

Planning and Rights of Way Panel 29th March 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: Land At The Former Toys R Us, Western Esplanade, Southampton			
Proposed development: Demolition of all existing buildings and structures and site clearance and hybrid planning permission for the redevelopment of the site for major mixed-use development comprising: A. Full planning permission for the demolition of the existing building and structures; construction of 4 buildings (Blocks A, B, C and D) of between 7 and 25 storeys with Block A comprising commercial floorspace (Class E) and Blocks B, C and D comprising 603 residential units (Class C3) and ground floor commercial floorspace (Class E); together with associated access, parking, servicing, landscaping (including Sustainable Drainage Systems), amenity space, public realm and substations. B. Outline planning permission for the construction of 1 building (Block E) of up to 8 storeys for flexible commercial/residential/overnight accommodation (C1/C3/Class E Uses) and/or co-living (Sui-Generis) with associated access, parking, servicing, landscaping and amenity space (all matters reserved except for access) (Amended Description).			
Application number	21/01837/FUL	Application type	Major mixed use development
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	22.03.2022 (ETA)	Ward	Bargate
Reason for Panel Referral:	Application which the Head of Planning & Economic Development considers to be of particular interest, strategic importance and wider public interest.	Ward Councillors	Cllr Sarah Bogle Cllr John Noon Cllr Darren Paffey

Packaged Living (Freof V Southampton) LLP	Agent: Savills
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Recommendation Summary	Delegate conditional approval to the Head of Planning & Economic Development
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment
3	DVS Viability Review dated 02.03.2022		

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 (2021).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, HE2, HE6, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) Policies CS1, CS2, CS3, CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP1, AP6, AP7, AP8, AP9, AP12, AP13, AP15, AP16, AP17, AP18, AP19, AP20 and AP21 of the City Centre Action Plan (2015) and the National Planning Policy Framework (2021).

Recommendation in Full

1. Delegate to the Head of Planning & Economic Development to approve the Habitats Regulations Assessment and 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:
 - a. In accordance 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), financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site including:
 - Segregated cycle route and/or bus lane (subject to design) on Western Esplanade between Central Station and Western Esplanade/Civic Centre Road junction;
 - No loading restrictions (TRO & Implementation) around site boundaries to stop loading/unloading away from designated loading bays, and loading restrictions in any provided loading bay(s);
 - Contribution to segregated cycle route, pedestrian crossing points and works to connect from site to Manchester Street (route past side of Asda);
 - 2x Enhanced Variable Messages Signs on Western Esplanade – one replacing existing adjacent to site, second on southbound approach; and
 - Southampton Central Station Forecourt scheme and Legible Cities Wayfinding & base map update;
 - Provision of on-site hub to provide a range of shared e-mobility (e.g. scooters, cargo bikes, bikes, vans) for residents and businesses;
 - New junction layout to improve traffic flows with better pedestrian and cycle crossings across Western Esplanade (W & S), new controller and MOVA operation, to connect the site with the City; and
 - Provision of servicing laybys for the commercial and any other relevant uses within the development

- b. 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;
- c. 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.
- d. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives during both the construction and operational phases, 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);
- e. 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);
- f. Affordable housing provision taking account of the current Development Plan and current viability with ongoing reviews;
- g. Notwithstanding the current submissions the submission, approval and implementation of on site Public Art in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013),
- h. Submission, approval and implementation of a Travel Plan for both the commercial and residential uses in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy;
- i. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
- j. The provision of a financial contribution towards late night Community Safety Initiatives within the City Centre, having regard to the late night uses within the application proposal and in accordance with policy AP8 of the City Centre Action Plan.
- k. Notwithstanding the current submissions the submission of a scheme of works and management plan for the International Maritime Promenade permitted route, public plaza and other public areas around the site for access by pedestrians and cyclists.
- l. Provision, retention and management of the public open space and on-site play space together with securing public access in perpetuity in accordance with policy AP13 of the City Centre Action Plan .
- m. A financial contribution to a flood defence scheme and flood evacuation plan in accordance with the NPPF and policy AP15 of the City Centre Action Plan.

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

Background

The Council is the freeholder of the site and the applicants, Packaged Living, acquired leasehold interest in the site in May 2021. Terms were agreed by the Council in November 2021 to grant the existing leaseholder a new long leasehold interest in the site and development agreement to facilitate a major mixed-use redevelopment to include new homes, leisure, public realm and employment accommodation.

1 The site and its context

- 1.1 The application site has an area of 1.86 hectares (4.8 acres) and comprises a retail shed and associated car park, which has been vacant since early 2018 following the collapse of the Toys R Us retail chain.
- 1.2 The site is located to the south west of Southampton Central Railway Station on the opposite side of Western Esplanade. There is an existing pedestrian permitted route though the site which takes pedestrians from the Central Station through to Harbour Parade. The existing site arrangement has servicing access from Western Esplanade with access into the car park taken from the Harbour Parade roundabout. There are circa 35 existing trees across the site and those fronting Western Esplanade are protected by Tree Preservation Orders.
- 1.3 There is existing below ground infrastructure crossing the site relating to electricity sub stations to the east and west, and an enclosed geothermal well head located in the car park which serves the district heating network. There is also a culverted stream running north-south on the western edge of the site, which is owned and managed by ABP.
- 1.4 The surrounding area has a mixed commercial and residential character. The National Express Coach Station is located to the South-East and West Quay Retail Park is located to the south, beyond Harbour Parade. The nearest residential properties are Emily Davis student halls to the East and Wyndham Court (Grade II listed) and Empire View apartments located to the north on the other side of the railway line. It is also important to note that the Civic Centre (Grade II*) stands to the East at the top of Civic Centre Hill.

2 Proposal

- 2.1 This is a 'hybrid planning' application for mixed use development, meaning that part of the scheme is fully detailed with the remainder requiring further detail and the submission of 'Reserved Matters'. It comprises:
 - Full planning permission for:
The demolition of the existing building and structures; construction of 4 buildings (Blocks A, B, C and D) of between 7 and 25 storeys with Block A comprising commercial floorspace (Class E) and Blocks B, C and D comprising 603 residential units (Class C3) and ground floor commercial floorspace (Class E); together with associated access,

parking, servicing, landscaping (including Sustainable Drainage Systems), amenity space, public realm and substations.

- Outline planning permission for:
The construction of 1 building (Block E) of up to 8 storeys for flexible commercial/residential/overnight accommodation (C1/C3/Class E Uses) and/or co-living (Sui-Generis) with associated access, parking, servicing, landscaping and amenity space (all matters reserved except for access)

2.2 The key components of the scheme are as follows:

- 603 new homes;
- 65,000 sq ft / 6,031sqm of grade A office space;
- 8,858 sq ft / 823sqm of retail space (flexible Class E units);
- 69,000 sq ft / 6,430sqm of flexible space commercial space (outline part);
- 59 resident car parking spaces and 46 office car parking spaces to include 11 disabled bays and electric vehicle charging points (active and passive);
- Delivery of 8,000sqm of public realm including the International Maritime Promenade section from Central Station to Harbour Parade; and,
- 90 replacement trees following a loss of 18 existing trees.

2.3 The apartments are proposed to be managed 'build-to-rent' units served by a concierge desk with 24/7 support. Residents are provided with access to a number of shared internal and external amenity spaces, such as lounge areas, co-working space and games rooms. The proposal provides 841sqm gross of communal/private internal amenity and 2293 sqm of private external space (courtyards and roof terraces).

