

**Planning and Rights of Way Panel 16<sup>th</sup> March 2021**  
**Update to Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

<b>Application address:</b> Leisure World, West Quay Road			
<b>Proposed development:</b> Outline planning application for the demolition of the existing buildings and comprehensive redevelopment of the site comprising residential accommodated (Use Class C3), office floorspace (Use Class E), hotel accommodation (Use Class C1), cinema (sui generis use), casino (sui generis use) and other flexible business uses including retail and restaurants/cafes (Use Class E). With associated car and cycle parking, internal highways, open space, public realm and landscaping and ancillary works including utilities, surface water drainage, plant and equipment. Means of access for detailed consideration and layout, scale, external appearance and landscaping reserved matters for consideration (Environmental Impact Assessment Development).			
<b>Application number:</b>	20/01544/OUT	<b>Case Officer:</b>	Jenna Turner
<b>Case officer:</b>	Jenna Turner	<b>Public speaking time:</b>	15 minutes

- Delete Recommendation xiii for a Development Phasing Plan
- Add Recommendation to delegate the application for approval subject to the receipt of a satisfactory tree survey plan.
- Update to planning conditions attached to the report to:
  - Reword condition 1 to reflect the phased approach to development;
  - Additional condition to secure maximum quantum of development sought for approval;
  - Additional condition to secure the phasing plan, removed from the s106 agreement;
  - Additional condition to provide security measures as required by Hampshire Constabulary and;
  - Update all pre-commencement conditions to a phased approach.
- The District Valuation viability appraisal has been updated to reflect an increase in the estimated amount of the Community Infrastructure Levy that the development will be liable for (previously approx. £2m now approx. £4.5m). The result is that the deficit of the scheme has also increased to £25,717,825, which would result in a 6-7% profit from the development.

**1.Outline Permission Timing Phased (Performance) Amended**

Outline Planning Permission for the principle of the development, as set out on the submitted Parameter Plans and Design Codes, across the phases set out in Table 5-1 of the submitted Environmental Statement, is hereby approved. The following matter sought for consideration, namely the means of ‘Access’ (vehicular and pedestrian) into the site and the buildings, is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters for each phase shall be obtained from the Local Planning Authority prior to any works taking place on that phase (excluding any demolition phase, site set up and/or site investigation works):
- the 'Layout' of buildings and external ancillary areas;
  - the 'Scale' massing and bulk of the development;
  - the 'External Appearance' and architectural design specifying the external materials to be used (see associated external materials condition below); and,
  - the 'Landscaping' (both hard and soft including tree pit details, all means of enclosure details, including any gated accesses, and ancillary works) with associated management.
- (ii) The development of Phase 0 and Phase 1 hereby permitted shall begin no later than three years from the date on which this planning permission was granted.
- (iii) The development of each subsequent phase hereby permitted (phases 2-4) 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 for that phase of the regeneration project.

Applications seeking approval of reserved matters will be accompanied by a statement that demonstrates how the submission meets the principles and parameters of the Design Codes prepared by Corstorphine Wright and Macgregor Smith (ref: 18669-8019-P-01) (dated October 2020) or other versions as may be subsequently agreed in writing by the Local Planning Authority.

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).

## **2. Quantum of Development (Performance) Additional Condition**

The quantum of the development hereby approved shall not exceed the following maximum levels:

- Up to 17,500 sqm GEA of hotel floorspace across two development plots
- Up to 9,800 sqm GEA of office floorspace
- Up to 650 residential units of accommodation and Class E floorspace to the ground floor of Plot 4 comprising up to 57,510 sqm GEA floorspace
- Up to 4,490 sqm GEA of cinema floorspace
- Up to 2,900 sqm GEA of casino floorspace
- Up to 2,600 sqm of leisure floorspace
- Up to 2,990 sqm GEA of Use Class E floorspace within Plot 1
- Up to 5,000 sqm GEA of Use Class E floorspace within Plot 6

Reason: To define the consent since outline planning permission is hereby granted on the maximum quantum of development as set out in the application submission.

## **3. Development Phasing (Performance Condition) Additional Condition**

The phasing of the development hereby approved shall follow an implementation phasing programme in line with the submitted phasing information contained within the Environmental Statement, unless otherwise varied and agreed in writing by the Local Planning Authority prior to the submission of a Reserved Matters application for an alternative phasing programme.

