

Planning and Rights of Way Panel 24 November 2020
Planning Application Report of the Head of Planning & Economic Development.

Application address: Land between Evans Street/Lime Street (Former East Street Shopping Centre site), Southampton			
Proposed development: Erection of a 5-15 storey 268-bed hotel (Use Class C1) with detached two-storey duplex hotel suite and associated car parking (Outline application seeking approval for ACCESS, LAYOUT and SCALE) (amended)			
Application number	20/00708/OUT	Application type	Major Dwellings
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	28.09.2020 (ETA)	Ward	Bargate
Reason for Panel Referral:	Referral request from Ward Cllr Bogle and Cllr Paffey.	Ward Councillors	Cllr Sarah Bogle Cllr John Noon Cllr Darren Paffey

Applicant: Investin Southampton Limited	Agent: DPP Planning
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Recommendation Summary	Delegate conditional approval to the Head of Planning & Economic Development
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Community Infrastructure Levy Liable	No
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Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment

Recommendation in Full

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2019).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT3, CLT6, H2, H7 and REI4 of the City of Southampton Local Plan Review (Amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS14, CS18, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP5, AP16, AP17 and AP24 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 2** of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site or provision through a s.278 agreement 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. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners
 - vii. Submission of a scheme of works and management plan for the areas around the site accessible to the public.
 - viii. Clause to define the apart-hotel rooms with a maximum period of occupancy to ensure the apart-hotel rooms fall within planning use class C1
2. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Head of Planning & Economic Development will be authorised to refuse permission on the

ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

3. That the 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.

1 The site and its context

- 1.1 This site was formally occupied by the East Street Shopping Centre. The shopping centre was demolished as part of a planning approval for site redevelopment for a Morrisons Food Store. However in 2015 Morrisons pulled out of the project, and the site has remained undeveloped since then, other than as a construction compound in association with nearby residential development at 86-93 East Street. The site is located within the defined city centre boundary for the purposes of Planning.
- 1.2 The area has a mixed commercial and residential character and the site falls within defined secondary retail frontage forming part of the East Street shopping parade. The neighbouring site to the north is occupied for student housing comprising an office conversion (13 storey Capital House) and new build 5-storey development fronting Evans Street. Holyrood Housing Estate is located the south with a four-storey flatted block (Challis Court) located on the southern side of Evans Street. A 5-15-storey Private Rented Scheme (PRS) is currently under construction at the corner of Queens Street and East Street and planning permission has been granted for a student scheme at 81-85 East Street. Nearby heritage include Central Hall (locally listed building) on the adjacent side of Evans Street and St Marys Church (grade II listed) to the north-west. The registered central parks are located to the west. A cluster of tall buildings, including Dukes Keep, are located to the south-east. Site access for the former shopping Centre was taken from Lime Street (via East Street and Orchard Lane) with no access from Evans Street.

2 Proposal

- 2.1 This application seeks outline planning approval for the erection of a 5-15 storey 268-bed hotel (Use Class C1) with detached two-storey duplex hotel suite and associated car parking. The scheme has been amended following validation. The matters under consideration are the principle of development, the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, and the scale, massing and bulk of the buildings.
- 2.2 Details of external appearance and landscaping are reserved. However the application is supported by indicative elevations and a design code to demonstrate that a building of good design quality can be achieved based on the scale of buildings proposed.
- 2.3 The application has been amended from the original submission with the building heights reduced from 6-18-storey to 5-15-storey with 18 storeys considered excessive for design and visual impact reasons. The layout was also amended with the geometry of the building footprint altered to better align with East Street and Evans Street.