2.4 The proposed accommodation has the following housing mix:

	Studio	1 Bed	2 Bed	3 Bed	Total
No	11	322	242	28	603
Mix	1.8%	53.4%	40.1%	4.6%	100%

2.5 The new International Maritime Promenade (IMP) pedestrian route would be tree lined with a straightened alignment to join the Harbour Parade roundabout, and a pedestrian route is also provided to link with the existing pedestrian crossing across Harbour Parade into the West Quay Retail Park. The proposed route will align with planned highway works to Western Esplanade which seek to re-position the existing pedestrian crossing. The layout provides landscaped public open space within the middle of the site and works with the site constraints of the retained Geothermal well head equipment.

2.6 The office accommodation (Block A) has been designed as a feature gateway building holding the corner at the entrance to International Maritime Promenade adjacent to Western Esplanade and the Central Station. The building has a curved triangular shape with horizontal banding. The office building is served by a podium car park which also serves residential uses (Blocks B and C) within the northern part of the site. The podium car park is accessed from Western Esplanade and 2 no. servicing lay-bys are proposed to the northern edge of the site. The podium car park is enveloped by commercial units fronting IMP and residential entrances and ancillary spaces

along the other podium edge. The podium car park would accommodate 39 resident parking spaces and 46 office car parking spaces.

- 2.7 The residential tower within Block B has a height of 25-storeys with a 9-storey shoulder. Block C at the eastern end of the podium cluster and has a height of 12-7 storeys. The architectural approach for Blocks B and C uses fenestration design to provide verticality and incorporates brick banding façade detail.
- 2.8 Residential block D is detached from the podium element and is located within the south-eastern part of the site, and has its own small surface level car park with 20 parking spaces and is accessed from the Harbour Parade roundabout. This block has a scale of 24-storeys with an 8-storey shoulder. The architecture of this block has a maritime influence with horizontal emphasis and a light materials palette.
- 2.9 Block E is the outline part of this hybrid application and a flexible range of uses are sought for this building with only the principle of development and site access arrangements under consideration. This block is located within the southern part of the site and is served by its own surface car parking area with access taken via the Harbour Parade roundabout. Vehicles will be required to cross International Maritime Promenade to enter this part of the site. This block is supporting by a Design Code which sets building height and massing parameters to order to respect the sensitive view of the Civic Centre Campanile from West Quay Road (view CCC.2) and influence the Reserved Matters submissions that will follow for this part of the scheme.

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 Core Strategy under policy CS1 (City Centre Approach) identifies the city centre as the location for major development to enhance the City’s regional status and supports high quality development proposals for a wide range of uses including retail, office, leisure, cultural, hotel and residential. The current proposal comprises a mix of commercial office, flexible retail, and residential uses which is considered to adhere to this policy.
- 3.3 The City Centre Action Plan (CCAP) identifies the application site as being within the Station Quarter of the Major Development Zone (also known as the Mayflower Quarter). Policies CS2 and AP20 provide an over-arching policy for the Major Development Zone (MDZ) and promote this area for comprehensive high-density mixed-use development including commercial, leisure, residential and tourist uses. Development within the MDZ is expected to create a high standard of design which has a good relationship with, and adds to, the positive features of Southampton’s cityscape. The area is identified as being suitable for tall building clusters under policy AP17 of the CCAP. High quality, clearly defined pedestrian and cycle friendly strategic links are promoted within the MDZ which connect to the wider area and policy AP19 identifies the

route through the application site from Central Station to Harbour Parade as forming part of the International Maritime Promenade Strategic Route. Furthermore development within the MDZ is expected to provide new high quality civic squares and green spaces and should achieve an appropriate degree of safety in respect of flood risk

- 3.4 Policy AP21 indicates that development within the Station Quarter is required to create, or contribute towards creating, a high quality and distinctive gateway and point of arrival for the city centre, which this proposal will. It also notes that office, residential, hotel, leisure, appropriate food / drink, small-scale retail (under 750 sqm gross) and retail development (A1) which meets policies CS3, AP6 or AP7, will be promoted. It should be noted that the applicants have agreed to limit the amount of retail floor space within the commercial units to not more than 750sqm to comply with the retail impact policies in order to protect existing defined shopping areas.
- 3.5 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 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.
- 3.6 The Council's Strategic Planning Policy Team have reviewed the application and are satisfied that it complies with the relevant policies, subject to the application of the aforementioned condition to limit occupation of the flexible retail floorspace by Class E(a) retail uses to a maximum of 750sqm gross floorspace at any one time.

4. Relevant Planning History

- 4.1 In 2018 a lawful development certificate for use of the site for open A1 retail including food retail was refused because the historic lawful use of the retail shed was restricted for retail warehousing only (ref 18/01055/PLDC).
- 4.2 In 1986 conditional planning permission (ref M47/1674) was granted for the erection of a retail warehouse with associated car parking and service yard for Toys r us. Records indicate that prior to that the site was used as temporary public car parking.
- 4.3 In 1846 the site consisted of intertidal mudflats some 20-25m from the shore. In 1903 land was reclaimed and the Southampton Corporation Electricity Station was built on part of the application site. By 1933 the application site had been entirely reclaimed and the power station enlarged.

5 Consultation Responses and Notification Representations

- 5.1 The planning application is supported by a Statement of Community Involvement which sets out the applicant's community engagement ahead of the planning submission. The Statement indicates that 1,088 local households and businesses were consulted with opportunity to engage through a virtual exhibition or through a community drop in session. A total of 67 feedback

forms were reported with an overview of the responses set out within the statement.

- 5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners, placing a press advertisement (14.01.2022) and erecting site notices (14.01.2022). At the time of writing the report **3 representations** have been received (1 in support and 2 against) raising the following issues:

Against

- 5.2.1 Overlooking and loss of privacy to Empire View

Officer Response- *Empire View is located circa 90m to the north, on the opposite side of the railway line. The application site is located within a policy area identified for high density development including tall building clusters. The proposal is not considered to lead to unreasonable overlooking within this city centre context and having regard to the policy allocation for the Station Quarter and Major Development Zone.*

- 5.2.2 **Objection from City of Southampton Society**

1) Vehicular access to the car-park for Blocks A, B and C from Western Esplanade is limited to left-hand turns (for both entry and leaving) unless an additional traffic-controlled cross-roads is provided. This applies to all the traffic for the offices and the limited number of residential car users together with all emergency vehicles. Traffic must not be allowed to do a right-turn and bump across the central reservation whether arriving or departing. It may be necessary to erect a steel barrier along the length of the central reservation to prevent this.

Officer Response- *The Council's Highway Officers are satisfied with the access arrangements onto Western Esplanade. The Western Esplanade access will be a new priority junction adjacent to an existing access to a 25 space surface car park. This will be in a left in-left out arrangement and provide access to a podium space for parking and servicing.*

- 5.2.2.1 2) Vehicular access to the car-parks for Block D and eventually Block E is via Harbour Parade. It is not clear from the plans how this will cross the IMP and whether there will be a conflict with pedestrians. Possibly another vehicular access is required from Harbour Parade to the Block E car-park.

Officer Response- *Unfortunately the developer does not own the highway verge adjacent to Harbour Parade and cannot create a new access from Block E/Zone E onto Harbour Parade. As a consequence vehicular access into Block E/Zone E will need to cross International Maritime Promenade to exit/enter via the existing access point onto the Harbour Parade roundabout. The Council's Highways Team agree in principle to this subject to design control measures to avoid conflict between cars and pedestrians/cyclists and details are recommended to be secured by condition via a management plan for International Maritime Promenade.*

- 5.2.2.2 3) Delivery vehicles should have dedicated parking bays for each of the blocks. This applies to the Royal Mail, supermarket deliveries, the multitude of delivery vehicles used by internet companies as well as take-away food deliveries. Without such parking bays, expect these vehicles to be driven along the IMP to get as close as possible to their destination. Also no mention is made of where Removal vehicles will park. With heavy furniture to move expect them to park as close as possible to the flat entrance doors. With 600 BTR units there is likely to be a regular turnover of residents.

