

**Planning and Rights of Way Panel 25 August 2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> Car Park, College Street, Southampton			
<b>Proposed development:</b> Installation of storage containers for retail and food and drink use, shared office workspace and studio space for artists, with associated events space for a temporary period of 5 years			
<b>Application number:</b>	20/00173/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Andrew Gregory	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	10.04.2020 (ETA)	<b>Ward:</b>	Bargate
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Bogle Cllr Noon Cllr Paffey
<b>Applicant:</b> Mr Matthew Sanger		<b>Agent:</b> Studio Four Architects Ltd	

<b>Recommendation Summary</b>	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	As a temporary use the proposal falls under Regulation 5 Paragraph 2 of the CIL Regulations (as amended) and therefore will not be CIL liable.
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered 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 (2019). Policies – SDP1, SDP4, SDP5, SDP10, SDP15, SDP16 and REI7 of the Local Plan Review (amended 2015), CS1, CS6, CS14, CS18, CS19, CS20, CS23, CS24 and CS25 of the Core Strategy (amended 2015) and AP8, AP15, AP16, AP18 and AP34 of the City Centre Action Plan (2015).

<b>Appendix attached</b>			
1	Development Plan Policies		

## **Recommendation in Full**

1. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:

- i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to either undertake a scheme of works or provide a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 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. 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 facilities.

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

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

- 1.1 The application site comprises the College Street car park, which is owned and operated by Southampton City Council. The proposal relates to the eastern half of the car park which contains 73 car parking spaces, with 95 spaces to be retained on the western side of the car park. The site is accessed from College Street which bounds the site to the north, with two separate in/out access points. The site is bounded by Bernard Street to the south, the A33 to the West and Terminus Terrace to the East. A number of trees are located on the site boundary and a boundary wall and railings enclose the car park.
- 1.2 The area has a mixed residential and commercial character. Student and non-student tall flatted blocks are located on College Street to the north with housing located to the south and west. The townhouses on the adjacent southern side of Bernard Street are Grade II listed (113-121 and 123-133 Bernard Street) and are located within the Oxford Street Conservation Area. The Flying Dutchmen public house is located at the corner of Bernard St/Terminus Terrace with more food and drink outlets and commercial property located further south on Oxford Street.

The College Street car park has a pedestrian access on its southern side which is directly opposite John Street which provides a pedestrian access route through to Oxford Street. The City Commerce Estate is located further to the north-east.

## **2. Proposal**

- 2.1 The application seeks a 5 year temporary permission for a container park on the eastern part of the College Street Car Park. The Container park would comprise converted shipping containers made available for retail (132sqm gross floor space) and food and drink uses (266sqm gross floorspace), shared office workspace and studio space for artists (160sqm gross floorspace), with associated events space. The container park model is now well established with numerous sites located nationwide including in London, Manchester, Bristol, Cardiff, Edinburgh and York. The ethos of this container park scheme is to provide a place for new start-up businesses, local producers and creatives with space for work, events, shopping and food and drink facilities.
- 2.2 The proposal comprises 20ft (6m) or 40ft (12m) long container units arranged to form two internal courtyard spaces. The larger eating court area would be enclosed with a tensile-fabric roof canopy. The containers are double stacked on the western side to form an upper floor bar and terrace and artist's studio. The containers are also proposed to be stacked 4 high to create a feature at the corner of Bernard Street and Terminus Terrace. Some of the containers will be branded and powder coated with vibrant colours to create visual interest. The other containers will be colour coated grey.
- 2.3 A small section of existing railings will be removed on Bernard Street to provide the main pedestrian entrance. There will be no impact to existing boundary tress and no further alterations to the existing boundary and access arrangements to the car park. Staff and servicing access will take place from an existing vehicular access from College Street.
- 2.4 The proposal is a car free development with all adjacent car parking retained for public car parking. 18 no. cycle parking spaces are provided.
- 2.5 The proposal seeks trading hours of
- 07:00-23:00 Monday to Friday on the office floorspace and
  - 11:00-23:00 Monday-Sunday on the retail and food and drink uses.
  - 6 special entertainment/live music events are proposed per year proposed hours of 11:00-21:00.
- 2.6 Although the site is owned by the Council this should have no bearing on the planning merits of the case.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1.***