#### **4. Site Levels (Pre-Commencement) Amended Condition**

No development shall take place (excluding any demolition phase, site set up and/or site investigation works) until further details of finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority on a phase by phase basis. These details shall relate to the phase to which development is to be implemented and shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eave and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To fully understand the height of buildings in relation to one another and the infrastructure since the site will be cleared and re-profiled.

#### **5. Archaeological investigation (Pre-Commencement) Amended Condition**

No development shall take place within the site until the implementation of a programme of archaeological work on a phase by phase basis has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

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

#### **6. Archaeological work programme (Performance)**

The developer will secure the completion of a programme of archaeological work on a phase by phase basis in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. This detail shall be submitted on a phase by phase basis with the information provided in support of the associated phase prior to the commencement of any development works (including any demolition phase, site set up and/or site investigation works).

Reason: To ensure that the archaeological investigation is completed.

#### **7. Land Contamination investigation and remediation (Pre-Commencement & Occupation) Amended Condition**

Prior to the commencement of development of each phase approved by this planning permission (or such other date or stage in development as may be agreed in writing

with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

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

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

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

### **8. Use of uncontaminated soils and fill (Performance Condition)**

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

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

## **9. Unsuspected Contamination (Performance Condition)**

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

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

## **10. Southern Water Public Water Supply Protection and Diversion**

Prior to the commencement of the development hereby approved, details of measures to protect the public water supply main shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Southern Water. The development shall be carried out in accordance with the agreed details.

Reason: To secure the sewage infrastructure on site.

## **11. Southern Water Drainage (Pre-commencement) Amended**

Prior to the commencement of each phase of the development hereby approved details of foul and surface water disposal for the relevant phase shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory form of development.

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

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

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

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

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

Notwithstanding the information shown on the approved drawings and application form, prior to the commencement of any above ground work for the construction of buildings in each phase (excluding demolition/site setup/site investigation works) a written schedule of external materials and finishes for that phase, including samples and sample panels where necessary shall be 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. 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.

### **14. BREEAM Standards (Pre-commencement) Amended Condition**

With the exception of site clearance, demolition and preparation works, before the development commences on non-residential uses within each phase of the development, written documentary evidence demonstrating that the commercial development within the relevant phase will achieve at minimum Excellent against the (2018) BREEAM Standard, including 5 credits in Ene 01, and a minimum 60% overall, (or Excellent under the 2014 assessment), in the 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).

### **15. BREEAM Standards (Performance) Amended Condition**

Within 6 months of any part of the commercial and retail development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard, including 5 credits in Ene 01, and a minimum 60% overall, (or Excellent under the 2014 assessment), in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

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

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

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) the following information for that phase shall be submitted to and approved in writing by the Local Planning Authority:

- Set out how exploration of embodied carbon has informed decision making on materials
- Set out how energy storage will be integrated into the development
- Complete the GHA overheating tool as a means of identifying potential issues and demonstrate how these issues can be overcome.
- Life cycle assessment to be conducted
- Post-occupancy evaluation and energy performance
- Identify rainwater and greywater systems. If not included robust evidence supplied to demonstrate why they are not technically feasible.
- Detail on the re-use of existing materials to be provided through the pre-demolition audit

The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

Reason: To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20, the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6, Southampton's Green City Charter and Plan (2020)

### **17. Energy Strategy (Pre-Commencement) Amended Condition**

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) a confirmed energy strategy shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase which included the enhanced passive measures, and zero or low carbon energy technologies that will:

- Aspire to net zero carbon, with a minimum reduction in CO2 emissions of the greater of at least 17% over part L Building Regulations Target Emission

Rates (using Part L 2013 carbon factors), or minimum national building regulation requirements at the time;

- Have a total Energy Use Intensity (EUI) equal to or less than 35 kWh/m<sup>2</sup>/yr (GIA) for residential and for non-domestic buildings a minimum DEC B (40) rating should be achieved and/or an EUI equal or less than: 70 kWh/m<sup>2</sup>/yr (NLA) or 55 kWh/m<sup>2</sup>/yr (GIA) for commercial offices;
- Space heating demand should be less than 15 kWh/m<sup>2</sup>/yr for all building types.

The measures set out in the agreed strategy shall be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010), and the Southampton City Charter and Plan (2020).