Officer Response- *The servicing arrangements have been amended to provide 2 no. lay-bys to service Blocks A, B, C from Western Esplanade. Block D is serviced from Harbour Parade. Limited servicing will need to take place on International Maritime Promenade to serve the commercial units fronting IMP and also for servicing of Block E. As above the Council's Highways Team accept that due to the site constraints limited and controlled servicing will need to take place on IMP and control measures will be secured to prevent conflict between pedestrians/cyclists and servicing vehicles.*

- 5.2.2.4 4) The developer's suggestion to limit deliveries to certain times of the day would not be workable (unable to enforce on multiple delivery companies) or acceptable to residents (restricting their choice of delivery times).

Officer Response- *Controlled servicing hours is possible through a management plan and servicing hours will need to be carefully controlled to avoid conflict peak commuter times when footfall is heavier along IMP.*

- 5.2.2.5 5) For the IMP to be a safe space for pedestrians, skateboards and cycles should be banned. This also applies to take-away food delivery.

Officer Response- *This request is not enforceable through Planning and the above s.106 recommendation seeks to ensure that the new permitted routes remain open to pedestrians and cyclists. The proposed commercial units are for use within class E only and does not include hot food take-away use.*

- 5.2.2.6 6) There is likely to be an increased flow of pedestrians crossing Western Esplanade going to or from the station. These should use the existing pedestrian crossing - perhaps updated to allow for a greater volume of pedestrians than at present. Pedestrians must be resisted from crossing Western Esplanade at random other places - again by providing a steel barrier in the central reservation. Another alternative would be to provide an elevated walkway. This would have the advantage of not interrupting the traffic flow as the existing controlled crossing does.

Officer Response- *The Council's Highways Team are seeking better pedestrian and cycle crossings across Western Esplanade as part of the S106 site specific highway works.*

- 5.2.2.7 7) We note from the plans that the two tall tower blocks (B and D) are only served by one staircase. The need for safe exit from the building in case of fire was highlighted in the Grenfell Fire tragedy. The position is exacerbated by there being no balconies on either building. However, from the Fire Officer's report, we note that it is intended that each block should have one full fire-fighting shaft (including stairs). We cannot however identify these on the

plans. Additionally Fire appliances will need to be able to park adjacent to all sides of all blocks of flats.

Officer Response- *The development will have to satisfy Building Regulations Approved Document B – Fire Safety and currently a single staircase is permissible. The Planning Department has consulted the Health & Safety Executive on this application following recent changes to the Planning system in respect of tall building proposals – their comments are summarised later in this report.*

- 5.2.2.8 8) Examination of the floor plans is difficult due to their scale. However it would appear that in many cases toilets are positioned directly off kitchen areas or the main living area. Again there may be Building Regulations that cover this point but it is not hygienic to have toilets adjacent to food preparation areas or pleasant to have them opening off a living space, especially if the rooms are not adequately soundproofed.

Officer Response- *Noted but there are not grounds to refuse planning permission because toilets are accessed from kitchen areas.*

- 5.2.2.9 9) External noise could be a problem especially for the residential flats in Blocks B & C facing north. The Western Esplanade is a busy main commuter road into and out of the city centre. Added to this traffic are the emergency vehicles, particularly the police whose main Southampton base is only 100m to the west. In addition the train line serving both London and the South West is busy with commuter services and operates 24/7 for freight trains servicing the docks. Sealed windows are not an option during the hot summer days, especially as there are no balconies.

Officer Response – *The application has been reviewed by the Council's Environmental Health Team and the recommendations of the submitted noise report, and a planning condition in respect of glazing specification, is recommended to secure appropriate noise control measures to mitigate against external noise, including tonal noise from the sub-station on the western side of the site.*

- 5.2.2.10 10) There are additional noise problems with Block A (offices) and Block E (outline application for flexible commercial, residential, overnight accommodation and possibly students) from the perpetual hum generated by the Electricity sub-station. Again sealed windows are not an option for residential or student use. Some form of acoustic noise barrier around (and over?) the sub-station is essential.

Officer Response – *The acoustic consultant has recommended a number of options for dealing with tonal noise from the sub-station which includes either installing an acoustic boundary treatment or dealing with it through building fabric. Further acoustic assessments are required to determine the correct type of mitigation and a condition is recommended to secure these details.*

- 5.2.2.11 11) Entry for residents to Block B is unclear. From Western Esplanade there is a doorway with lifts and a staircase serving all 25 floors. However when approaching from the south the entry is via a two-storey pavilion. Residents wishing to access the top floors of Block B from this entrance will have to take

the lift, or stairs, to the second floor, then walk along a long corridor and take another lift, or stairs, to their required floor.

Officer Response – Residents seeking to access the lift and staircase to all 25 floors will need to access the northern part of the building from the car park or from the Western Esplanade door access. The observations appear to be correct regarding the routes to all 25 floors if accessed from the southern concierge. The applicants have advised that from a management and operational perspective the concierge and amenities cannot be dispersed as it dilutes the service that can be provided and is too problematic to manage and staff. There is a deliberate hierarchy between the entrances. The BtR operator wishes to encourage use of the Maritime Promenade entrance to reinforce the social interaction and community that underpin the benefits of a BtR development.

In Favour

- 5.3 Buildings with character and a destination in its own right. Well done. fully support. Leaving the train station will make us proud finally.

Consultation Responses

- 5.4 **SCC Highways** – No objection

5.4.1 Principle

The proposed mixed use development for 603 residential units, commercial floorspace and outline permission for a flexible use building. The site was formerly retail unit (Toys R Us) with 250 space surface car park. This provides a high density development in a highly sustainable location opposite Southampton Central Station and close to the City Centre. Southampton Central Station provides access to frequent rail services and high frequency bus services to key destinations such as University Hospital Southampton, City Centre, University and Airport. For the office element location opposite the station will enable a high number of trips to be made by rail. The development mix and location is acceptable in highways terms.

5.4.2 Access

The site will be served by two accesses – one for Blocks A, B & C from Western Esplanade, and D & E from the existing roundabout on Harbour Parade.

The Western Esplanade access will be a new priority junction adjacent to an existing access to a 25 space surface car park. This will be in a left in-left out arrangement and provide access to a podium space for parking and servicing. This arrangement is satisfactory, and a route exists for traffic wishing to go north or east from the site via Central Station Bridge-Commercial Road. Modelling of the Central Station Bridge/Western Esplanade junction indicates that this can accommodate the additional trips made.

- 5.4.3 Access for Blocks D & E will be from the existing Harbour Parade roundabout, which will also provide servicing only access to the International Maritime Promenade (IMP) route through the site. This provides an interaction with this proposed pedestrian-cycle route and detail will need to be agreed on how this

is managed. Those using the IMP may not expect to encounter vehicles servicing Block E.

- 5.4.4 The two (service only) access points for IMP should be made one way with ingress from the roundabout to the South and egress to the north onto Western Esplanade. This will reduce the space needed for vehicles as well as conflict points with pedestrian and cyclists.

Access for pedestrians and cycles is from Western Esplanade at the existing toucan crossing by Southampton Central Station (to be upgraded in 2023 by SCC as part of Transforming Cities work), Western Esplanade/Civic Centre Road junction, and the existing toucan crossing on Harbour Parade.

