

Planning and Rights of Way Panel 12th November 2019
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

Application address: Nelson Gate, Southbrook Road, Southampton			
Proposed development: Hybrid planning application for mixed-use development comprising: (1) Outline planning permission (with all matters reserved) sought for a multi-storey building comprising residential (C3), hotel (C1) and retail (A1 to A5) uses alongside associated parking, landscaping and vehicular access. (2) Detailed planning permission sought for the demolition of Grenville House, erection of a three-storey podium extension to Norwich House (accommodating office (B1) and retail (A1 to A5) uses), external alterations to both Norwich and Frobisher Houses, provision of a site-wide hard and soft landscaping scheme, and associated site works including parking provision and modified access arrangements.			
Application number	19/00038/OUT	Application type	Major mixed use development
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	19.04.2019 (ETA)	Ward	Bargate
Reason for Panel Referral:	5 or more objections received	Ward Councillors	Cllr Sarah Bogle Cllr John Noon Cllr Darren Paffey

Applicant: FI Real Estate Management	Agent: WYG
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Recommendation Summary	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment
3	DVS Viability Review dated 24.10.19		

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, CLT5, CLT6, HE2, HE6, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP1, AP2, AP5, AP9, AP16, AP17, AP20 and AP21 of the City Centre Action Plan (2015) and the National Planning Policy Framework (2019).

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, to include necessary Traffic Regulation Orders and relocation of existing taxi bays, 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;
 - (vii) Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013),
 - (viii) Submission, approval and implementation of a Travel Plan for both the commercial and student residential uses;
 - (ix) 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; and
 - (x) Submission of a scheme of works and management plan for the permitted route, public square and other publically accessible areas around the site.
3. 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.
 4. That the Service Lead for Infrastructure Planning & Development 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 Nelson Gate has a site area of 1.5 hectares and comprises a group of office buildings (Norwich House, Frobisher House and Grenville House) and car park, located to the north of the Central train station. Norwich House is the tallest building within the group and comprises a 14-storey office block located centrally within the site and has been vacant since June 2010. Frobisher House comprises a 7-storey building with 3 commercial units at ground floor (A class uses). Grenville House comprises a 5-storey building with 2 commercial units at ground floor (A class uses), located adjacent to the Central Station.
- 1.2 The buildings frame a central car park and servicing area which is accessed from Southbrook Road. The western part of the site comprises a surface level car park, accessed from Southbrook Road, which accommodates 110 parking spaces (27 of which are for public use) with a mature tree screen.

- 1.1 Existing office floor space within Nelson Gate comprises the following:

Norwich House	6335sqm
Frobisher House	6686sqm
Grenville House	1265sqm
Total	14,286sqm

- 1.4 Prior approval has been granted for the change of use of Norwich House and part of Frobisher House into residential accommodation. The majority of the office stock across the site is vacant however there are some current tenants within Grenville House.

- 1.5 The existing office buildings are framed by areas of mature landscaping and trees, particularly along the northern and western boundaries. New public realm works have recently been carried out around the central station and to the east of Nelson Gate. The site topography falls from north to south with a level difference of approximately 4m between Commercial Road and Southbrook Road. Site levels also rise along the western boundary with a tree lined embankment adjacent to Central Station Bridge. Existing taxi parking bays are located along the Southbrook Road frontage.
- 1.6 The surrounding area has a mixed commercial and residential character. Existing neighbouring office development is located to the south (Overline House) and to the north (Spring Place and Skandia Point). Loveridge Trading Estate is located to the east and access from Southbrook Road. Existing nearby residential development includes Wyndham Court to the east, a grade II listed building, and housing within Mandela Way to the north-west.

2 Proposal

2.1 This is a 'hybrid planning' application for mixed use development, meaning that part of the scheme is fully detailed with the remainder requiring further detail. It comprises:

2.2 Outline planning permission (with all matters reserved) sought for:

- A multi-storey building, comprising residential (C3 use), hotel (C1 use) and retail (A1 to A5 uses) uses, located on the existing public car park within the western part of the site.
- The proposal is seeking to establish the principle of introducing a residential tower with adjoining lower rise hotel building. Indicative plans have been provided to show how the site could be developed with the following:
 - 20-storey tower with a maximum height of 71.13AOD, containing 110 new residential units (74 x1-bed and 36 x 2-bed) including a commercial unit and ancillary residential facilities at ground and lower ground floor; and
 - Adjoining 11-storey hotel building with a maximum height of 47.28AOD, containing 225 bedrooms and associated hotel facilities; and
 - A double level car park accommodating 43 car parking spaces with hotel amenity podium over is shown within the western part of the site.

2.3 Detailed planning permission is sought for the following:

- Demolition of Grenville House and the erection of a three-storey podium extension to Norwich House accommodating 4 no. ground floor commercial units (flexible A1 to A5 uses) at ground floor with office accommodation (2,112sqm) over, with communal terraces for residents and office workers at roof level);
- External alterations to Norwich House including installation of concrete frame balcony system, curtain walling and concrete panels;
- External alterations to Frobisher House including installation of concrete frame balcony system, glazed curtain walling and curtain walling with ceramic backed spandrels;
 - The western wing of Frobisher would be retained as office floor space with 2,217sqm of newly refurbished officer accommodation.

- Frobisher House will also retain 2 no. commercial units (flexible A1 to A5 uses) along the ground floor frontage to Wyndham Place;
- The existing parking area between Frobisher House and Norwich will provide a total of 68 car parking spaces; and
- The proposal includes associated landscaping works including the provision of a new meandering landscaped permissive public route, broadly following the alignment of the existing public footpath through the site between Commercial Road and Southbrook Road.