- 3.2 The 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 The College Street car park is identified within the City Centre Action Plan as having potential to form part of a comprehensive wider development of the Duke Street, Richmond Street and College Street area. Policy AP34 identifies the site as suitable for mixed use development, with acceptable uses listed to include residential, student accommodation, offices, media/creative industries/workshops, food and drink, small scale retail (A1) (under 750 sq m gross) and hotel uses. Policy AP34 indicates that development on this site should provide active frontages along Bernard Street and Threefield Lane; respond to the increase in height towards Richmond Street and protect and enhance the setting of the adjacent conservation area and listed buildings; must achieve an appropriate degree of safety in respect of flood risk in line with policy AP 15.
- 3.4 The site is located outside of a night time hub and is outside of the Oxford Street night time zone. Policy AP8 of the City Centre Action Plan relates to the Night Time Economy and indicates that the Council will use its planning and licensing functions to promote a night time economy with a range of activities that contribute to a vibrant city centre whilst minimising potential disturbance to nearby residential areas. Late night food and drink uses, located outside of designated late night zones and hubs, where it can be demonstrated there would be no adverse disturbance to nearby residents, will only be supported with hours of operation up to 11pm. The supporting text to policy AP8 indicates that contributions will be sought from applications for night time economy uses towards community safety measures which may include CCTV – particularly when the offer exceeds a 10pm close.
- 3.5 Policy SDP16 of the Local Plan Review indicates that noise generating development would not be permitted if it would cause an unacceptable level of noise impact with applicants required to submit a noise impact report to assess the effect of the proposed development. This application is supported by a Noise Assessment, which is discussed in the consultee and consideration sections of this report.
- 3.6 The site is located within a tidal flood zone 2 and policy AP15 of the City Centre Action Plan requires developments within flood zones to be supported by Flood Risk Assessment to demonstrate an appropriate degree of safety against flood risk for the lifetime of the development. This application is supported by a Flood Risk Assessment which is discussed in the consultee and consideration sections of this report.

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

- 4.1 There is no relevant planning history for this site.

## **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, and erecting a site notice **25.02.2020**. At the time of writing the report **20 representations have been received in support of the proposal and 7 objections**. The following is a summary of the points raised:
- 5.2 ***The data regarding car park usage is flawed (TRANSPORT\_STATEMENT-1371819.pdf) and presents a false picture. Calculations based on surveys of the car park show an average occupancy rate of 57%, with approximately 26 days when the car park is greater than 90% full, a further 96 days where the car park is three quarters or more full and in total in over 90% of the days of the year the car park will be more than 60% full. Around 20% of the difference between the reported '26%' and the calculated 57% is accounted for by permit holders***  
*Officer Response* – No objection has been raised by Highways Development Management and the loss of car parking on this site is supported by policies in the City Centre Action Plan and Local Transport Plan 4. 67% of the existing parking spaces will be retained which exceeds the average occupancy rate of 57%. The merits of the scheme are considered to outweigh the occasions when parking demand is higher, such as during matches and concerts at St Mary's Stadium and there are other parking facilities in the city centre to support these events.
- 5.3 ***It is a high density residential area unsuitable for such a development***  
*Officer Response* - The site is located within the city centre and this area has a mixed residential and commercial character, and the site is allocated in the development plan for the range of uses proposed meaning that the principle of development is acceptable subject to the consideration of specific detail.
- 5.4 ***There are plenty of unused buildings in the Oxford Street area***  
*Officer Response* – The site is allocated for the range of uses proposed. The container park would provide a different offer to existing vacant commercial stock for start-up businesses and creative industries. The Planning Panel must determine the application before them rather than propose 'better' alternatives.
- 5.5 ***The new venue will attract more vehicles - The estimation of 5% of people (15 people) arriving by car is seems low and there appears to be no evidence provided to base this on.***  
*Officer Response* - Car free development can be supported in this accessible city centre location with parking controls in place to prevent harmful on-street parking pressures. Any parking demand from the container park can be accommodated by retained city centre car parking.
- 5.6 ***Noise Impact - families and professionals live here, we already have to put up with the noise from the Flying Dutchman pub when they have their parties and bands playing***  
*Officer Response* – The application is supported by a noise assessment to demonstrate there will be no adverse noise impact subject to operational controls on hours of use and amplified noise levels. The Council's Environmental Health

team support this conclusion and can use their statutory powers in the event that the scheme becomes a problem.