Interaction with the highway will require a Section 278 application and a Road Safety Audit.

- 5.4.5 Parking

The total parking provision for blocks A-D will be 105 (inc 13 disabled spaces), block E is not defined but is indicated that this would be a maximum of 20.

This is well below that of the City Centre Action Plan which could see up to 725 spaces provided. However, given the highly sustainable location and the aspiration to be as car free as possible the reduced number of spaces is acceptable. There is sufficient supply of parking in surrounding car parks such as Marlands or West Park Road that are adjacent to the site providing capacity for visitors. There is no opportunity for overspill parking and surrounding streets are controlled.

- 5.4.6 All parking spaces will be 'EV Ready' with passive provision for future electric vehicle charging facilities. 15% of the spaces will have actual EV provision, however it is not clear what type of charging provision this is to be. Given the mix of use a combination of fast/rapid short term charging for office, and slow/fast for the residential units should be confirmed – this would need to be secured by condition. There are proposed to be 512 residential cycle parking spaces with a further 78 spaces for the office development making a total of 600 spaces. This is an under provision against standards which would be 603 for residential and 122 for the office (in blocks A and E) making 725 in total. Changing facilities and lockers should be provided – 5 showers are provided within Block A for the office. The argument for under provision is that not all residents will need cycle parking space is erroneous. The mix of residential units would see a higher number of people without cars and potentially owning more cycles therefore the number should be higher. There is provision for visitor parking (102 spaces) at several locations across the site. These should be secure, covered (where possible) and overlooked.

- 5.4.7 Public Transport, Pedestrian and Cycle Routes

The site is adjacent to Southampton Central Station which is served by high frequency rail services and is an important bus hub for Southampton. For office workers the site will be highly accessible by rail and bus, and residents will have a range of services to choose from. The SCC scheme for Southampton Central station will improve the existing toucan crossing of Western Esplanade further enhancing the connectivity.

- 5.4.8 Located adjacent to the core City Centre the site is within walking and cycling distance. The currently layout of the Civic Centre Road/Western Esplanade junction does not provide a good level of service for people walking. The

proposals are to amend this junction with new direct pedestrian and cycle crossing facilities which will improve the level of service.

- 5.4.9 The International Maritime Promenade (IMP) route through the site from Southampton Central Station to West Quay is an important walking and cycling route forming part of SCN1 (and NCN236) cycle routes, and as such access for pedestrians and cycles should be unfettered. This would need to be secured through the S106 Agreement. The southern end of this is not optimal as it diverts from the future desire line but it is understood that land constraints require the route to angle across the future access for Block E. A 4m shared use footway-cycleway is proposed for the Western Esplanade frontage, which is a low footfall area so while not compliant with LTN1/20 provides a connection from Western Esplanade to the station.
- 5.4.10 Trip Generation
Discussions have taken place in order to agree the now proposed trip rates. Comparable sites were used from TRICS as well as considering the fact that the development has a very low parking provision in relation to the number of units and office floorspace. The TA uses parking accumulation and parking ratio in order to prorate the trip - whereby percentage of trips are generated based on the correlation between parking spaces and triprate). Furthermore, the site is situated within a city centre location and opposite Central Station and is close to bus links. This resulted in slightly less vehicular trip rates to reflect all these points. However, it was noted that there was potential for commuters regarding the office use can park in nearby car parks which would likely travel past the local highway network. As a result, a sensitivity test was carried to capture this scenario.
- 5.4.11 Modelling has been carried out in nearby junctions which shows notable impact on the nearby junctions. Worst being the Western Esplanade signalised junction to the East with an increase in AM peak and slightly lower with the PM peak and Daily trips. This is slightly worsen with the sensitivity test but overall conclusions remain similar. The level of impact is considered to be acceptable subject to the junction works requested as part of the S106 mitigation package.
- 5.4.12 In regard to the multi modal trips, the development will generate a significant increase which will have an impact on the nearby junctions as more people would be crossing the roads. Works are requested to the Western Esplanade signalised junction to provide a better environment for footway users and better crossing points. The works would also provide some benefits to traffic flow with the new layout and additional stacking space.
- 5.4.13 Servicing
The development is proposed to be served either from Western Esplanade or via the International Maritime Promenade/Harbour Parade. Western Esplanade will provide servicing access to Blocks A-C and is indicated as the primary servicing area. Smaller vehicles such as vans and cars will use the internal service area with larger vehicles including refuse and HGVs using two proposed laybys on Western Esplanade. The two laybys were originally proposed. One is to be to the east of the site entrance to serve Blocks B & C via an off-carriageway layby designed to be at footway level so it can be used as footway when not in use. This will require suitable demarcation (bollards,

tactile paving etc) to alert visually impaired people to its presence and potential for a vehicle to be there.

- 5.4.14 The second layby west of the site entrance would serve Block A and was originally planned to be located on-carriageway on Western Esplanade. This would be in lane 1 in advance of the toucan crossing between Southampton Central station and IMP. This would cause a safety concern for forward visibility to the lights, vehicles not being expected to stop on Western Esplanade which is a main distributor road exiting the City Centre. This was not supported by Highways. Following discussions with the applicants an alternative whereby the layby is located off-carriageway in the same position. This would be designed similar to the first layby at footway level. The layby would narrow the proposed shared foot-cycleway to approximately 2.5m wide for the length (approx. 15m) of the layby. Therefore being at footway level provides additional space when not in use. The tracking diagram shows that the vehicle although fits in this loading bay, it is very tight and therefore may need to be widened during detailed design stage as part of the Section 278 process. This is to give larger lorries more space to manoeuvre correctly as well as protecting the kerbing as well as avoiding lorries potentially sticking out slightly.
- 5.4.15 Therefore, the alternative layout for the layby can be supported subject to measures that stop loading/unloading on the carriageway of Western Esplanade (No Loading At Any Time restrictions) being secured via the S106 Agreement.
- 5.4.16 Servicing for Block D is from roundabout off Harbour Parade and smaller vehicles use the car park area. Refuse collection and larger vehicles is proposed to be from IMP.
- 5.4.17 At this stage the servicing for Block E requires crossing of IMP to access the car park and some vehicles may find the current design of the building difficult to manoeuvre around. Again refuse and larger vehicles will use IMP. It is understood that we are only assessing access regarding Block E but it is important to note that with the current layout suggestion, only limited sized vehicles can service this block as larger vehicles would not be able to turn on site and therefore risk reversing on or off IMP and/or public highway. Therefore although a variety of uses is proposed for now, certain uses such as food retail would need to consider either layout changes or conditions to restrict servicing vehicle sizes.
- 5.4.18 IMP is designed as a high quality piece of public realm shared use environment acting as a gateway to Southampton connecting the TCF work at the station with West Quay. The introduction of servicing creates a conflict between people walking & cycling and the vehicles. DfT guidance looks to remove this conflict in shared use areas where there is high pedestrian footfall to make it safer for disabled and partially sighted people. The traditional method to do this would be through kerbs delineating difference between footway and roadway. This would not be in line with the design for the IMP, therefore a level surface has been proposed.
- 5.4.19 The management of the interaction between vehicles and pedestrians is required for those vehicles servicing along IMP. Time for access should be

limited to outside of peak pedestrian footfall hours (i.e. 0800-1800) and access should be restricted by on-site staff. A Delivery & Service Plan, that sets this out the management of the IMP in detail including ways of reducing deliveries/making them zero-emission, is required as a condition.