2.4 Across the hybrid scheme a total 11 no. trees are proposed to be removed (B/C Category trees) with 22 no. replacements proposed.

2.5 The Panel are being asked to consider the principle of all development and the detail of the fully designed phase. Indicative plans are included to show that a tall building comprising a hotel can be accommodated despite all details of this phase being 'Reserved' at this stage.

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 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.

3.3 Nelson Gate is located within the MDZ-Station Quarter as designated under policy AP21 of the City Centre Action Plan. Development within this area is expected to create a high quality and distinctive gateway and point of arrival for the city centre.

3.4 Office, residential, hotel, leisure, appropriate food/drink, small-scale retail will be supported in this location. New development within this area and the redevelopment of existing office buildings is required to provide office accommodation in line with policies AP1 (new office development) and AP2 (existing office development). Policy AP21 also seeks a greater amount and overall enhancement of public open space on the northern side of the Central Station. Tall building policy AP17 indicates that tall buildings of 5 storey or more and landmark buildings will be permitted as part of clusters of tall buildings within the Station Quarter.

3.5 Policy AP2 of the City Centre Action Plan relating to existing office accommodation currently defines Nelson Gate as a prime office area and indicates that net loss of office floor space will not be supported unless there are clear economic benefits. It should also be noted that policy AP2 indicates that Nelson Gate will be re-classified as an intermediate office area once major new

office development has been delivered in the MDZ Station Quarter, Western Gateway or Royal Pier Waterfronts Areas. Mixed use regeneration and the loss of some existing office floor space can be supported within the intermediate office area. Policy AP1 indicates that existing office site, identified within policy AP2 are also suitable sites for new office development.

4. Relevant Planning History

- 4.1 The existing office buildings and associated car parking and landscaping were granted planning permission on 05.05.1972 (LPA Ref 1438/P21). There have been subsequent planning applications for the creation of ground floor retail and food & drink units within Frobisher House and Grenville House.
- 4.2 Prior approval has been granted to change of use of part of the ground to fifth floors of Frobisher House from office use to 63 residential units (Class C3). Ref 19/00018/PA56.
- 4.3 Prior approval has been granted for change of use of part of the second to fifteenth floors of Norwich House from office use to 74 residential units (Class C3). Ref 19/00018/PA56
- 4.4 Prior approval has also been granted for change of use of the upper floors (1 - 4) of Grenville House from office use to 24 flats. Ref 17/01622/PA56.

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 (01.02.19) and erecting site notices (29.01.19). At the time of writing the report 5 representations have been received raising the following issues:

5.2 Overlooking and overshadowing of houses within Mandela Way

Officer Response – The indicative building heights and development density is considered appropriate having regard to the immediate context and site location adjacent to the central railway station. The indicative position of the 20-storey residential tower is located approximately 70m from housing within Mandela Way which is considered to be reasonable separation distance within this city centre context and will not give rise to unreasonable overlooking or loss of privacy. Furthermore the indicative arrangement for the hotel has bedrooms with an east or west facing aspect, rather than north facing towards Mandela Way.

- 5.2.1 *The introduction of external balconies to Norwich House and Frobisher House will have a negligible overlooking impact having regard to the orientation of buildings separation distance (approximately 80m) from Mandela Way. The application is supported by a shadowing impact which demonstrates the proposal would not lead to adverse shadowing of neighbouring properties having regard to the BRE Daylight and Sunlight Standards. The submitted shadow diagrams show no adverse shadowing of private gardens within Mandela Way. There is some increased shadowing to the southern elevations of housing within Mandela Way between 10am-11am (taking 21st March as the average circumstance) which is considered only a limited impact during daylight hours and, on balance, this impact is not considered to outweigh the merits of this scheme.*

5.3 **Increased Traffic Generation**

Officer Response - The Council's Highways Team have raised no objection. The substantial reduction in office accommodation across the site heavily reduces the peak vehicular trips generated by Frobisher House, Norwich House and Grenville House. The provision of 111 spaces across the site is significantly below the Council's maximum car parking standards for the quantum of development proposed with a maximum of 212 spaces possible. The site is located within a sustainable location where reduced car parking can be supported having regard to the close proximity to public transport and other amenities with the city centre. Cycle parking facilities shall be secured by condition in order to promote alternative sustainable modes of transport.

5.4 **A phasing plan should be secured which clearly identifies the sequencing of the various elements of the scheme, to secure adequate protection for existing leasehold occupiers within Grenville House.**

Officer Response – The agreement of terms for vacant possession between the developer and existing leaseholders is a private civil matter. A phasing plan will be secured to ensure delivery of the 4329sqm of office space within Norwich and Frobisher, the permissible route and public square prior to occupation of any part of the proposed multi-storey tower. However the phasing plan is unlikely to support the delay to demolition of Grenville House because that would hold up delivery of the new office accommodation, commercial units and public square adjacent to the central railway station.

5.5 **City of Southampton Society – No objection**

We are pleased to support the redevelopment of Nelson Gate and bring these buildings back into use and have no objection to their partial use for residential purposes and for the construction of a hotel and residential tower block to the west of the site. We are now satisfied from the shadow diagrams that the properties at 18-21 Mandela Way will not be adversely impacted. Likewise we are satisfied that steps will be taken to ensure that external noise (e.g. from the railway) will not have an adverse impact on the residents.

5.5.1 With reference to the latest report from the Hampshire Fire and Rescue Services we would like their recommendation that the installation of an Automatic Water Fire Suppression Systems (AWFSS) be made a condition in all the high rise blocks. We agree that the latest designs by the Design Advisory Panel ensure that Norwich and Frobisher Houses have a closer relationship with Wyndham Court. We are however disappointed that the new hotel and residential block are not a closer match - we are mindful that as yet these are just Outline plans for these buildings.