- 5.7 **The planned development is adjacent to a conservation area which is already under pressure since recent changes to traffic routes which has increased noise, pollution and litter.**

Officer Response – The proposal is considered to result in less than substantial harm to the setting of the Oxford Street Conservation Area, and adjacent listed building, and the public benefits of the scheme are considered to outweigh the changes to the setting of these heritage assets. No objection has been received by the Council's Conservation Officer.

- 5.8 **The proposal also includes an outdoor performance stage which has the potential to be used to 11pm at night. The listed buildings opposite are not allowed to have double glazing so the potential for noise disruption will be great.**

Officer Response – The application is supported by evidence in the form of a noise assessment to demonstrate that the proposed operation will not lead to noise impact greater than existing background noise levels from road traffic, when assessed from external walls of nearby noise sensitive residential properties. Listed Buildings can be fitted with secondary glazing and other forms of mitigation providing the correct consents are secured first, but the evidence is that this will not be required.

- 5.9 **Loss of car parking particularly during the football season is going to put pressure on the area which already suffers from people parking in resident's car parking.**

Officer Response – Unauthorised parking is enforced by the Council's Parking Wardens and is not a reason for refusal of planning permission. The site is not allocated for parking to specifically support the Football Club.

- 5.10 **There is limited foot fall in this residential area proven by the difficulties found by the Ocean Village retail outlets**

Officer Response – The applicant's intention is to create a destination and draw people to the area and there is the potential for customers to make linked trips with existing premises in Oxford Street. The site is some distance from Ocean Village.

- 5.11 **Local high rise buildings will potentially trap catering smells**

Officer Response - A condition is recommended to ensure appropriate odour controls are secured.

- 5.12 In terms of those representations of support they can be summarised as follows:

- **This is precisely the type of new, and differentiated scheme which will be great for business and culture in the city.**
- **Fantastic place for small businesses to build a reputation, as well as a great social space.**
- **Containers reflect the city's maritime character**
- **This is exactly the kind of innovation Southampton needs. Not only that but it will be supporting innovative creativity that at this time has very limited platform in the city. This can only be a good thing and positive influence on many of Southampton's sub-cultures. This will**

***be an attractive proposition to not only Southampton residents but also many of Southampton's tourist's. Just look at similar innovations such as Boxpark in Shoreditch and Cargo in Bristol to see how the local communities can be positively influenced.***

- ***Cllr Noon - This is a great idea which I fully support. It will bring new life to this area and help local business on Oxford Street by bringing people to the area.***

### **Consultation Responses**

5.13 **SCC Highways** – No objection

5.14 **Location and Principle**

The proposed development is situated within a city centre location with the local area generally being mixed use. The current site is a car park which is noted that has been identified by the Council as a development site. Overall, the principle of development is considered acceptable.

#### **Access**

5.15 The only access to the site appears to only provide servicing access for the site. Therefore in terms of vehicular movements, there will be an overall reduction to the current access and therefore is considered acceptable.

5.16 It is noted that the main pedestrian access is through the remaining car park. Although it is considered acceptable as the arrangement would be no different to any other development which is accessed via a large car park (such as a large retail development), it would be better in terms of design and safety that pedestrians can access the site directly from the footway on College Street (the access currently shows an 'exit only' arrangement).

5.17 **Parking**

The development does not provide on-site parking but will result in the loss of 73 spaces leaving 95 spaces in the remaining parts of College Street Car Park. Data has been used which suggests the car park has been producing approximately 26% of its 'possible income'. Although this doesn't necessarily provide information on the different occupancy rate throughout the day, 26% income rate is relatively low meaning that it is overall underutilised throughout the entire day. Furthermore, data does show that public parking in the wider city centre generally has spare capacity.

5.18 Additional data has been sourced which shows that around 30 residential season ticket holders are valid in this local area (although some holders are in between two car parks which may not mean all will be parking in College street).

5.19 The applicant has also provided a survey of the car park which showed only 27 cars parked in the car park. Due to the abnormal situation with lockdown, this would naturally not be representative of the usual occupancy rate but would likely show a truer picture of residential requirements – although there could still be a low level of cars parking there due to key workers.

5.20 Overall, the data being provided, shows that the remaining spaces as well as the wider city centre parking availability should be able to accommodate parking demand in the area. Furthermore, with the fact that the car park being designated as development site, there are no objections to the loss of parking on site.