5.4.20 Conclusion

The proposal for the regeneration of the former Toys R Us site will provide a highly sustainable transport development located adjacent to Southampton Central Station. The development has Subject to a mitigation package through the Section 106 Agreement, there are no objections on highways and transport grounds from the Local Highway Authority.

5.4.21 Recommended highway conditions:

- 1) IMP management plan. A plan to detail how International Maritime Promenade will be managed to limit servicing times to avoid peak hours; amount of servicing that takes place here especially if problems arise from 'overcrowding' of servicing vehicles; management of bollards or physical measures to prevent non-servicing vehicle access.
- 2) Servicing management plan. A servicing management plan should be submitted to detail the servicing arrangements for each block. Plan to be submitted and agreed in writing by the LPA.
- 3) EV Charging. Plans to show the level and type of electric vehicle charging points are to be submitted and agreed upon by the LPA. Active (ready to be used) provisions should be at 25% of total parking numbers and 100% to be passive (infrastructure provided for easy and practical future connections).
- 4) Construction Management Plan
- 5) Cycle Parking. Details of cycle parking to be submitted and quantum should be increased to meet policy requirements.

5.5 **Historic England** - Objection

5.5.1 Historic England have concerns regarding impact from the height and massing of the development in relation to 2 no. views of the Civic Centre Campanile from West Quay Road and Western Esplanade.

5.5.2 Civic Campanile view 2 - This view comprises an open vista from West Quay Road looking northeast along Harbour Parade upwards to the Civic Centre. The prominent Campanile is seen in clear sky from a number of points. The proposal would dramatically alter the character of this view. Currently the campanile stands alone, if the development was built as proposed it would be framed by much taller buildings.

5.5.3 Historic England note that a corner has been removed from block C to allow for more space to the left of the tower in this view and that the overall height has decreased by 2.1m. However, the base of the block still remains close to the campanile, visually hemming it in. This is also the case regarding the base of block D.

5.5.4 While this is a small improvement on the design seen at pre-application stage, we still consider that the proposals narrow the viewing corridor and therefore cause a moderate level of harm to the campanile through changes to its setting, when seen from this key viewpoint.

- 5.5.5 Civic Campanile view 3 - This view comprises a vista from a narrow pavement on an elevated section of the Western Esplanade northeast to the Campanile of the Civic Centre and City Centre.

The proposal would encroach on the highly sensitive and sensitive zones of the strategic view, breaching the established building line around the base of the campanile. The campanile would remain visible but appear as a relatively small structure, surrounded rather than framed by much larger buildings, and would lose its place as a landmark that rises above its surroundings. We think that a moderate degree of harm would be caused to this view.

- 5.5.6 The cumulative impact on views

The cumulative impact of the proposals would be to cause moderate harm to the significance of the Civic Centre and Campanile by diminishing its primacy in strategic views across the city. This would reduce the appreciation of the building as a key landmark in Southampton, affecting its architectural and historic interest and the quality of Southampton's cityscape. We do not agree with the heritage assessment's conclusion that the development would cause a low level of less than substantial harm to the civic centre.

- 5.5.7 Officer Response – *The application site is located within the Station Quarter of the Major Development Zone and is identified for comprehensive high-density mixed-use and tall building clusters. Achieving higher densities and introducing tall buildings on the Toys R Us site has also been challenging in respect of longer views towards the Campanile from West Quay Road and Western Esplanade. As part of the design evolution improvements have been made to the site arrangement and to the massing of blocks D and E to frame rather than to intrude into the highly sensitive zone of the Campanile from West Quay Road (view CCC2). The view heading into the city on Western Esplanade is a kinetic view which changes because of the road/footway alignment and topography.*

- 5.5.8 *As such, whilst views of the campanile are impacted from fixed point view CCC3 the view does change as you approach the city. Historic England have identified a moderate impact on the setting of the Civic Centre campanile and therefore the following tests at para 202 of the NPPF should be applied:*

- 5.5.9 *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

In this instance the public benefits arising from the delivery of enhanced public realm, new housing and employment opportunities and the creation of a high quality and distinctive gateway and point of arrival for the city centre are considered to outweigh the less than substantial harm to the setting of the Civic Centre Grade II listed building.*

- 5.6 **SCC Heritage Officer** – Objection – unless it is satisfied that the proposals present sufficient clear and convincing economic and public benefits that would demonstrably outweigh the `moderate` level of harm to the civic centre – a grade II* listed building in relation to views of the Civic Centre Campanile from West Quay Road and Western Esplanade (views CCC2 and CCC3).

- 5.7 **Independent Design Advisory Panel** (comments endorsed by the Council's Urban Design Manager)– No objection
The Panel strongly supports the design evolution and is excited at the prospect for this development to generate a genuinely legible and distinct place within the city centre, creating a positive landmark and welcoming sense of arrival into the city from its principal transport hub. The panel have raised concerns that the submission provides insufficient public art detail to give the public realm for a distinct personal identity and also commented that the IMP route does not align with the existing pedestrian crossing from the station.
Officer Response- Highway works are planned to move the existing pedestrian crossing and this will align with the proposed IMP route. Public art will be secured as part of the S106 agreement.
- 5.8 **SCC Environmental Health** – No objection
No objection subject to conditions to secure noise mitigation, including appropriate glazing specification and further assessments to determine the appropriate mitigation option to deal with tonal noise from the sub-station. Control measures should also be secured to control amplified sound in the event the Class E commercial units are used as gym. Demolition and construction phases should be controlled through a construction environment management plan. Noise levels from plant and equipment will also need to be assessed.
- 5.9 **SCC Flood Officer**
Flood Risk
Climate change and sea level rise presents a significant issue for Southampton as a coastal city, particularly as there are currently no raised flood defences in this area. The revised Flood Risk Assessment (dated February 2022) continues to assess present day flood risk only, failing to consider the impact of climate change and sea level rise, therefore not presenting an accurate reflection of how flood risk at this site changes within the design life, therefore insufficient mitigation is offered. It is a requirement of the National Planning Policy Framework (para 159), Southampton Core Strategy Policy CS 23 (Flood Risk) and Southampton City Centre Action Plan Policy AP 15 for climate change to be included. Footnote 55 of the NPPF includes the requirement for the Flood Risk Assessment to include land identified in a strategic flood risk assessment as being at increased flood risk in future. The Southampton Level 2 Strategic Flood Risk Assessment (2017) identifies that this site will carry a flood risk prior to 2115, with a significant hazard rating.
- 5.9.1 Based upon the current projected future flood level of 4.3mAOD (0.5% AEP (the design flood level)) and using the site, and building threshold level, of 3.7mAOD provided by the site topographic survey, this represents a potential standing flood level of 0.6m. Access to the upper floors is via an internal stairwell through the entrance lobby which would be impacted by water ingress which reduces safe access and egress and could present a risk to life.
- 5.9.2 Whilst recognised that the current layout of the site is commercial use on the ground floor which carries a less vulnerable classification (except for drinking establishments, nightclubs and hotels, which by definition carry a more vulnerable classification), they form part of a block with residential above therefore it is reasonable to state that these units will exist longer than the 60-

year design life applied to commercial uses. Resilience should be incorporated into the makeup of the building, particularly to protect areas used for plant serving the building as interruption to services supplying the blocks will increase the need to evacuate occupants should a flood occur, as well as ensuring that users of the block are not impacted by the length of time to recover following a flood. The requirement for resilience is included in NPPF and City Centre Action Plan policy AP15

5.9.3 It is recognised that a strategic flood defence will be required to better protect large areas of the city centre from flooding, to which this site would be a direct beneficiary of. Reliance on future defences is not deemed acceptable mitigation within a site-specific flood risk assessment as implementation will be fully dependent on the Council achieving sufficient funding. Current Government Partnership Funding rules exclude properties constructed post 2012 as NPPF is used to ensure that development is safe from flooding over the lifetime. Should the finished floor levels of this development remain below the future flood level, a financial contribution towards the future flood defences could be considered (secured separately to CIL) as this would offset the impact on the public purse to provide flood risk reduction to this site. If such agreement cannot be secured, an objection will remain on the basis that the site does not meet the requirements of the NPPF and local planning policy on flood risk.