5.5.2 We are still concerned that the gap between the new hotel and Norwich House is only a 'permissive way' and not a full right of passage for the public.

5.5.3 The open space between the development and the (north) station entrance is still lacking sufficient greenery. Even now, without the additional heat from sunlight reflected from the new buildings, visits to the area during the summer months are oppressively hot.

5.5.4 Finally, we would like to see not only more space allocated for community use but also the provision of public conveniences, somewhere on the ground floor of

either Norwich House or Frobisher House - this should be made a condition for all major developments in the city centre.

5.5.5 *Officer Response* – *Public access through the permissive route will be retained at all times. Fire Safety measures are addressed through Building Regulations approval.*

5.6 Consultation Responses

5.7 SCC Highways – No objection

The site is situated within a sustainable city centre location where reduced car parking provision can be supported. The provision of 111 parking space to serve the proposed quantum of development is below the Council's maximum parking standards and is appropriate for the locality. Existing parking controls are in force within surrounding streets to prevent harmful overspill on-street parking stress. Furthermore the application is supported by evidence to demonstrate that the proposed development would generate less vehicular trips than the existing office floor space across the site and therefore the proposal will not have an adverse impact on network capacity. Measures should be sought to promote sustainable travel through a staff travel plan and on-site bicycle storage.

5.7.1 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. The application should also seek to secure the re-provision of the taxi parking bays shown to be removed to accommodate the proposed vehicular access into the car park adjacent to the tower.

5.8 **Historic England** – In regard to this hybrid application the key concern for Historic England is the potential for a tall building in this location to adversely affect the significance of the grade II* listed Civic Centre by impacting on its setting.

5.8.1 The Civic Centre was designed to have a landmark quality with the campanile appearing in long- range views on approaching the city. We know that this was a conscious consideration taken into account by the architect E. Berry Webber. In this sense the townscape setting of the Civic Centre contributes to its significance as a listed building.

5.8.2 The view of the campanile from Northam Road has been identified as a key view (view CCC.16). The parameter plan (2297_40410) indicates that the tallest building (the new block) would be up to 71.13m AOD which equates to a 20 storey building. Figure 2 on page 49 of the D&AS shows that a building of this height would be as high as the tree line in the view from Northam Bridge. While the trees exist and are in full leaf they would obscure the new building. However, Fig. 1 on the same page indicates that the reduction in height of the building by one storey (to 66.48m) would reduce the impact of the building in the view of the campanile (particularly in winter or if the trees were ever removed).

5.8.3 While the introduction of new development into the back drop of the view of the campanile from Northam Bridge would cause a low level of harm to the significance of the heritage asset the NPPF expects harm to be avoided or minimised (paragraph 190) and for *any* harm to be clearly and convincingly

justified (paragraph 194). Paragraph 196 requires harm to be outweighed by public benefit. In this instance, therefore, we believe the overall height of the new tower (including air handling units, lift mechanisms etc) should be reduced to a maximum of 66.48m AOD as this would reduce the harm to the Civic Centre. To justify this harm the applicant would have to demonstrate that the extra accommodation was essential on viability terms and that the overall height and massing of the buildings could not be distributed in a less harmful configuration.

5.8.4 *Officer Response – The height of proposed tower is shown as indicative with building scale to be fixed as part of the reserved matters but within the context of the submitted maximum parameters. However the submitted parameters plan indicates the applicants are seeking a height of up to 20-storeys / 71.13mAOD. Therefore this application needs to be assessed based on the impacts of a 20-storey building in this location. The site is identified for a tall building cluster to the north of the station under policies AP17 and AP21 of the City Centre Action Plan. Officers are satisfied that the proposed tower will not adversely impact upon protected strategic views (as set out within policy AP16) or any additional sensitive views within the Council's Tall Building Strategy. However it is acknowledged that the location of the tower would impact on the view of the Civic Centre Campanile and the top of the 20-storey tower would be visible behind the base of the Campanile when viewed from Northam Road. Historic England have identified this as low level harm and the difference in impacts between a 19-storey and 20-storey tower is considered negligible based on the views shown on page 49 of the submitted Design and Access Statement. As such the parameter maximum height for the tower of 20-storeys / 71.13mAOD is not considered to cause significant impact to the setting of the Civic Centre and any low level of harm is outweighed by the wider public benefits of the scheme in terms of housing delivery, employment benefits arising from new 'fit for purpose' office accommodation and new commercial units, and the associated public realm/landscaping works.*

5.9 **SCC Heritage Officer - Objection**

This is an unusual application to be dealt with by the Conservation Team because it deals with relatively modern structures. However, there are heritage implications which need to be carefully considered in terms of the impact on the setting of Wyndham Court, a brutalist Grade II listed building, and the setting of St Peter's Church. There are other heritage assets in the vicinity including the Mayflower Theatre formerly the Gaumont Cinema, but there is less immediate impact on this building. In principle, I have no objection to the demolition of Grenville House.

5.9.1 Nelson Gate already acts as a landmark. Far more so than Wyndham Court which is relatively low lying. Nelson Gate acts as a strong backdrop to the spire of St Peter's Church when viewed from Cumberland Place. It is not a sensitive backdrop and in terms of the historic environment, I would regard it as harmful. Although there appears to have been much consideration of the impact on views towards the Civic Centre campanile (rightly so), there is insufficient attention paid to the backdrop (setting) of St Peter's Church which is heavily impacted by the tall building appearing behind the already harmful Nelson Gate. Option 2, considered in the planning statement would appear to be better in terms of impact on all the heritage buildings but due to the developer requirements for floorspace, results in a monolithic block (slab) which has less streetscape quality. Nevertheless, I feel that this might be an option which should be explored further

in view of the more sympathetic effect on the heritage assets. I currently have misgivings about the proposal and in the absence of a proper thorough investigation of the impact on St Peter's Church setting, would therefore raise objection.