- 2.4 The proposed 268-bed hotel comprises, 169 standard hotel rooms, 98 aparthotel rooms and a detached duplex hotel suite, all rooms falling within hotel planning use class C1. The proposed building has a horseshoe footprint which frames a courtyard with an open southern aspect. The tall 15-storey tower element is located in the south-eastern corner, with a height of 5-storey fronting East Street. Pedestrian access into the hotel is available from East Street with car parking and servicing accessed from Lime Street (via Orchard Lane) with no vehicle access available from Evans Street. The scheme provides a total of 30 surface level car parking spaces including 4 disabled parking bays. The layout provides integral bin storage and cycle storage provision has been incorporated for 30 long stay cycle spaces and 16 short stay spaces. The applicants suggests that some 60 jobs would be created by this application.
- 2.5 The internal layout incorporate ancillary hotel facilities at ground floor to create active frontage to East Street and Evans Street including a café/restaurant, gym and co-working space. The angled geometry of East Street to the front of the site enables the provision of a tapered area of public open space to the front of the hotel. Whilst landscaping details are reserved the layout makes provision for soft landscaping with indicative tree planting shown within the parking area and along the site frontages, including to Lime Street. This outline planning application has not been submitted by a hotel operator. However the application has received a letter of support from IHG (InterContinental Hotels Group plc) who indicate that they support the proposed development with the ultimate aim of offering a Franchise Agreement.

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 The site is allocated under policy AP24 of the City Centre Action Plan for retail-led mixed use development including retail (A1 use), food and drink (A3, A4, A5 uses) with residential, hotel and offices supported above the ground floor,. This is a site specific policy covering East Street Shopping Centre (now demolished) and Queens Buildings (Debenhams).
- 3.4 Supporting text to policy AP24 at paragraph 5.61 of the City Centre Action Plan indicates that the East Street Shopping Centre acted as a barrier between St Marys and the city centre and that redevelopment provides opportunity to reinstate the route across Kingsway / Evans Street to the St Marys Area and to revitalise the eastern end of East Street. To achieve this policy AP24 requires

active commercial frontages alongside East Street in accordance with the retail policy for secondary retail frontages.

4. Relevant Planning History

- 4.1 The site was formally occupied by the East Street Shopping Centre which is now demolished and the site has been cleared. The shopping centre was constructed in the early 1970s, planning permission was granted in July 1971 for a 10-storey office building with entrance hall, an arcade of shops, a roof top car park, a public house, caretakers flat, pedestrian square and associated roads, footpaths, service areas, ramps and walkways.
- 4.2 In March 2013 planning permission was granted for redevelopment of the shopping centre and car park as a new Morrisons foodstore (5,534 square metres gross floorspace) with car parking on upper levels, including works of demolition, retention of Capital House and the Royal Oak Public House; new vehicular access arrangements, including construction of a new roundabout on Evans Street, highway and public realm improvements, including creation of a new pedestrian link between East Street and Evans Street, landscaping and associated works (reference 12/01355/FUL). However in 2015 Morrisons pulled out of the redevelopment and this cleared site remains undeveloped.
- 4.3 In 2016 planning permission was granted for conversion of Capital House to provide purpose built student accommodation; demolition of the Royal Oak Public House, and erection of 4 and 5-storey buildings to provide student townhouses (total accommodation 156 units comprising 423 bedspaces) (reference 16/00196/FUL). This student scheme, located immediately to the north of the application site, has been built out.

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 316 adjoining and nearby landowners and erecting a site notice (10.07.2020). The application has been advertised as a Departure to Policy AP24 and published in the Hampshire Independent (10.07.2020). At the time of writing the report **6 representations** have been received, with 1 letter of support from IHG (InterContinental Hotels Group plc) as referenced above. Objections have been received from 1 local resident, Cllr Bogle, Cllr Paffey, Cllr Noon and the City of Southampton Society. A renotification exercise is running at the time of writing and any additional representations will be reported verbally at the Panel meeting.

The concerns are as follows:

5.2 Cllr Bogle

This site has been vacant for 7 years now and was originally hopeful a supermarket/amenity would be provided here. I am concerned about potential overlooking of Challis Court and feel the height (highest at 18 storeys) should be reconsidered to be in line with the nearest tall building (Capital House) which is 13 storeys. I don't object to redevelopment of the site if there is sufficient demand for a hotel in this location but do think an overall review of the area including the now

abandoned Debenhams site/East St/Queensway etc needs to be done in a coordinated (master plan) way.