5.9.4 Surface Water Drainage

The Drainage Strategy supplied intends to restrict flows from this site to 10l/s for all rainfall events up to and including the 1 in 100 year rainfall event plus 40% allowance for climate change. This would represent a significant betterment on the existing discharge rates generated by the site, providing that the 1150m³ attenuation can be achieved. Inclusion of bio-retention, rain gardens and swales is a welcome addition to the site.

5.9.5 There is some concern that some site investigations are yet to be carried out. The Flood Risk Assessment acknowledges that there is a high groundwater table on this site. Groundwater levels will increase as a result of climate change and sea level rise. There is no information included to identify whether the base of the proposed underground attenuation (geocellular crates) will remain at least 1m above the groundwater level, which is important to avoid seepage into, or floatation of the crates, particularly as plans indicate that the depth of the attenuation is already 2.5m in depth.

5.9.6 Additionally, as no surveys on the point of outfall have yet to have been carried out, the drainage strategy states that use of a pump to discharge water to the nearest sewer may be required. Use of pumps are less favourable as any errors or outages could lead to severe flooding to the site.

5.9.7 There is no information on how the drainage strategy will manage exceedance flows will be managed on site and also protect the buildings from water ingress if the design capacity is exceeded. This is particularly important as there is no information on finished floor levels

5.9.8 **Officer Response-** *It is not practical from a design perspective to raise the thresholds of the residential entrances or external routes within the site above the predicted future flood levels in 2115 (without a flood defence). This would*

have an adverse effect on the public realm with the introduction of dead frontage from retaining structures and would likely introduce steps and ramps to the external areas. At the time of writing the applicants are undertaking additional work to understand the risk of future flooding to their development, and this will inform the financial contribution on offer through the S106. This approach is supported by the Council's Flood Officer but in the event that agreement cannot be reached on the level of mitigation it may be necessary to bring the application back to the Planning Panel for determination. A planning condition has been added to secure a revised drainage strategy following necessary groundwater and infiltration tests to inform the drainage design.

5.10 **Public Health Response**

We note that the sizes of the proposed apartments are

- Studios 32.37 sq.m - 37.32 sq.m
- 1 Beds 40.87 sq.m - 58.07 sq.m
- 2 Beds 54.89 sq.m - 73.72 sq.m
- 3 Beds 79.78 sq.m - 82.59 sq.m

Whilst we understand that Southampton has no locally adopted space standards, we consider it very concerning that many of the dwellings will be less than the Nationally Described Space Standards. People need adequate space in their home to prepare food, study and do activities. The small dwellings proposed have a risk of overcrowding which has been linked to numerous negative health outcomes including respiratory illness, infectious diseases, accidents and poor mental health.

Recommendation: Ensure that all dwellings meet the Nationally Described Space Standards as a minimum.

5.10.1 Active Travel

We note and support the proposal to make this a predominately car-free development given the site's excellent accessibility to public transport. We are also supportive of the permeable walking and cycling routes that are incorporated within the scheme. All this promotes active travel and associated positive health outcomes. However, we note the proposed number of cycle parking areas is less than the number of dwellings (603 dwellings proposed and only 512 bike racks). Additionally, it is not clear from the proposal how much of this cycle storage will be secure.

Recommendation: As a very minimum, at least one secure cycle storage area should be provided for each dwelling.

5.10.2 Green Spaces

We welcome the proposals around provision of green space as this is extremely important for people's physical and mental health. We would like to see the green space maximised in the development. Additionally, we are concerned that some of the 'intimate' areas described may be subject to misuse for crime and anti-social behaviour in this city centre location.

Recommendation: Maximise green infrastructure with the inclusion of strategies to mitigate the risk of crime and anti-social behaviour.

5.10.3 **Officer Response-** *The Build to Rent housing model is different to conventional market residential because the accommodation is highly managed and residents have access to communal internal and external amenity spaces. That said, the application doesn't meet the national standards for internal space and can be summarised as follows:*

5.10.3.1 *The applicants have carried out an assessment of the proposals in relation to the NDSS and advise that 58% of the apartments fall below the National Described Space Standards however the applicants advise that: 73% of the apartments meet the NDSS apartment size space standard when the 4sq.m of protected hallway is added; 81% of the apartments meet the NDSS apartment size space standard when the 2sq.m of shared internal amenity space per apartment is added; and of the 19% transgressions, the majority are by less than 1 sq.m and all of the 19% transgressions are 1B/2P apartments. In the worse case scenario a 1-bed unit is below the NDSS target of 50sqm by 9sqm however this is reduced to a deficit of 3.13sqm when factoring in the internal amenity space and protected hallway.*

5.10.3.2 *It is noted that the 1-bed units range in size from 40.9sqm-54sqm and the minimum NDSS for a 1-bed 1-person flat is 39sqm. National Planning Practise Guidance indicates that Build to Rent homes are normally designed, constructed and managed to a high quality standard. Advising that Individual schemes should meet any relevant local and national planning policy requirements however there is no national requirement for authorities to apply national space standards in their area. Space standards are optional. Where authorities choose to apply them the national policy does not preclude authorities from dis-applying them for particular parts of the local plan area, or for particular development types, such as build to rent schemes.*

5.10.3.3 *The Council does not currently have an adopted policy in order to secure the NDSS and the shortfall is only marginal. For information the national standards are as follows:*

- 1 bedroom – 1 person 37-39sq.m*
- 1 bedroom – 2 person 50sq.m*
- 2 bedroom – 3 person 61-70sq.m*
- 2 bedroom - 4 person 70-79sq.m*
- 3 bedroom – 4 person 74-84sq.m*
- 3 bedroom – 5 person 86-93sq.m*

5.10.3.4 *It is agreed that 1:1 resident cycle parking facilities should be provided and this can be secured by condition.*

5.10.3.5 *The proposed public external areas benefit from passive surveillance and CCTV coverage is also recommended. No objection was raised by the Police in relation to the safety and security of the public spaces subject to a condition to secure appropriate lighting design.*

5.11 **SCC Tree Officer – No objection**

In general, agree with the assessment of the trees condition on site and therefore have no objections to the proposed tree loss, with the better-quality trees being retained in some key locations.

The proposed landscaping plans adequately mitigate the losses on a favourable basis and consist of a good mix of mature sizes and species. Further details of tree pit design would be requested, particularly of trees in hard landscaping; I would like to see adequate soil volumes to enable trees to thrive and to future proof the surrounding surfaces from damage.

Protective fencing should be erected as per the tree protection plan and retained in situ during the demolition and construction phases. If agreed, I would like to see the usual tree protection and landscaping conditions for a development of this scale applied.

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

5.13 **SCC Land Contamination** - No objection. Suggest a condition to secure

1. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in the GEA Desk Study Report, ref: J21301) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

5.15 **Sustainability** - No objection subject to conditions to secure: 15% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use for the residential parts of the scheme;

For any Building where more than 500sqm of non-domestic floorspace of the same use type (e.g. retail, leisure, office) is being delivered, a BREEAM New Construction assessment achieving 'Excellent' as a minimum; and to ensure a high level of fabric efficiency is provided.