5.9.2 *Officer Response - See response to Historic England above regarding the impact on views of the Civic Centre Campanile. The wider public benefits of the scheme (employment and housing delivery) are considered to outweigh the impact on the setting of St Peter's Church (the Vestry bar and restaurant) having regard to the existing impact from Norwich House and the separation distance from the proposed residential tower and St Peters Church (approx. 230 metres).*

5.10 **Urban Design Manager – No objection**

Satisfied with the amendments to the external balcony system to Frobisher House. Disappointed with the external appearance of Norwich, when compared to the pre-application proposal which included movable and fixed sun screens to balcony frames to emphasise the verticality of the balcony, but overall no objection to the proposed amended external alterations to Norwich House. Satisfied with the reduced gradient to the permissive route through the site (Sidford Street) now show as a meandering route, rather than a zig zag set of ramps with retaining structures and adjacent steps, but would prefer to see a quicker route for commuters to reflect desire lines. Satisfied with the triangular public space to the front of the retail units as a hard space with trees, with a different landscape character to the proposals in the northern part of the site. It is acknowledged that only the parameters of the residential tower and hotel are under consideration, not the design.

5.10.1 *Officer Response – The applicants would prefer to have a meandering landscaped permissive route (Sidford Street) and seek to use kerb edging and planting to prevent informal commuter desire lines across the grassed areas. On balance, the proposed arrangement is considered acceptable and a vast improvement over the original over-engineered ramps and steps solution.*

5.11 **Design Advisory Panel – No objection**

By introducing planting areas into the space in front of the retail units on Southbrook Road this has rather distorted the simplicity of the previous landscape strategy which had a hard space with trees to this area contrasting with the more luxuriant soft landscaping to Commercial Road. If low level shrub beds are to be introduced, then care needs to be taken as to how they are sited in respect of access and views through to the retail units and avoidance of 'trampling' by pedestrians in this periodically high commuter footfall area.

5.11.1 Care will need to be taken with regard to material finishes, particularly in relation to the repetitive form of the balconies on both buildings as this is the dominant feature of the overall architecture

5.11.2 Overall the Panel were disappointed that the sophisticated transformative proposals that had been presented previously for Norwich House and Frobisher House have now been reduced to a relatively simple refurb of the existing buildings which is hardly the transformative gateway which had been suggested at the previous Panel

- 5.11.3 Given the changes between presentations to the Panel, much greater pressure now falls on the residential tower/hotel to deliver a bold piece of contemporary architecture of landmark/gateway significance, and the Panel would expect the detailed proposals to be presented for review preferably prior to any future detailed submission, but at a point where the developer/applicant is confident that the quality of whatever is presented to Panel can be delivered.
- 5.11.4 *Officer Response – The scheme has subsequently been amended following these DAP comments with improvements to the permissive route (Sidford Street), landscaping arrangements and improvements to the external alterations to Norwich House and Frobisher House.*
- 5.12 **Ecology Officer** – No objection subject to conditions to secure ecological mitigation, protection of nesting birds and lighting design. In addition, peregrine falcons, *Falco peregrinus*, has successfully bred on Norwich House this year and consequently the proposed refurbishment must retain a suitable nesting area, ideally raised up slightly to prevent a nest being flooded during heavy rain. I would also like a nest site to be provided on the roof of the new tower which appears to be slightly higher than Norwich House. Ideally, refurbishment work on Norwich House will be timed to avoid the bird breeding season, which runs from March to August inclusive. However, if this is not possible, action to discourage the peregrines from breeding should be taken earlier in the spring. A method statement for avoiding impacts on peregrine falcons will be required and should be secured through a planning condition. As previously stated, any changes to the roof should not introduce higher levels of disturbance, e.g. regular human visits to the roof.
- 5.13 **Archaeology** – No objection subject to conditions to secure archaeological investigation
- 5.14 **Environmental Health** – No objection subject to conditions in relation to demolition, piling, plant details, construction management, noise mitigation, hours of work and refuse storage.
- 5.15 **Tree Officer** – No objection
The loss of six sycamore trees is a vast improvement on previous tree loss numbers, with the bulk of the amenity to Fourposts Hill being retained. Careful consideration will need to be placed on suitable protection for the remaining trees in tree group G4 during the construction, including overhanging canopies and on site operations; positioning of piling rigs, cranes and general plant movement throughout. Remedial pruning to those trees retained and future pressure to remove and /or prune should also be considered. The retention of the majority of tree group G1 (6 x Norwegian Maples), located on the northern side of Norwich House is welcome but again careful planning will be needed to protect them during the construction phase.
- 5.15.1 The other proposed tree loss on site is generally acceptable, given the low amenity value provided or condition of the trees marked for removal – T1, T2, T3

and 2x tree from G1. A total of 11 trees are to be removed with 22 replacements proposed. A detailed Arboricultural impact assessment and method statement on the site would be required to detail the full impact of the proposals and how these will be managed.

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

5.17 **SCC Flood** – No comments received
Officer Response - The Environment Agency have raised no objection and conditions are recommended to secure the recommendations of the FRA and to secure a SUDS drainage scheme.

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

5.19 **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 for the residential parts of the scheme; Very Good against the BREEAM Standard, with a minimum overall score of 62 and at least 3 credits in Ene01 on the hotel, office and commercial floor space; a reduction in CO2 emissions of at least 15% for the scheme; and the delivery of the proposed green and brown roofs.

