable in planning terms. Furthermore, it is not considered that this request identifies any clear tangible need specifically related to/from this development proposal on this site. Finally, the Trust have been advised that they could apply for current (and proposed) contributions received through the Community Infrastructure Levy (CIL), as healthcare is specifically listed by the Council as an area of expenditure for which CIL funding is directly related.

## **7 Summary**

7.1 Residential redevelopment with ground floor retail use is supported in principle and will support the existing secondary shopping frontage and will contribute towards housing supply in the city centre. The loss of the existing public house will not reduce the community's ability to meet its day-to-day needs as there are alternative drinking establishment's and music venues available in the city centre.

7.2 The proposed 9-13 storey building will enhance the city centre skyline and the scheme has been through the Design Review Process and no objection is raised by the Design Advisory Panel or the Council's Design Officer. Policy AP17 of the City Centre Action supports individually designed tall buildings adjacent to the Central Parks. Planning conditions are recommended to secure a high quality design and materials.

7.3 The application is supported by a visual impact assessment to demonstrate this tall building will have minimal impact on the significance of nearby heritage assets and the central parks, as confirmed by Historic England. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area.

## **8 Conclusion**

8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for conditional approval.

**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), 4 (f) (g) (vv), 6 (a) (c), 7 (a)  
**AG for 26/02/2019 PROW Panel 18/01820/FUL**

**Conditions**

01. Full Permission Timing Condition (Performance)

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

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

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

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 until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. 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.

03. Details of external appearance

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

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



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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

#### 05. 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.

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.

#### 06. Piling (Pre-Commencement)

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

Reason: In the interest of residential amenity.

#### 07. Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved. Lift provision to basement to be installed and operational prior to first occupation and thereafter retained.

Reason: In the interest of visual and residential amenity.

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.

#### 08. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved. Lift provision to basement to be installed and operational prior to first occupation and thereafter retained.

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

#### 09. Delivery and Servicing Management Plan (Pre occupation)

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

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

#### 10. Hard Landscaping (Pre occupation)

The proposed hard landscaping shall be constructed to adoptable standards prior to first occupation with details to be first submitted to and agreed in writing with the Local Planning Authority. The installed hard landscaping shall be retained as agreed.

Reason: To ensure the proposed paving abutting the public footway is constructed in accordance with standards required by the Highway Authority.

#### 11. Telecommunications Equipment

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

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

#### 12. 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.

#### 13. Archaeological evaluation investigation [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.

14. 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.

15. 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.

16. 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.

17. Sustainable Drainage (Pre-Commencement Condition).

The building hereby permitted shall not 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. 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).

18. Energy & Water (Pre-commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum 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 (Amended 2015).

#### 19. Energy & Water (performance condition)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the 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 Adopted Core Strategy (Amended 2015).

#### 20. Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent including piling (excluding site set up and demolition, archaeology, site investigations, services and diversions). If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must 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 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

#### 21. Approval condition ' Future connection to district heating system

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence proving that the development has incorporated means for future connection to the district heating system shall be submitted to the Local Planning Authority for its approval. This shall include plans showing the pipework specifications and the location within the building. The agreed scheme shall thereafter be retained.

REASON: To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

## 22. Approval Condition- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

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

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

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

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

## 23. Use of uncontaminated soils and fill (Performance)

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

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

Unsuspected Contamination (Performance)

#### 24. Unsuspected Contamination (Performance)

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

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

#### 25. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out within the Ecological Appraisal by Syntegra Consulting Ltd dated 02.08.2018, 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.

#### 26. Protection of nesting birds (Performance)

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

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

#### External Lighting Scheme (Pre-Commencement)

#### 27. Lighting (Pre occupation)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

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

#### 28. Public Sewer protection (Performance)

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

## 29. Surface / foul water drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

## 30. Noise & Vibration (external noise sources) (Pre-Commencement)

Prior to the commencement of the development hereby approved, a scheme of measures to protect the occupiers of the development from external noise and vibration sources in accordance with the assumptions of the Noise Report by Syntegra Consulting Ltd dated 05.07.2018, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

## 31. APPROVAL CONDITION - Active Ground Floor Frontage

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 retail unit with frontage to Vincents Walk and Pound Tree Road hereby approved shall retain clear glazing along the length of the shop frontages hereby approved (without the installation of window vinyl or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development.

## 32. APPROVAL CONDITION - Hours of Use & Delivery Non-residential uses [Performance Condition]

The non-residential use hereby permitted shall be restricted to A1 (retail) and shall not operate outside the following hours:

Monday to Saturdays 06:30 to 00:00 hours

Sunday and recognised public holidays 07:00 to 23:00 hours

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 06:00 to 23:00 daily.

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