5.16 **SCC Housing** – As the scheme comprises of 603 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 211 dwellings (211.05 rounded down).

Officer Response – SCC Housing have acknowledged the findings of the DVS viability review, which found the scheme is not viable and cannot provide any contribution towards affordable housing at this time. This is discussed in more detail in the Planning Considerations section of this report.

5.17 **Natural England** – Holding objection

As submitted, the application could have potential significant effects on designated sites in the Solent including the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast SPA, in addition to the New Forest SPA, SAC and Ramsar sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- A calculated nitrogen budget for 'Block E' currently at outline planning permission stage
- Detail of mitigation measures to address identified impacts across all elements of this application, in terms of achieving nitrogen neutrality

- Appropriate contributions to mitigate for recreational impacts to the Solent SPA sites, in addition to the New Forest designated sites, for all elements of this application.
- Further assessment of air quality impacts arising from the development, specifically from ammonia (NH₃) emissions

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

5.18 **Southern Water:** No objection subject to a conditions to safeguard the public sewer and to secure phased occupation of the development to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

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

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

Officer Response – Fire safety is a matter for Building Regulations (Approved Document B: Fire Safety) however the suggested advisories can be attached to the decision notice.

5.21 **Health and Safety Executive –** No objection and fire safety guidance provided which can be added as an informative.

5.22 **SCC Air Quality –** No objection and accept the conclusions of the submitted air quality assessment which find the AQ impact to be Negligible in accordance with EPUK & IAQM guidance. Conditions are recommended to secure a construction environment management plan and mitigation such EV charging and active travel.

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 & impact on neighbours;
- highways;
- habitats regulations; and
- development mitigation, affordable housing and viability.

Principle of Development

- 6.1 The site is located within the MDZ – Station Quarter under policy AP21 of the City Centre Action Plan and is allocated for mixed use redevelopment. New development within this location is expected to create a high quality and distinctive gateway and point of arrival for passengers exiting the southern side of the Central Station. Higher densities and taller buildings are appropriate within this gateway location, subject to satisfying the requirements of design and tall building policies AP16 and AP17 of the City Centre Action Plan. Development within the Station Quarter is expected to improve pedestrian links to the wider MDZ and city centre and is linked to policy AP19 in terms of delivering the International Maritime Promenade Route.
- 6.2 The proposal comprises a mix of commercial office, flexible retail, and residential uses which adheres with the range of uses which are supported within the MDZ - Station Quarter as identified within policy AP21. It should be noted that not more than 750 sqm of retail floor space (gross) can be supported outside of the existing Primary Shopping Area and therefore a planning condition is recommended to control and limit this.
- 6.3 Policy AP1 (New Office Development (site - Station Quarter)) requires development schemes for allocated sites to include a significant proportion of office use. The proposed development is considered to do this with the “6,816 sqm (GIA) of commercial floorspace (Use Class E)”. It is therefore considered this policy’s requirements have been met.
- 6.4 In respect of residential uses the LDF Core Strategy Policy CS4 confirms the need for additional housing across the city, and explains that an additional 16,300 homes will be provided to the end of the current plan period to 2026. CCAP Policy AP9 suggests approximately 5,450 dwellings will be built in the city centre between 2008 and 2026. As recognised in the supporting Planning Statement, the Council’s housing requirement has sharply increased in recent years from 815 dwellings per annum (as stated in the adopted plan) to 1389 dwellings per annum at 2021, which includes the Government’s 35% urban centres uplift. Whilst work continues to assess potential housing sites to reach the target required for the emerging Local Plan period (2020-2040) there is still currently a shortfall. The scheme proposes major high-density residential, appropriate for a city centre location with a total of 603 residential units and will make a significant and positive contribution towards the housing delivery target for the city. The scheme is, therefore, considered to satisfy this policy and the principle and quantum of residential use is supported.
- 6.5 Policy CS5 of the Council’s Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of high accessibility where net density levels of over 100 dwellings per hectare can be supported. The proposed development has a residential density of 324 dwellings per hectare. The proposed housing mix of 11 x studio, 322 x1-bed, 242 x 2-bed and 28 x 3-bed is appropriate for the city centre and expectations in relation to the Major Development Zone.

6.6 **Design & Heritage Impact**

The proposed design has evolved through pre-application negotiations and has been informed by consultation with the Council's Urban Design Manager, Historic England and has been subject to review by the Independent Design Review Panel.

- 6.7 The area is designated for comprehensive high-density mixed-use that creates a high quality and distinctive gateway and point of arrival into the city. Tall Building Policy AP17 of the City Centre Action Plan indicates that tall buildings of 5-storeys or more and landmark buildings should of high quality design and materials; respond well to their site and context and provide a mix of uses. Tall buildings can be supported as part of clusters of tall buildings at Station Quarter, providing a high quality and distinctive gateway and point of arrival for the city centre (as required under policy AP21 MDZ – Station Quarter). The proposed development is considered to meet these policy expectations and represent a positive addition to the city centre subject to appropriate conditions and planning obligations to secure appropriate materiality and high quality public realm.
- 6.8 Saved policy HE3 of the City of Southampton Local Plan and policy CS14 of the Core Strategy require development to guard against adverse harm to the setting of the heritage assets, in accordance with The Planning (Listed Buildings and Conservation Areas) Act 1990. The layout, building heights and massing has been carefully considered in relation to its impact on the city skyline and the setting of heritage impacts. The comments of Historic England are recognised in relation to the moderate impact on views of the Civic Centre campanile, however this impact is considered to be outweighed by the public benefits of the scheme in terms of delivering a high quality gateway development, enhanced public realm, including the IMP route, housing and delivery of grade A office accommodation. It should also be noted that the scheme has been reviewed through a Heritage and Visual Impact Assessment, which demonstrates the scheme has no impacts on the protected strategic views across the city as set out within policy AP16 of the CCAP.
- 6.9 The design of the outline part of this hybrid application for Block E is not under consideration at this stage and detailed consideration of the scale, appearance, layout, landscaping within this part of the scheme will take place at reserved matters stage. The application is supported by a Design Code which sets out design parameters and expectations to inform future reserved matters applications relating to reserved matters approval. Although details of scale for Block E are reserved it should be noted that the site constraints in terms of views from Civic Centre campanile from West Quay Road would restrict the scale and massing and would likely prevent a height increase to the 8-storey building (with upper floor set-back) as shown.
- 6.10 The application is supported by a microclimate assessment which indicates there are no wind safety exceedances at ground level anywhere in the site or surrounding area. Furthermore it confirms there are also no wind safety exceedances on the private external terraces.