5.21 Cycle Parking

The plan shows 9 cycle hoops but does not specify whether it is allocated to the commercial units (staff) or whether it is open for public use. Due to the unique nature of the site, there is no direct standard to specify minimum cycle parking standards, but it would be good to provide as many as possible. 18 spaces however can be considered acceptable as the units are relatively small but would strongly encourage more to be provided due to the occupancy capacity.

5.22 Trip Generation

The site is predicted to generate very little vehicular traffic due to its location and use. Much of the trips will likely be linked and some pass-by trips which currently take place on the wider city centre area. However, these 'leisure' related trips would unlikely access the site specifically as most would probably be travelling along Oxford Street which will ignore this area.

5.23 The Transport Note states that the site can accommodate 300 people but would naturally arrive and depart in waves. However, during peak hours, the levels can be quite concentrated and high.

5.24 Trip Impact

Due to there being very few vehicular trips there will be little impact to the traffic network.

5.25 The only concern would be the concentration of new pedestrian movements directly around the site. The area of main concern would be across Bernard Street, especially by the South eastern corner of the site. Due to the location of the pub opposite the road as well as a strong desire route south towards Terminus Terrace as that links up other leisure uses such as the Casino, bars and restaurants as well as the Ocean Village area.

5.26 The Bernard Street/Terminus Terrace junction is signalised but the Western arm does not benefit from any pedestrian crossing facilities. The carriageway is quite wide and with traffic levels being quite high and can come from different directions, there are safety concerns to simply have an informal crossing with no dedicated pedestrian phase – especially for road users with visual or mobility impairments.

5.27 Therefore it will be requested that a formal crossing will be provided with a controller for a dedicated phase as part of the application via the Section 106 agreement.

5.28 Servicing

No servicing details can be but is assumed that most is not all servicing would take place on site as the site plan shows a small servicing area. However, it is not shown whether some units, albeit small, may require a larger delivery truck which may not be able to service on site.



- 5.29 The current access is part of a one way system which means that vehicles are all exiting in a forward gear. With the proposed servicing arrangements, it may result in vehicles reversing out onto the highway which is increase the risk to highway safety. There appears to be an area of hardstanding behind “storage unit 1” by the access which should allow space for vehicles turn on site. This should be retained and kept clear for that purpose.
- 5.30 A servicing management plan should be applied to restrict any servicing to take place on Terminus Terrace and Bernard Street (except the formal parking bays) as well as to cover other points.
- 5.31 Over sailing the Highway  
Part of the structure appears to overhang the public footway. This is considered in principle but will require an oversails licence agreement from the Council.
- 5.32 Summary  
The proposed development is considered acceptable subject to the following conditions:
- 1) Servicing Management plan. No servicing to be permitted along Terminus Terrace or Bernard Street (except on formal parking bays) and should try to avoid peak traffic hours. The hardstanding area behind the “storage unit 1” should be kept clear to provide the option for vehicles to turn on site.
  - 2) Construction Management Plan
- 5.33 **SCC Environmental Health (Food Safety)** – No objection subject to the following conditions:
1. There will be no more than 6 events per annum and the level at these events will be a maximum 20dB above background noise levels.
  2. The music at these events will cease at 21.00 hours
  3. Sound levels should be monitored throughout these events
- 5.34 **SCC Sustainability Team** – No objection  
Whilst this temporary development would not be required to meet specific sustainability targets, a condition is recommend to ensure sustainable measures are maximised with energy, lighting and water efficiencies achievable.
- 5.35 **SCC Flood Officer** – No objection subject to the following conditions:
- All electrical points need to be raised a minimum of 900mm above the containers finished floor level and above the current flood level for site of 3.2mAOD for a 1 in 200 year annual flood event.
  - The containers must be anchored or fixed to avoid the risk of flotation. As prosed in the revised Flood Risk Assessment (June 2020), fixings of 450 x 450mm concrete foundation and anchor fixing bolt to a steel plate need to be implemented.
- 5.36 **SCC Archaeology** – If the containers require foundations then conditions will be required to secure and archaeological damage assessment, investigation and work programme.

5.37 **Southern Water** – Request informative regarding connection to foul and surface water sewer.