Officer Response – It is unfortunate that a supermarket and/or retail-led mixed use development has not come forward on this site, in line with the site policy allocation. The retail sector has changed significantly since the initial allocation. That said, a hotel use is a suitable city centre use and makes effective use of the land. Developers are not required to demonstrate need for hotel use under the requirements of the National Planning Policy Framework. The wider strategic approach to the Debenhams site/East St/Queensway is under review as part of the new Local Plan (Southampton City Vision). The scheme has been amended with the height of the tower reduced to part 15 part 13 storeys. The proposed hotel building is located circa 20m from Challis Court with the taller tower element adjacent to a blank part of the northern façade to Challis Street. The proposed development is not considered to give rise to harmful overlooking having regard to the building separation distance, orientation and character and density of the neighbourhood.

5.3 **Cllr Noon**

Though I do welcome the development of this site and have no issue with a hotel on the site, I do have a concern about the height of this development. A 18 storey development would overshadow the Holyrood estate and in particular the 3 storey elder block at Challis Court.

Officer Response - The building height has been reduced and a shadow diagrams have demonstrated that there will no adverse shadowing impact on Challis Court because the proposed development is due north.

5.4 **Cllr Paffey**

While I wish to see this vacant site occupied and developed, this does not seem the right place for a hotel. I would like to see something here which benefits the local community and adds to the sense of 'place' and neighbourhood at the edge of the Holyrood estate. There is an existing school in the area which does not have suitable accommodation and this could be a potential site to serve local families. What is the evidence that there is demand for another hotel? What forecasting has been done to take into account the likely local accommodation economy in the next year or two?

Officer Response – Hotels are listed as an appropriate use for the site within the site policy allocation and the NPPF encourages uses such as hotels to be located in sustainable locations such as existing centres where access from all modes by all users including staff and guests is realistic.

5.5 **City of Southampton Society - Objection**

The proposed hotel with a maximum of 18 stories will be the highest, will dominate the Central Hall and will cast shadows in the afternoon and evening over a student block of flats off Evans Street. There can be no justification in planning terms for a building of this height. The 18 storey tower block is on the eastern edge of the site fronting Evans Street. On the opposite side of Evans Street is the much smaller Central Hall. Although not a listed building, it was opened in 1925 as a Methodist Central Hall with very distinctive architecture including a copper dome. The hotel tower will completely dominate it. If the layout of the site were changed with the tower re-positioned to the western edge, this

would considerably alleviate the problem. There are already 19 hotels (2,300 beds) in Southampton), 6 hotels (650 beds) for which planning permission has been agreed and a further 3 hotels (385) awaiting planning permission. We wonder whether there is the need for yet another hotel in the city bearing in mind the current suspension of the cruise businesses.

Officer Response - The scale of the building has been reduced and no objections have been raised by the Council's Design and Heritage Officers in relation to the impact on Central Hall. It is unfortunate that the 5-storey element would cut off some views of the Central Hall Cupola from East Street (as was the case with the Morrisons scheme), however, on balance, the proposed building alignment is considered the correct urban design response. As above, the applicants are not required to demonstrate need and hotel use is suitable for this city centre site.

5.6 **Additional concerns:**

Microclimate impact from the tall building

Officer Response – The submitted wind assessment confirms that the wind conditions at ground level are likely to be suitable for pedestrian safety throughout the year. Due to winds funnelling and downdraughts, the windiest area is likely to occur around the southwest corner of the Tower where wind microclimate is likely to be suitable for walking during the worst season (Winter). Further, away from this corner, it is expected that the wind conditions at the remaining walkways, in terms of pedestrian comfort, are suitable for their intended uses in and around the proposed site.

Heat Island

Officer Response – This is not a reason that planning permission can be refused. However this individual tall building is not part of an immediate cluster and therefore adverse heat island impact is unlikely. The layout enables provision of soft landscaping and tree planting around the hotel building.