### **18. Ecological Mitigation Statement (Pre-Commencement) Amended Condition**

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) the developer shall submit a programme of habitat and species mitigation and enhancement measures for that phase, which unless otherwise agreed in writing by the Local Planning Authority, shall be implemented in accordance with the programme before any demolition work or site clearance takes place. The agreed mitigation measures shall be thereafter retained as approved.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

### **19. Protection of nesting birds (Performance)**

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

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

### **20. Green roof scheme (Pre-Commencement) Amended Condition**

Prior to the commencement of each respective phase of the development hereby approved (with the exception of site setup/demolition/site investigation works), a scheme for the installation of green roofs for that phase shall be submitted to and approved in writing by the Local Planning Authority for that phase. Before the relevant phase first comes into use or occupation, a green roof shall be completed in



accordance with a specification and management plan to be first submitted to and approved in writing by the Local Planning Authority.

The green roof must be installed to the approved specification before the relevant phase first comes into use or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme shall be maintained for a minimum period of 5 years following its complete provision. If the green roof dies, fails to establish or becomes damaged or diseased within a period of 5 years from the date of planting, shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

## **21. Submission of a Bird Hazard Management Plan (Pre-commencement) Amended Condition**

Prior to the commencement of each phase of the development (excluding site setup/demolition/site investigation works) a Bird Hazard Management Plan for that phase shall be submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of the management of the roof area and any solar panels within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around Aerodromes'

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

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

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

Prior to the commencement of any development, including site clearance and demolition, details of tree protection measures shall be submitted to and approved in

writing by the Local Planning Authority. The tree protection measures shall be provided in accordance with the agreed details before the development commences and retained, as approved, for the duration of the development works. No works shall be carried out within the fenced off area. All trees shown to be retained on the plans and information hereby approved and retained pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations.

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

### **23. Road Construction (Pre-Commencement Condition) Amended Condition**

Before the development of each phase commences, the following information for the relevant phase shall be submitted to and agreed in writing by Local Planning Authority:

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority.

### **24. Electric Vehicle Spaces (Pre-Use) Amended Condition**

Prior to each phase of the development hereby approved first coming into use, details of parking spaces with charging facilities for electric vehicles for spaces that serve that phase of development shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The spaces and charging infrastructure shall be thereafter retained as approved and used only for electric vehicles.

Reason: In the interest of reducing emissions from private vehicles and improving the city's air quality.

### **25. Noise - plant and machinery (Pre-Use) Amended Condition**

Prior to each phase of the development containing non-residential uses first coming into use, details of measures to minimise noise from plant and machinery associated with the commercial uses within the relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the

use hereby approved commences and thereafter retained as approved.

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

## **26. Noise Mitigation Measure – Residential (Pre-commencement) Amended Condition**

Prior to each phase of the development containing residential commencing, mitigation measures for the respective phase to protect residents from external noise sources shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall thereafter be implemented as approved.

Reason: In the interest of residential amenity and to ensure that the development does not act as an 'agent of change' for the Port of Southampton.

## **27. Hours of Delivery Restriction (Performance)**

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 07:00 to 22:00 daily.

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

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

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

Monday to Friday                      08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays                                09:00 hours to 17:00 hours (9.00am to 5.00pm)

And at no time on Sundays and recognised public holidays.

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

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery within each phase.

Reason: To protect the amenities of the occupiers of existing nearby residential properties as agreed by the Council's Environmental Health Officer.

## **29. Retail Floorspace Restriction (Performance)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument

amending, revoking and re-enacting these Orders, retail floorspace within the Class E uses hereby approved shall not exceed 750sq.m.

Reason: To ensure that the amount of retail floorspace does not adversely affect the viability and vitality of the core shopping areas within the city centre.

### **30. Safety and Security (Pre-commencement)**

No development shall take place within such part of the site to which a phase relates, (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until a scheme of safety and security measures for that phase/building including:

- i. concierge arrangements with 24-hour on-site management;
- ii. door types of the storage areas;
- iii. outer communal doorsets and the flat access doorsets;
- iv. ground floor windows;
- v. audio/visual control through the communal access doors;
- vi. security of the car parking areas; and,
- vii. a lighting plan.

has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of each building to which the agreed works relate, and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety and security of all users of the development and as the basement provides access to residents and the public.

### **31. Approved Plans (Performance)**

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

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

- a. 18669-0303-P-01 Parameter plan development zones and plot boundaries
- b. 18669-0304-P-01 Parameter plan at grade land use
- c. 18669-0305-P-01 Parameter plan first floor and above land use
- d. 18669-0306-P-01 Parameter plan proposed site levels
- e. 18669-0307-P-01 Parameter plan amenity play and publicly accessible open space
- f. 18669-0308-P-01 Parameter plan vehicular access and circulation
- g. 18669-0311-P-01 Parameter plan Maximum AOD building heights