5.38 **SCC Heritage Officer** – No objection

The open character of the current site is a relatively modern arrangement and of poor quality, and that whilst the new container facilities would be visible in the views out to the north from the listed townhouses, the harm to wider setting of the listed buildings, and the setting of the adjacent conservation area, presented by the development would be low given their temporary nature, container stacking arrangement, and retention of the existing boundary wall and trees, and that this low level of harm identified would be considered less than substantial harm, and would be outweighed by the positive public benefits of the scheme in terms of employment and unique space for start-up businesses will add to the vibrancy on the city centre in the planning balance on this occasion.

5.39 **SCC Licensing** – No objection

5.40 **Police (Secure by Design)** - The layout of the containers (an enclosed courtyard), together with the large awning and tables and benches will make the site ideal for rough sleepers etc. which increases the opportunities for crime and anti-social behaviour. To reduce the opportunities I would suggest:

- Fittings / the arrangement of containers should be such that the site can be made secure when it is closed for business.
- Containers are not a security product, appropriate fittings should be provided to enable the user of the container to secure it

## 6.0 **Planning Consideration Key Issues**

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

- The principle of development;
- Impact on the appearance of the area;
- Residential amenity;
- Flood Risk
- Air Quality and the Green Charter and;
- Mitigation of direct local impacts.

### 6.2 **Principle of Development**

6.2.1 The College Street car park in its entirety (168 spaces) is identified for mixed use development within the City Centre Action Plan (2015). This proposal would result in the loss 73 car parking spaces for a temporary 5 years, with 95 car parking spaces retained on the western side of the car park. The loss of city centre public car parking aligns with the Council's Local Transport Plan Strategy 4 (LTP4), which seeks a reduction in demand for car parking in the City Centre and being smarter with the retained parking stock. Policy I3 of LTP4 indicates:

*Smarter Parking – over the next twenty years we will take a balanced and smarter approach to management and provision of car parking, particularly in the City Centre, managing the supply and demand of parking intelligently and taking a balanced approach so to not increase levels through consolidation of existing parking provision to the Inner Ring Road and limiting it in new developments'*

- 6.2.2 The proposal accords with the policy allocation under policy AP34 which supports mixed use development including the range of uses proposed namely media/creative industries/workshops, food and drink, small scale retail (A1) (under 750 sq m gross). The container park will provide a different offer in terms of space for creatives and start-ups and will add to the vibrancy of the City Centre. The proposal has the support of the current administration from a Council landowner perspective.

The proposal seeks a 5 year temporary planning permission and therefore will not compromise the longer terms policy aspirations in terms of the comprehensive redevelopment of the Dukes Street, College Street and Richmond Street area.

- 6.2.3 Therefore the principle of development is supported.

6.3 Impact on the appearance of the area

- 6.3.1 Whilst the form and external appearance of containers will be different from the surrounding built environment the proposed stacked arrangement and colour treatment of the containers will add visual interest to the area and are not considered harmful to the character and appearance of the area. Furthermore the containers reflect the temporary nature of the scheme. The stacked height arrangement and retention of the existing boundary wall and trees are considered to result in less than substantial harm to the setting of the listed townhouses on the southern side of Bernard Street and the Oxford Street Conservation Area, and the public benefits of the container park in terms of employment and creation of space for start-ups and creatives is considered to outweigh the impacts of the containers on the setting of these listed buildings.

- 6.3.2 The proposed siting of the containers with a set back from Bernard Street and a maximum height of 4 containers on the corner is not considered to have an adverse impact on strategic views of St Michaels Church along the strategic view corridor from the Itchen Bridge having regard to the building line and height of buildings to the west along Bernard Street. The stacked containers have a height of 12m on the corner stacked four high, 6m double stacked and 4m single stacked (plus roof plant enclosure).

6.4 Impact on the residential amenities of neighbouring occupiers

- 6.4.1 Clearly using an existing (underused) car park for an entertainment destination will have some impacts upon existing residential amenity. The Panel will need to be satisfied that these impacts can be suitably mitigated to ensure that these impacts are acceptable. If the Panel conclude that the impacts will be excessive then the application can be refused on those grounds. Following an assessment by officers, including those within Environmental Health, it is considered that the proposed site arrangement, height of the stacked containers and separation distance from nearby properties is not considered to lead to harmful shadowing, overbearing impact or loss of privacy across public streets. The nearest dwelling houses are located on the southern side of Bernard Street would be located a distance of 22m from the containers, the nearest flatted block to the north would be located 19m from the containers.