Residential amenity -Loss of light and outlook to nearby properties.

Officer Response - The site layout and building position due north of Challis Court will not give rise to harmful loss of light or outlook having regard to the character and density of the neighbourhood. Shadow will fall to the north and across the public highway in the afternoon.

Traffic and noise pollution impacts

Officer Response - The level of traffic will be significantly less than the former shopping centre and as forecasted for the approved Morrisons supermarket. Conditions are recommended in relation to plant and ventilation equipment to ensure an appropriate noise environment. The city centre infrastructure can accommodate the level of development proposed and further mitigation can be secured with the recommended s.106 legal agreement.

There is no justification for a hotel of this scale/density in this location

Officer Response - See response above.

Consultation Responses

5.7 **SCC Highways** – No objection

Overall, the proposed development is considered acceptable subject to the following conditions and further mitigation being secured via the S106 agreement:

- Boundary Treatment and Sightlines. Plans showing the boundary treatment and sightline details for the gated secured parking court along the Western boundary will need to be submitted to and agreed in writing by the local planning authority
- Parking management plan. Plans to manage and prevent informal parking along the internal road system in order to ensure adequate manoeuvring space for servicing vehicles.
- Construction Management plan
- Servicing management plan

Urban Design Manager – No objection

- 5.8 Satisfied with the building form and architectural style. The building scale and layout has been amended as per the request of the Design Advisory Panel. A public permissive route is requested through the car park to link East Street with Lime Street.

Officer Response - The applicants have not included the requested permissive route for site security reasons. It should also be noted that there was no such route through the former Shopping Centre or the approved Morrisons food store. There would be no significant public benefit in terms of travel distances by introducing a public route through the car park, although improved permeability around any site is always a good starting point for negotiations.

Heritage Officer – No objection

- 5.9 No designated heritage assets would be directly affected by the proposals.

The submitted Townscape and Visual Impact Assessment has demonstrated that the indirect impact on the highly/sensitive view from Mayflower Park to St Micheal's Church (as outlined in Southampton Tall Building Study) would be limited as the development would sit lower in the skyline than the church spire, allowing this latter feature to retain its dominance in this panorama.

Although the proposals would indirectly affect the wider environs of Central Hall, a non-designated heritage asset, it is acknowledged that the development plot is sufficiently separated from the hall by the flyover, and whilst I would prefer to see the ground floor element of the development at this corner junction to be set back or curved in some way to further improve the visual permeability through to the hall, it is acknowledged that the new view along East Street to the dome of the hall is a much improved vista when compared with the previous (and now demolished) shopping centre arrangement.

As such, in taking all the above considerations into account, the proposals would not adversely harm the above heritage assets or their settings, and no objections would be raised from a conservation perspective on this occasion.

Notwithstanding this, the success of the scheme in this townscape location would depend on the use of good quality materials and joinery details, as well as appropriate landscaping measures. It is therefore advised that these details be secured by way of condition/s.

Historic England – No objection

- 5.10 We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

5.11 **Ecology Officer – No Objection** subject to conditions to secure ecological mitigation and protection of nesting birds.

5.12 **Archaeology** – No objection subject to conditions to secure archaeological investigation

5.13 **Environmental Health** – No objection subject to conditions to control the noise environment and construction environment.

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

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

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

5.17 **Sustainability - No objection**

A BREEAM pre-assessment estimator has now been submitted which demonstrates that the proposal would be able to meet Excellent. Conditions are recommended to secure this. A green space factor tool has also been submitted which demonstrates green infrastructure improvements. These should be secured through a landscaping condition.

5.18 **Natural England:** Request further information to determine impacts on designated sites.

Officer Response: This request has been addressed through the Habitats Regulations Assessment.

5.19 **Southern Water:** No objection subject to a condition's regarding sewer diversion, and foul and surface water disposal.

5.20 **Airport Safeguarding:** No objection subject to a condition to secure a bird hazard management plan and informative regarding the use of cranes.