5.19.1 The particular nature of this scheme as an addition to an existing site means that certain credits will be more difficult to achieve. However this is a significant site so it is important that the highest possible sustainability standards are achieved. The submitted pre-assessments are a reasonable assessment of what the site would be able to achieve therefore it would be acceptable to condition for Very Good to be achieved, with a minimum overall score of least 62, with Excellent to be sought where viable. It is essential that at least 3 credits are achieved in Ene1, with a priority to seek to achieve the additional potential credits. The area of the photovoltaic array necessary to deliver additional BREEAM energy credit exceeds the total roof area within the development.

5.20 **SCC Housing** – As the scheme comprises of 110 dwellings (as distinct from the Prior Approval units) the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 39 dwellings (38.5 rounded up).

Officer Response – SCC Housing have acknowledged the findings of the DVS viability review which found the scheme is not viable and cannot provide any contribution towards affordable housing. However the delivery of the scheme is questioned given the scheme is showing to be £7,875,312 underwater if delivered as PRS or £8,258,262 underwater as a private sale scheme.

5.21 **SCC Licensing Manager** - I have no concerns or objections to the proposal of plans, especially the hotel with regards the Licensing Act 2003 implications. However the proposal does look like it will impact on the taxi rank provision for

the train station opposite the site. This is one of the busiest taxi ranks in the city and is heavily used by hackney carriages. Currently we have 283 licensed hackney carriages in the city and only rank space for less than 100. Ranks across the city are often oversubscribed. I would not want this development to reduce the capacity at the rank.

Officer Response – Replacement taxi parking can be secured through the S106 agreement with opportunity to replace those spaces lost (in front of the new access) with opportunity for new spaces in front of the existing public car park access point.

5.22 **Environment Agency** - No objection subject to a condition to secure the recommendations of the submitted Flood Risk Assessment 4th Edition – August 2019.

5.23 **Natural England** – Holding objection

As submitted, the application could have potential significant effects on Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SAC), Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), and New Forest SPA, SAC and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Ecological assessment of impacts of the operational phase of the development on the designated sites

Officer Response – A habitats regulations assessment (HRA) has been produced to cover the impacts of the operational phase of the development on the designated sites. A copy of the HRA is appended to the report and has been sent to Natural England for further comments

5.24 **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.

5.25 **Airport Safeguarding** – No objection subject to conditions to secure a Bird Hazard Management Plan and lighting and request an advisory relating to the use of cranes.

5.26 **Hampshire Fire & Rescue** – No objection and guidance provided in relation to fire safety

Officer Response – Fire safety is a matter for Building Regulations (Approved Document B: Fire Safety) however the suggested advisories (access for high reach appliances; water supplies; fire protection; testing of fire safety systems; fire-fighting and the environment; and timber framed buildings) can be attached to the decision notice.

Planning Consideration Key Issues

- 6 The key issues for consideration during the determination of this planning application are:
- the principle of the development
 - design and heritage impact;
 - residential environment & impact on neighbours;
 - highways;
 - habitats regulations; and
 - affordable housing and viability.

Principle of Development

- 6.1 The site is located within the MDZ – Station Quarter under policy AP21 of the City Centre Action Plan. New development within this location is expected to create a high quality and distinctive gateway and point of arrival for passengers exiting the northern side of the Central Station. Higher densities and taller buildings are appropriate within this gateway location, subject to satisfying the requirements of design and tall building policies AP16 and AP17 of the City Centre Action Plan.
- 6.2 The proposed range of uses comprising new and refurbished office accommodation, residential, hotel, leisure and food/drink and small scale retail units (less than 750sqm) are appropriate for the MDZ - Station Quarter as identified within policy AP21
- 6.3 Policy AP2 of the City Centre Action Plan relating to existing office accommodation currently defines Nelson Gate as a prime office area and indicates that net loss of office floor space will not be supported in this area unless there are clear economic benefits.
- 6.4 The majority of the existing office floor space at Nelson Gate is vacant and prior approval (PA56) has been granted for the conversion of office floor space to residential units within Norwich House, Frobisher House and Grenville, under the provisions of Class O, schedule 2 of the General Permitted Development Order 2015 (as amended). Furthermore evidence from a commercial agent (Lambert Smith Hampton) has been submitted with this planning application to support the proposed net reduction in the amount of office floor space across the site. The proposal seeks to provide 4,329sqm of office floor space (2,112sqm of new office floor space within the podium extension to Norwich House and 2,217sqm retained within Frobisher House). The submitted evidence indicates that current demand in Southampton City Centre is for smaller floorplates (1,524sqm to 3,048sqm) in buildings of 12-18,000sqm in size. The letter also notes that office take up in Southampton in 2018 was circa 13,400sqm. It should also be noted that we have seen office schemes recently, such as The Bond (planning consent for c.48,700sqm sqm of Grade A offices) and Mayflower Plaza (planning consent for c33,500sqm of Grade A offices), developed for alternative uses as there was no demand for this quantum of office space.
- 6.5 The hybrid scheme also offers clear economic benefits to outweigh the net loss of office space across the site with 4,329sqm of new and refurbished office space, 1,237sqm of retail/food & drink floor space, 225-bed hotel and 110

residential units (plus 137 residential units granted under separate prior approval) to be provided. Therefore it is considered that the net loss of office accommodation at Nelson Gate can be supported in principle. It should also be noted that policy AP2 indicates that Nelson Gate will be re-classified as an intermediate office area once major new office development has been delivered in the MDZ Station Quarter, Western Gateway or Royal Pier Waterfronts Areas. Mixed use regeneration and the loss of some existing office floor space can be supported within the intermediate office areas (in accordance with policy AP2).