6.4.2 The noise impact of the container park, particularly in relation to the congregation of patrons associated with the proposed food and drink uses and supporting entertainment has been carefully considered through the submission of a noise assessment which has reviewed by the Council's Environmental Health Team. The acoustic report demonstrates that the Container Park would not create adverse noise levels above existing back ground noise levels created primarily by road traffic on the A33, with the exception of 6 special live/music entertainment events per year (which will be restricted to a closing time of 9pm and noise levels restricted to 20db above existing background noise levels).

6.4.3 It is acknowledged that there will also be new impacts associated with patrons arriving/departing the container park however these impacts are not considered adversely harmful having regard to the city centre context and locality in close proximity to Oxford Street. Any impacts need to be balanced with the benefits of creating a vibrant city centre as advocated by policy AP8 of the City Centre Action Plan relating to the night time economy and the proposed terminal hour of 11pm (and 9pm for 6 special events per year) accords with policy AP8.

6.4.4 A condition is recommended to ensure that noise and odour is appropriately controlled from any kitchen extraction equipment. Adequate space has been provided within the site for waste storage and details of collection arrangements and frequency of refuse collection will be agreed through a servicing management plan.

#### Flood Risk

6.5 Part of the site is located within Environment Agency flood zone 2 for medium flood risk, this means that the site is at risk of present day flooding with between a 1 in 1000 (0.1%) and 1 in 200 (0.5%) annual probability of a flood event.

6.5.1  
6.5.2 The NPPF it states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

6.5.3 The application proposes the use of shipping containers 'for retail and food and drink use'. Shipping containers are modular structures and have the ability to move in flood conditions posing a risk to the public on or near the site. The Flood Risk Assessment submitted with the application (amended June 2020) is sufficient and demonstrates that the containers would be sufficiently anchored to avoid the risk of floatation during a flood event. There is no flood risk objection to this application.

#### Highways

6.7 No objection has been raised by the Council's Highways Team with the principle of car parking loss supported by Planning and Transport policies. The City Centre site is accessible by sustainable modes of transport 18 cycle parking spaces have been provided. The proposal will result in the loss of 73 car parking spaces with 95 car parking spaces retained.

6.7.2 Evidence in relation to revenue generated from the car park demonstrates that the car park was under-occupied (pre Covid-19) and therefore the proposed 43%

reduction in parking can be sustained having regard to city centre transport policy which seeks a reduction in city centre car parking and smarter use of parking facilities within the city centre. It should be noted that no objections have been raised by existing traders on East Street or other businesses in terms of the loss of public car parking within this area. Any loss of car parking to serve existing businesses within this area needs to be weighted with the benefits this venture will bring by drawing more people to this site with the potential for lined trips to Oxford Street which may support existing nearby premises.

The proposal will not impact on the access/egress arrangements for the retained car parking. Servicing of the site will take place via College Street with servicing management details to be reserved by condition.

6.7.3

## 6.8 Air Quality and the Green Charter

6.8.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

6.8.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.

6.8.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth.

6.8.4 The application has addressed the Green Charter and the air quality impact of the development by providing a car free development and reducing car parking in the city centre. The proposal is accessible by sustainable modes of transport and 18 cycle parking spaces have been provided.

## 6.9 Mitigation of direct local impacts

6.9.1 Pedestrian connectivity and crossing improvements are required with the addition of an extra pedestrian crossing (with controller) on the Western arm of Terminus Terrace/Bernard St junction. A new pedestrian crossing is discouraged adjacent to

the proposed pedestrian site entrance in order to discourage pedestrians from using John Street to access Oxford Street. Furthermore an additional pedestrian crossing further up from the traffic lights would have an adverse impact on traffic flows on Bernard Street.

- 6.9.2 CCTV is also required to mitigate any gaps in the existing network within this area in the interests of the safety and security of patrons given the proposal includes food and drink uses with entertainment and late night hours until 11pm (except the 6 no. special events which will close at 9pm).

## **7. Summary**

- 7.1 The proposed loss of 73 car parking spaces (43% of the existing parking) with 95 car parking spaces to be retained accords with the Council's Transport Policy and the City Centre Action Plan. The site is allocated for mixed use redevelopment and the proposed media/creative industries/workshops, food and drink, small scale retail container units accords with the range of uses appropriate for this site under the site specific policy allocations.