6. Planning Consideration Key Issues

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

- the principle of the development
- design and heritage impact;
- residential environment
- highways;
- habitats regulations;

Principle of Development

- 6.1 The site is allocated under policy AP24 of the City Centre Action Plan for retail-led mixed use development including retail (A1 use), food and drink (A3, A4, A5 uses) with residential, hotel and offices supported above the ground floor. The proposed hotel development is a main city centre use as defined by the NPPF and is suitable use for this city centre site. The proposal represents a departure from the retail-led mixed use allocation however this departure is considered acceptable given the period of time the site has been vacant (7 years) and anticipated future challenges facing the retail sector. The development would make efficient use of this city centre site and would provide active frontage to East St and assists in reinstating the route across Kingsway / Evans Street to the St Marys Area and to revitalise the eastern end of East Street. The applicants suggests that some 60 jobs would be created by this application.
- 6.2 Given that hotel use is a main city centre there is no policy requirement for the applicants to demonstrate need for the development in this city centre location. Core Strategy saved policy CS 1 promotes leisure, cultural and hotel development in the city centre. The Plan supports this type of development across the city centre (subject to meeting other policy requirements) with the aim of delivering more diversity, for example in city centre hotels.

- 6.3 Paragraph 4.82-4.83 of the City Centre Action Plan indicates:

“Hotels play an important role in attracting people to visit Southampton city centre and encouraging them to stay for longer. They support tourism and business development and contribute to jobs. The South Hampshire Hotel Futures Study (2010) identified opportunities for significant new hotel development in the city centre as the economy and tourism grows. It reported that in 2010 Southampton city centre had 19 hotels with a total of 1,462 rooms. Although there have been proposals for new hotels, relatively few have opened in the last 5 years. The Study projected that 14 new hotels and 1,340 new rooms were required to 2031.

The aim is for a more diverse range of hotels including five star and smaller boutique hotels (particularly in the Old Town) as well as mid-priced and business hotels. The Plan supports in principle the development of hotels throughout the city centre, for example at the Ocean Village Promontory site and further opportunities at the waterfront (Royal Pier Waterfront and Chapel Riverside), Old Town, Station Quarter, Western Gateway and as part of the Watermark WestQuay development. Proposals for serviced apartments and ‘aparthotels’ which fall outside C1 (hotel) use class will also be supported with a condition to ensure short stay occupancy only.”

- 6.4 In recent years the following hotels have been granted planning permission in the city centre:

Bargate Development - 18/01515/FUL (unlikely to come forward)
12-14 High Street - 19/00506/FUL (unlikely to come forward)
The South of West Quay Shopping Centre - 13/00464/OUT
Southampton Harbour Hotel, Ocean Village - 14/00414/FUL
Dolphin Hotel (36 additional bedrooms) - 16/01180/FUL
Moxy Hotel, Harbour Parade - 16/00927/FUL

Premier Inn, Cumberland Place - 15/01423/FUL
Travel Lodge, Castle Way - 12/01171/FUL

- 6.5 There are also 3 application for hotel development which are pending:
Nelson Gate - 19/00038/OUT
24-32 Canute Road - 19/02127/FUL
Cedar Press - 18/02015/FUL

- 6.6 Therefore the projected requirement of 14 additional hotels to 2031 still hasn't been met.

6.7 **Design & Heritage Impact**

The proposal comprises tall buildings of 5 storeys or more and therefore the scheme will need to comply with tall building policy AP17 of the City Centre Action Plan (CCAP), saved Policy SDP9 and Historic England Advice Note 4: Tall Buildings.

- 6.8 The site is not identified for a tall building within the CCAP (indicative tall building locations shown on Map 12) because it does not sit within an identified cluster, does not frame the central parks and is not located within an area identified for individual landmark tall buildings.