- 6.6 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 proposed 110 residential units within the tower would assist in meeting this identified housing need.
- 6.7 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 accessibility where net density levels of over 100 dwellings per hectare can be supported. The proposed tower has a density of 1,833 dwellings per hectare. The proposed housing mix of 74 x1-bed and 36 x 2-bed 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.
- 6.8 **Design & Heritage Impact**
The proposed design has evolved through pre-application negotiations and has been informed by consultation with the Council's Urban Design Manager, Historic England and has been subject to review by the Independent Design Review Panel.
- 6.9 Tall Building Policy AP17 of the City Centre Action Plan indicates that tall buildings of 5-storeys or more and landmark buildings should of high quality design and materials; respond well to their site and context and provide a mix of uses. Tall buildings can be supported as part of clusters of tall buildings at Station Quarter, providing a high quality and distinctive gateway and point of arrival for the city centre (as required under policy AP21 MDZ – Station Quarter).
- 6.10 The design of the outline part of this hybrid application is not under consideration at this stage and detailed consideration of the scale, appearance, layout, landscaping within this part of the scheme will take place at reserved matters stage. This application seeks agreement to the principle of a multi-storey building comprising residential, hotel and retail/food & drink uses. It is considered that a new build tower can be supported in principle within this part of the site given the parameters provided in the indicative scheme.
- 6.11 The height of proposed tower is shown as indicative with building scale to be fixed as part of the reserved matters. However the submitted parameters plan indicates the applicants are seeking a height of up to 20-storeys / 71.13mAOD. Therefore this application needs to be assessed based on the impacts of a 20-storey building in this location. The site is identified for a tall building cluster and gateway to the north of the station under policies AP17 and AP21 of the City Centre Action Plan. The Local Planning Authority is satisfied that the proposed

tower will not adversely impact upon protected strategic views (as set out within policy AP16) or any additional sensitive views within the Council's Tall Building Strategic. However it is acknowledged that the location of the tower would impact on the view of the Civic Centre Campanile and the top of the 20-storey tower would be visible behind the base of the Campanile when viewed from Northam Road. Historic England have identified this as low level harm and the difference in impacts between a 19-storey and 20-storey tower is considered negligible based on the views shown on page 49 of the submitted Design and Access Statement. As such the parameter maximum height for the tower of 20-storeys / 71.13mAOD is not considered to cause significant impact to the setting of the Civic Centre and any low level of harm is outweighed by the wider public benefits of the scheme in terms of housing delivery, employment benefits arising from new 'fit for purpose' office accommodation and new commercial units, and the associated public realm/landscaping works.

- 6.12 The application is supported by a microclimate assessment which indicates that the proposed 20-storey tower will not lead to wind speeds that would endanger pedestrians or cyclists.
- 6.13 The part of this scheme which is subject to full planning permission, namely the external alterations to Frobisher House and Norwich House, demolition of Grenville House, three-storey podium extension to Norwich House, formation of a public square, and landscaped pedestrian route through the site are considered acceptable in design terms. The scheme has been amended to address comments from the Design Advisory Panel and the Council's Urban Design Manager. As such the scheme is considered to meet the high design standards expected for this gateway site and conditions are recommended to ensure delivery of a high standard of design and materials. Any subsequent applications seeking agreement of reserved matters, conditions or seeking amendments will be judged against the requirements of paragraph 130 of the NPPF which indicates:
- '...decision makers should 'seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme (for example, through changes to approved details such as materials).'*
- 6.14 **Residential Environment & Impact on Neighbours**
The area has a mixed commercial and residential character and the site is within a wider policy allocation (MDZ – Station Quarter) which supports residential use within this location. The proposed tower would be positioned forward of Norwich House and will not be constrained in terms of outlook and daylighting to the proposed flats. Whilst detailed layout of the tower is not under consideration, it is noted that external balconies and a roof terrace are provided to serve the proposed flats. Assessment of the layout and unit sizes of the proposed flats will take place at reserved matters stage when the layout is fixed. Furthermore measures to mitigate against noise impact from railway and road traffic noise will be assessed at detailed reserved matters stage.
- 6.15 **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 provide less than the maximum car parking standards for the quantum of development with 111 car parking spaces proposed (maximum permissible would be approximately 212 car

parking spaces). Having regard to the nature of the proposed uses 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. The proposed quantum of development and range of uses are predicted to generate less vehicle movements than the existing office accommodation and therefore the scheme will not have an adverse impact on highway safety nor will it lead to increased congestion on the highway network.

6.16 Servicing management and adequate bin and bicycle storage will be secured by condition. A staff travel plan and re-provision of taxi parking bays can be secured through the S106 legal agreement. Furthermore a legal agreement will be used to secure site specific highway works to mitigate against the impact of the development which may include:

- Improvements to crossing facilities across Commercial Road to link the site to Hill Lane
- Improvements for pedestrian/cycle link from the site to the bottom of Nelson Hill cycle lane
- Contribution towards Southampton Cycle lane network (SCN4) to encourage and promote sustainable and active travel along Hill Lane
- Public permitted route rights along the main north-south route through the middle of the site
- Details of public realm to be agreed in and round the site.

6.17 Additionally a highway condition survey will be required to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

6.18 **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.

6.19 **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 dated 24.10.19 is appended to this report at Appendix 3.