- 7.2 The proposal will provide improved offering for start-ups and creative industries and will add to the vitality of the city centre. It has been demonstrated that the development will not lead to adverse noise impact and is safe in flood risk terms. Furthermore the site arrangement and appearance of the containers will not have an adverse impact on the character and appearance of the area having regard to the 5 year temporary period requested. The existing boundary wall and trees are to be retained and the scheme will lead to less than substantial harm to the setting of adjacent listed buildings.

- 7.3 Planning permission is recommended.

## **8. Conclusion**

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

## **Local Government (Access to Information) Act 1985**

### **Documents used in the preparation of this report Background Papers**

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

## **AG for 25/08/2020 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. Time Limited (Temporary) Permission Condition (Performance)**

The development hereby approved shall be discontinued either on or before the period of 5 years from the date of this decision notice. After this time the land and buildings shall be restored to their former condition, or to a condition to be agreed in writing by the Local Planning Authority prior to this time.

Reason: To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for the development in order to monitor the use in relation to residential amenity.

#### **02. Approved Plans**

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

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

#### **03. Details of building materials to be used (Pre-Commencement Condition)**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

#### **04. Hours of Use (Performance)**

The use hereby approved shall not operate outside the following hours:

Shared office workspace and studio space for artists

07:00-23:00 Monday to Friday

Retail and food and drink uses

11:00-23:00 Monday-Sunday with the exception of up to 6 special entertainment/live music events per year with hours of 11:00-21:00.

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

**05. APPROVAL CONDITION - Noise (Performance)**

The development shall be carried out in accordance with the recommendation of the supporting Noise Impact Assessment by Sound Advice Acoustic Consultants (Ref SA - 6026-1) and there shall be no more than 6 special music events per annum and the noise level at these events will be a maximum 20dB above background noise levels of LA90,1 hour 55.0 dB. Noise monitoring will take place during all the 6 special music events per annum and the results of the monitoring shall be submitted to the Local Planning Authority as part of a noise management plan after each special event and prior to the following special event.

Reason: To protect the amenities of nearby residential occupiers.

**06. Extract Ventilation (Pre-Commencement)**

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation.

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

**07. 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.

**08. APPROVAL CONDITION - Servicing and delivery management plan (Pre-**



### **Occupation Condition)**

No occupation of the commercial units hereby approved shall take place until a servicing and delivery management plan has been submitted to and approved in writing by the Local Planning Authority. This management plan shall incorporate measures for mitigating noise and disturbance to local residents. Deliveries and servicing to the commercial units shall subsequently be carried out in accordance with the approved plan. No deliveries and servicing shall take place outside of the hours of 07:00-21:00 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers of the residential accommodation.

### **09. Construction Management Plan (Pre-Commencement)**

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

- (a) parking of vehicles of site personnel, operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
  - (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary.
- 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.

### **10. Tree Retention and Safeguarding (Pre-Commencement Condition)**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

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

## **11. Flood Risk (Performance Condition)**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (June 2020) by TS Flood Risk Management.

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.

## **12. Sustainable measures (Pre-Commencement)**

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating the following sustainable design measures into the development:

- Energy minimisation and renewable energy or low carbon technologies
- Water efficiency measures
- Urban Drainage Systems
- Waste management and recycling
- Sustainable construction materials

The report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

Reason: To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20 and the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

## **13. Cycle parking (Performance Condition)**

Before the development hereby approved first comes into occupation, the storage for a minimum of 18 bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

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

## **14. 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.

**15. APPROVAL CONDITION Archaeological 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.

**16. APPROVAL CONDITION Archaeological 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.

**17. Refuse & Recycling (Pre-Commencement)**

Prior to the commencement of development, 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.

**18. Security (Pre-Commencement)**

Prior to the commencement of development details of the following site security measures shall be agreed in writing with the Local Planning Authority:

- Details of site security arrangements to ensure the site is secure when closed for business;
- Details of security fittings to the container units.

The development shall be carried out on accordance with these agreed details and thereafter retained as agreed.

Reason: In the interests of safety and security.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS6	Economic Growth
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP15	Air Quality
SDP16	Noise
REI7	Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 8	The Night time economy
AP 15	Flood resilience
AP 16	Design
AP 18	Transport and movement
AP 34	Dukes Street, Richmond Street and College Street

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)