- 6.9 That said, the site is located within an emerging cluster having regard to the proximity to existing and approved tall buildings (circa 9-15 storeys in scale). Policy AP17 supports individual landmark tall buildings providing the design requirements of policy AP16 and CS13 are met. The amended scheme with a reduced height of part 15 part 13 storey's within the tower element would not have an adverse impact on strategic or sensitive heritage views and has the support of the relevant design advisers and officers. The scheme has been through a design review process and has incorporated changes recommended by the Design Advisory Panel. No objections have been raised in terms of design and heritage impact from the Council's Design and Heritage Officers and the Council's obligations under the Planning (Listed Buildings and Conservation Area) Act as supported by the NPPF have been met in reaching this conclusion. The proposed development has been assessed in relation to its impact on Central Hall and the impact on the setting of this locally listed building is not considered substantial.

- 6.10 Whilst appearance is a reserved matter sufficient information has been provided in the form of a design code, and indicative elevations to demonstrate that a tall building of good design quality can be achieved on this site based on the scale and layout proposed. A condition is recommended to ensure the design requirements of the Design Code are carried forward.

6.11 **Impact on the amenities of neighbouring occupiers**

- 6.12 The building layout has been arranged to prevent adverse impact on neighbouring amenities. A shadow analysis has been provided to demonstrate this tall building will not lead to adverse loss of sunlight to neighbouring properties, with the development located due north of Challis Court and is not located immediately adjacent to habitable room windows. The relationship of the proposed 5-storey elements with neighbouring development across Lime Street and East Street is considered acceptable in this context. The development will not result in adverse

loss of privacy, daylight, sunlight or outlook having regard to the character and density of the neighbourhood and, therefore, satisfies saved Policy SDP1(i).

6.13 **Highways**

6.14 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 30 car parking spaces for this 268 bed hotel which accords with the Council's maximum car parking standards which require a maximum of 1 car parking space per 3 hotel bedrooms in this locality. Therefore the maximum number of car parking spaces permissible for this site would be 90 spaces. However less than the maximum is permissible within this sustainable city centre location (0.8 miles from Central Train Station). 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 level of proposed vehicular trips will not be harmful when compared to the multi-storey car park which previously occupied the site. Conditions are recommended to secure bin and cycle storage, adequate sightlines and appropriate servicing and car parking management.

6.15 **Habitat Regulations**

6.16 The proposed development, as a scheme providing overnight accommodation, 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. 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, the development will not adversely affect the integrity of the European designated sites.

7 **Summary**

7.1 The proposed hotel development is a main city centre use which is suitable for this site and is compliant with the range of uses identified in the site-specific policy allocation. It is unfortunate that this is not coming forward as part of a retail led-mixed use development however it is unlikely that retail will come forward given it

now 7 years since the previous food store consent and the future of the retail market is uncertain. Therefore a departure from policy can be supported.

- 7.2 The proposed scale and density of the development makes efficient use of this previously developed site and the proposed building height will have no adverse impact on heritage assets, sensitive views or the city skyline as determined by officers and the independent Design Advisory Panel. The site is close to an existing cluster of tall buildings to the south-west and is part of an emerging cluster of existing and emerging tall buildings in this area which range in height from 13-15 storeys.
- 7.3 The development will not have an adverse impact on neighbouring residential amenities having regard to building position, orientation and separation distances and the character and density of the neighbourhood. The scheme is also acceptable in highway terms and planning obligations can be secured to mitigate against the impact of the development

8 Conclusion

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for conditional approval. Delegation is sought firstly to secure the necessary s.106 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 24/11/2020 PROW Panel

Planning Conditions to include:

01. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, and the scale, massing and bulk of the structure is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
 - the appearance and architectural design specifying the external materials to be used and an assessment of how the design accords fully with the Design Code hereby approved within the Design & Access Statement by HGP (Ref P4 20.11.06);
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures and the green roof with details of ongoing management.
- (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).

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. 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.

04. 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.

05. 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.

06. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the submitted Ecological Impact Assessment Ref A11354/2.1 June 2020, 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.

07. 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

08. APPROVAL CONDITION - Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

1. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in the Phase I Geo-Environmental Site Assessment report, ref:A11354/1.0 Draft) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

Reason:

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

09. 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.