- 6.20 The DVS report concludes that a 100% private scheme incorporating a site value of £6,010,367 with CIL contributions totalling £953,243 is not viable and cannot provide any contribution towards affordable housing. The appraisal shows a deficit figure of -£7,875,312 as a PRS scheme and - £8,258,262 as a private sale scheme following a developer profit of 17.5% of Gross Development Value (GDV) for the residential, 15% of GDV for the hotel and commercial uses. DVS have questioned the delivery of the development given the large deficit of each scheme. The applicants have been asked to demonstrate that a policy compliant scheme is deliverable which retains the level of design quality expected from this gateway site with an explanation of why a scheme that is between £7.8-8.2million underwater will come forward and an update will be provided at the panel meeting.

7 Summary

- 7.1 The proposed range of uses and are suitable for this location within the Station Quarter and accord with policy AP21. The net loss of open space across the site is accepted in principle having regard to the existing prior approval consents for residential conversion of the existing buildings and evidence provided regarding existing market conditions. The delivery of 4,368sqm of new and refurbished office development as part of this scheme reflects current market demand. Furthermore there are clear economic benefits arising from this scheme which outweigh the net loss of some office floor space and there is clear justification for the level of new office floor space proposed. A phasing condition is recommended to ensure the new accommodation is delivered prior to occupation of the residential tower and hotel.
- 7.2 This is a site suitable for higher density development and policies AP17 and AP21 support new tall buildings as part of a tall building cluster to form a landmark and gateway north of the Central Station. It has been demonstrated that the proposed height parameters will not impact upon protected strategic views. An additional view of the Civic Centre Campanile has been identified from Northam Road however the impact on the setting of the Campanile is not considered harmful having regard to the submitted views and also having regard to the wider public benefits of this scheme. The application has been supported by shadowing and microclimate assessment to demonstrate no adverse impacts and the development is not considered to lead to harmful overlooking or loss of privacy within this city centre context.
- 7.3 The design proposals will assist in bringing the site back into full use and no objection has been raised by the Council's Urban Design Manager, and the scheme has been amended to address the comments of the Design Advisory Panel. Furthermore the Council's Tree Officer has no objection to the proposed removal of 11 existing trees with 22 replacements proposed.
- 7.4 No highway objection is raised and the incorporation of an improved permissive route through the site linking Hill Lane and Southbrook Road is welcomed. Furthermore the provision of new public space adjacent to the Central Station accords with policy AP21.
- 7.5 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

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 following completion of the S106 legal agreement.

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 12/11/2019 PROW Panel 19/00038/OUT

Conditions

01. Outline part of this Hybrid Planning Permission - Timing Condition (Performance Condition)

Outline Planning Permission for the principle of the development proposed is approved subject to the following:

- (i) Written approval of the details of the following for development within the boundary of the outline application, shown on plan ref 2297-40410 Rev A, awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
- the layout of the buildings on site and detailed siting of associated areas;
 - the means of access (vehicular and pedestrian) to the site and the buildings;
 - the appearance and architectural design specifying the external materials to be used;
 - the scale of the buildings indicating massing and building bulk and the height of the proposed residential tower shall not exceed those heights listed in parameters plan 2297-40410 Rev A (including lift overrun) unless otherwise agreed in writing by the Local Planning Authority (in consultation with Historic England); and
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended). To protect views of the Civic Centre campanile from Northam Road in accordance with the requirements of policies AP16 and AP17 of the City Centre Action Plan (2015) and paragraphs 190, 193, 194 and 196 of the National Planning Policy Framework (2019).

02. Full part of the Hybrid Planning Application - Implementation (Performance Condition)

The part of the Development where full details are by this planning application, approved in relation to the land outside of the boundary of the outline application on plan 2297-40410 Rev A, shall begin no later than three years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

03. Phasing (Pre-Commencement Condition)

The proposed development, shall follow an implementation phasing programme, with details to be first agreed in writing with the Local Planning Authority prior to the commencement of development. The phasing plan shall ensure the office floor space, permissive route and new public space hereby approved is completed prior to occupation of the residential tower and hotel multi-storey building hereby granted outline approval.

Reason: To ensure that development takes place in an ordered and agreed methodology. In the interests of retaining office provision on site in accordance with policies AP2 and AP21 of the City Centre Action Plan. In the interests of retaining a permissive route through the site and ensure the areas of public open space are delivered in a timely manner.

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

No construction works on the superstructure of the buildings within any individual phase shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority for that relevant phase of development. Development shall be implemented only in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of the relevant phase. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings.

It is the Local Planning Authority's practice to review all such materials on site.

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.

05. Details of external appearance (Pre-commencement Condition)

No development shall take place (excluding site set up and demolition, archaeology, site investigations, services and diversions), within each phase identified by condition 03, until detailed drawings to a scale of 1:20 showing a typical section of window reveals, the external balcony system, glazed curtain walling, 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 guard 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.

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

Prior to commencement of development within each phase, a detailed landscaping scheme and implementation timetable shall be submitted, which includes for that relevant phase:

- i. proposed finished ground levels or contours; including sections where necessary; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hardsurfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. 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);
- iv. details of any proposed boundary treatment, including retaining walls;
- v. details of sightlines from points of access onto the public highway and;
- vi. a landscape management scheme.

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

The approved hard and soft landscaping scheme (including parking) for the each phase shall be carried out prior to the first occupation of buildings within each relevant phase, 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.

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

07. A1/A2/A3/A4/A5 Floorspace (Performance Condition)

The flexible retail uses hereby permitted for the development shall, under Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) shall be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

08. A1/A2/A3/A4/A5 Hours of Use and Delivery Restriction (Performance Condition)

The non-residential ground floor uses hereby permitted shall not operate outside the following hours:

06:00 to 00:00

No deliveries shall be taken or despatched from the non-residential ground floor uses outside of the hours of 07:00 to 23:00 daily.

The hotel bar and restaurant shall be limited to hotel guests only after midnight.

Reason: In order to control the use in the interests of the amenity of nearby residential occupiers.

09. Servicing Management Plan (Pre-Use Condition)

Before each commercial unit comes into use, a management plan for the servicing and delivery of that relevant unit shall be submitted to and approved in writing by the Local Planning Authority. The Management Plans shall be adhered to for the lifetime of the development, unless subsequently amended plans are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and convenience of the users of the adjoining highway and residential amenity.

10. Active Frontages (Performance Condition)

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 A Class Units hereby approved shall retain some form of 'active window display' on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl).

Reason: In the interests of retaining a lively and attractive streetscene whilst ensuring adequate natural surveillance is offered to the public realm.

11. Plant and Machinery and Soundproofing (Pre-occupation)

Before each commercial unit comes into use, details of plant and machinery to be used within the relevant commercial unit, together with measures to minimise noise from them and soundproofing measures to mitigate any external and internal noise transfer to residential units within the development, shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be installed in accordance with the agreed details before the relevant unit is occupied and thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure residents of the development are not adversely affected by noise from the commercial uses.

12. Flood Risk (Performance Condition)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment 4th draft - August 2019 (23.8.19), and the following mitigation measures detailed within the FRA:

- o In relation to Grenville House (outline application for the demolition of the building to replace with a new multi-storey building accommodating both residential apartments and a hotel with potential for a commercial unit at ground floor level):
- o All residential accommodation / habitable rooms must be located at 6.2 mAOD or above (new build tower) and at 15.8 mAOD (hotel).
- o In relation to Norwich House (full planning permission for the refurbishment of both Norwich House to deliver a combination of residential, office and commercial uses. A three-storey podium extension is proposed for Norwich House projecting south, which will accommodate ground floor level commercial floor space and two levels of office space above):
- o All residential accommodation / habitable rooms must be located at 13.8mAOD or above.
- o In relation to Frobisher House (full planning permission for the refurbishment of Frobisher House to deliver a combination of residential, office and commercial uses):
- o All residential accommodation / habitable rooms must be located at 7.4mAOD or above.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To ensure the safety of the development and future occupants.

The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

13. APPROVAL CONDITION 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.

14. APPROVAL CONDITION 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.

15. APPROVAL CONDITION 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.

16. APPROVAL CONDITION 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.

17. APPROVAL CONDITION 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.

18. 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, including method statement for avoiding impacts on peregrine falcons 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.

19. Protection of nesting birds (Performance)

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

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

20. External Lighting Scheme (Pre-Commencement)

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.

21. 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.

22. 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.

23. Construction & Demolition 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.

24. Demolition Statement (Pre-Commencement)

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of adjacent residential properties.

25. Demolition - Dust Suppression (Pre-Commencement)

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason: To protect the amenities of users of the surrounding area.

26. Noise (Performance Condition)

The development shall be carried out in accordance with the recommendations of the Noise Assessment by WYG dated December 2018.

Reason: In the interests of the amenity of adjacent residential properties.

27. 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.

28. 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.

29. Energy & Water

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

30. APPROVAL CONDITION ' Energy & Water [performance condition]

Within 6 months of any part of the new residential 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).

31. APPROVAL CONDITION - Zero or Low Carbon Energy Sources

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO₂ emissions of at least 15% for the scheme must be submitted and approved in writing by the Local Planning Authority prior to development works with the exception of site clearance, demolition and preparation works. The development must incorporate means for connection to the district heating system. 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).

32. Approval Condition - Green/Brown roof specification

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until a specification for the green and brown roofs as shown on the approved plans are submitted and 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 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation 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)

33. APPROVAL CONDITION - BREEAM Standards

With the exception of site clearance, demolition and preparation works, no development works shall be carried out on the new Hotel, Retail or Office, until written documentary evidence demonstrating that the development will achieve at minimum Very Good against the BREEAM Standard, with a minimum overall score of 62 and at least 3 credits in Ene01. This shall be in the form of a design stage assessment, which 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).

34. APPROVAL CONDITION - BREEAM Standards [performance condition]

Within 6 months of the new Hotel, Retail or Office development first becoming occupied, written documentary evidence proving that each development has achieved at minimum Very Good against the BREEAM Standard, with a minimum overall score of 62 and at least 3 credits in Ene01, 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).

35. APPROVAL CONDITION - 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).

36. APPROVAL CONDITION - Sustainable Drainage (Pre-Occupation Condition)

No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

To ensure the submitted Sustainable urban Drainage Systems are provided as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

37. 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.

39. Southern Water - Phasing and waste water network capacity (Pre-occupation)

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development

Reason: To ensure there is adequate waste water capacity to serve the development.

40. 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.

41. Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Bird Hazard Management Plan should comply with advice note 3: <https://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>

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 development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

42. Permanent Obstacle Lighting Scheme

Obstacle lights shall be placed on the buildings. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=6114>).

Reason: Permanent illuminated obstacle lights are required on the development avoid endangering the safe movement of aircraft and the operation of Southampton Airport.

43. Arboricultural Method Statement (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

44. Arboricultural Protection Measures (Pre-Commencement)

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

1. Induction and personnel awareness of arboricultural matters
2. Identification of individual responsibilities and key personnel
3. Statement of delegated powers
4. Timing and methods of site visiting and record keeping, including updates
5. Procedures for dealing with variations and incidents.

Reason: To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to

ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees

45. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of each building, 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. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse 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.

46. Cycle storage facilities (Pre-Commencement Condition)

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

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

47. Parking (Pre-Occupation)

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. A maximum of 111 car parking spaces shall be provided with a ratio of more than 1 parking space per residential flat.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.