10. Unsuspected Contamination (Performance)

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

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

11. 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.

12. Glazing- Soundproofing from external noise (Performance Condition)

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation shall be either:

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

Any trickle vents must be acoustically rated. The above specified glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

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

13. 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.

14. 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.

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.

15. Construction Management Plan (Pre-Commencement)

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

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

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

16. 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.

17. 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.

18. APPROVAL CONDITION - Sustainable Drainage (Pre-Commencement Condition).

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

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

Reason

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

19. APPROVAL CONDITION - BREEAM Standards

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage report, is submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

20. APPROVAL CONDITION - BREEAM Standards [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard, 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).

21. 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.

22. 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.

23. Parking (Pre-Occupation)

The parking for a minimum of 30 cars (including at least 4 disabled spaces) and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

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

24. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles for both staff and customers 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.

25. Sightlines specification (Pre-Commencement)

Sight lines to the vehicular access onto Lime Street serving the western car park shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

Reason: To provide safe access to the development and to prevent congestion on the highway.

26. APPROVAL CONDITION - Servicing Management Plan (Pre-Occupation Condition)

The development shall not be occupied until a scheme relating to vehicular servicing arrangements has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be in place before the development is first occupied and retained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the arrangements for vehicular servicing are satisfactory in the interests of highway safety.

27. APPROVAL CONDITION - Parking Management Plan (Pre-Occupation Condition)

The development shall not be occupied until a scheme relating to parking management to manage and prevent informal parking along the internal road system in order to ensure adequate manoeuvring space for servicing vehicles, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be in place before the development is first occupied and retained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the arrangements for vehicular servicing are satisfactory in the interests of highway safety.

28. 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 Planning Authority. The submitted plan shall include details of:

- Management of the roof area and solar panels within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around Aerodromes'

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

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

Note to Applicant: Aircraft Safeguarding - Use of Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard 'Code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues'

29. Telecommunications Equipment

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

Reason: In the interests of safeguarding the appearance of the building and the visual amenities of the area.

30. **Hotel - Hours of use**

No deliveries shall be taken outside of the hours of 07:00 to 21:00 daily.

The hotel cafe/restaurant shall be limited to hotel guests use only between midnight and 07:00am.

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

31. **APPROVAL CONDITION - Electric Vehicle Charging points feasibility study**

A feasibility study for electric vehicle charging points must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for electric vehicle charging points, a specification shall be agreed in writing with the Local Planning Authority. Electric vehicle charging points to the approved specification must be installed and rendered fully operational prior to the first operation of the development hereby granted consent and retained and maintained thereafter.

Reason: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20

APPENDIX 1

POLICY CONTEXT

Local Plan Policies

SDP1 - Quality of Development
SDP4 - Development Access
SDP5 - Parking
SDP7 - Context
SDP9 - Scale, Massing and Appearance
SDP10 - Safety and Security
SDP13 - Resource Conservation
SDP14 - Renewable Energy
HE4 – Local List
H2 - Previously Developed Land
H6 - Housing Retention
H7 - The Residential Environment
REI4 - Secondary Retail

Core Strategy Policies

CS1 – City Centre Approach

CS4 - Housing Delivery
CS5 – Housing Density
CS6 - Economic Growth
CS13 - Fundamentals of Design
CS16 - Housing Mix and Type
CS20 - Tackling and Adapting to Climate Change
CS22- Promoting Biodiversity and Protecting Habitats

City Centre Action Plan

AP5 – Shopping area
AP9 - Housing Supply
AP12 – Green Infrastructure and Open space
AP13 – Public Open space in New Developments
AP14 – Renewable or low carbon energy plants; and the District Energy Network
AP15 – Flood Resilience
AP16 – Design
AP17 – Tall Buildings
AP18 – Transport and Movement
AP19 – Streets and spaces
AP24 – East Street Shopping Centre

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards 2011

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)