Residential Environment & Impact on Neighbours

- 6.11 The area has a mixed commercial and residential character and the site is within a wider policy allocation (MDZ – Station Quarter) which supports residential use at higher densities within this location. The proposed layout provides reasonable separation between the blocks to achieve acceptable levels of outlook, daylight, sunlight and privacy for a high density residential scheme of this nature. The application is supported by a BRE Daylight and Sunlight Assessment which demonstrate that the compliance rates are good and in excess of the compliance rates typically seen on large scale development.
- 6.12 In terms of the internal space standards, it should be noted that the space environment for the Build to Rent product differs from conventional market flats because the accommodation is highly managed and residents have access to communal internal and external amenity spaces. The applicants have carried out an assessment of the proposals in relation to the NDSS and advise that 58% of the units strictly fall below the net internal area requirements for compliance, however 73% of the apartments meet the NDSS apartment size space standard when the 4sq.m of protected hallway is added; 81% of the apartments meet the NDSS apartment size space standard when the 2sq.m of shared internal amenity space per apartment is added; and of the 19% transgressions, the majority are by less than 1 sq.m and all the 19% transgressions are 1B/2P apartments. It should also be noted that the 1-bed units range in size from 40.9sqm-54sqm and the minimum NDSS for a 1-bed 1-person flat is 39sqm. Whilst clearly a shortcoming of the scheme this arrangement is considered acceptable having regard to the wider Planning balance, the need for housing, the character and density of the neighbourhood, the specific managed nature of the BTR product and also given that the Council does not currently have an adopted policy in order to secure the NDSS. The National Planning Practise Guidance recognises that the NDSS are optional can be disapplied for highly managed build to rent schemes.
- 6.13 The proposal is not considered to have an adverse impact on the nearest residential properties on the adjacent side of the railway line or Emily Davis student halls to the East. There is a separation distance of approximately 90m with Wyndham Court and Empire View to the north and approximately 70m to Emily Davis Hall to the East. The application site is located within a policy area identified for high density development including tall building clusters. The proposal is not considered to lead to unreasonable overlooking within this city centre context and having regard to the policy allocation for the Station Quarter and Major Development Zone. The application is also supported by a Daylight & Sunlight Assessment which demonstrates no adverse impact on nearby residential properties.
- 6.14 **Highways**
- The Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would provide less than the maximum car parking standards for the quantum of development with 103 car parking spaces proposed (maximum permissible

for this development mix would be 725 car parking spaces). Having regard to the nature of the proposed uses and the city centre location of the site, this approach is considered to be appropriate. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets. The proposed development would also have less car parking than the existing retail use which has 250 car parking spaces and, therefore, the scheme will not have an adverse impact on highway safety nor will it lead to increased congestion on the highway network.

- 6.15 Servicing management, including management arrangement for International Maritime Promenade and adequate bin and bicycle storage will be secured by condition. Furthermore a legal agreement will be used to secure site specific highway works to mitigate against the impact of the development as listed in the recommendation section of this report. Additionally, a highway condition survey will be required to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

Habitat Regulations

- 6.16 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 2**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), including towards New Forest mitigation, the development will not adversely affect the integrity of the European designated sites.

Development Mitigation, Affordable Housing and Viability

- 6.17 A development of this scale is expected to mitigate its direct impacts in accordance with LDF Policy CS25. A s.106 legal agreement is triggered and contributions secured. The site is currently located outside of a high risk flood zone, although current modelling suggests that this will change during the lifetime of the scheme if nothing is actioned and, as such, it is reasonable to seek an off-site contribution towards future flood defence from this development.
- 6.18 In addition, Policy CS15 sets out that “the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model).” The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal has been assessed and verified by an independent adviser to the Council; in this case the District Valuation

Service (DVS). A copy of their report dated 02.03.2022 is appended to this report at **Appendix 3**.

- 6.19 The DVS report concludes that a 100% private Build To Rent scheme incorporating a site value of £4,000,000 with CIL contributions totalling £4,568,943 and S106 contributions totalling £803,618 is not viable and cannot provide any contribution towards affordable housing. A Build to Rent scheme with 20% affordable housing shows a deficit of £6,473,999 against the BLV of £4,000,000 and is not viable. The situation would be worse for the Policy requirement of 35%. Both assessments account for the developer making a reasonable profit on their investment – in line with guidance.
- 6.20 The latest NPPF guidance suggests a profit level of 15-20% of Gross Development Value (GDV) is a suitable return for developers. The applicant's viability assessment adopted a developer profit of 15% of GDV. DVS have adopted a blended profit of 12.75% of GDV because the applicants have purchased the site in order to build a mixed use development including 603 BTR units.
- 6.21 Given the deficits involved it would be right to question why the scheme is coming forward at the current time. The viability is showing a -£3,200,000 deficit with no affordable housing. Clearly, this is a matter for the applicant, and as the scheme is a phased hybrid application it will be some time yet before the full development potential will be realised on the ground, by which time circumstances may change. The s.106 clauses will build in review mechanisms in line with our normal practices so that an assessment of the viability can be relooked at as the scheme progresses and if the situation improves satisfactorily then contributions can be sought. It is also important to note that DVS have indicated that the all private BTR scheme could be deliverable since it would only need a small increase in values of less than 2.5% to be fully viable and start contributing to affordable housing.

7 Summary

- 7.1 The proposal represents a comprehensive high density mixed use development and will create a high quality and distinctive gateway and point of arrival for the city centre. New high quality public realm and green spaces will be created which integrate into the overall street pattern for the Major Development Zone. This will mark a significant change to this part of the City and improve the arrival experience as visitors leave the Station. The demolition of the existing retail shed is, clearly welcomed.
- 7.2 The proposed range of uses and are suitable for this location within the Station Quarter and accord with policy AP21. This is a site suitable for higher density development and policies AP17 and AP21 support new tall buildings as part of a tall building cluster south of the Central Station. It has been demonstrated that the proposed building heights will not impact upon protected strategic views. However it is recognised that Historic England have identified moderate impact on the setting of the Civic Centre Campanile from views from West Quay Road and Western Esplanade as set out within the Council's Tall Building Strategy. However it is considered that the public benefits of this scheme outweigh the less than substantial harm to the setting of this Grade II* heritage asset.

- 7.3 The design proposals will provide a positive addition to the city centre and the regeneration of this prominent vacant site will hopefully act as a catalyst for further development within the Major Development Zone.
- 7.4 Tree replacements will be secured to mitigate against tree loss. Further mitigation in relation to highway works, flood defence and public art will be secured through the S106 agreement to make the scheme acceptable in planning terms.
- 7.5 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area.
- 7.6 On balance, the benefits of the scheme (as outlined through this report in terms of high quality design of both buildings and public spaces, the delivery of a significant number of new homes as part of a mixed use scheme including a new office, and the wider regeneration benefits on offer) are considered to outweigh the current weaknesses in terms of the marginal impacts upon views of the Civic Centre, the internal floorspace standards, and the lack of affordable housing that the scheme can support.

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 following completion of the S106 legal agreement.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

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

AG for 29/03/2022 PROW Panel

Planning Conditions to include:

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

Outline Planning Permission for the principle of development for flexible commercial/residential/overnight accommodation (C1/C3/Class E Uses) and/or co-living (Sui-Generis) and means of access for Zone E/Block E is approved subject to the following:

- (i) Written approval of the details of the following for development within the boundary of the outline application, shown on plan ref TRU-GRID-00-ZZ-DR-A-PL600 Rev P01 awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
 - the layout of the buildings on site and detailed siting of associated areas in accordance with Block E Parameter Plan Drawing No. TRU-GRID-00-ZZ-DR-A-PL600 Rev P01;
 - the appearance and architectural design specifying the external materials to be used in accordance with the Design Code by Grid Architects Dated 10.12.2021;
 - the scale indicating massing and building bulk and the height of Block E shall accord with proposed view 6 (equivalent to View CCC.2) as shown within the Heritage Townscape Visual Impact Assessment dated 17.12.2021, unless otherwise agreed in writing by the Local Planning Authority (in consultation with Historic England); and
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

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

02. Full part of the Hybrid Planning Application - Implementation

The part of the Development where full details are by this planning application, approved, all land within site location plan TRU-GRID-00-ZZ-DR-A-PL001 Rev P01, except the area for Block E as shown on shown on plan ref TRU-GRID-00-ZZ-DR-A-PL600 Rev P0, shall begin no later than three years from the date of this planning permission.

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

03. Phasing (Pre-Commencement Condition)

The development hereby approved, shall follow an implementation phasing programme, with details to be first agreed in writing with the Local Planning Authority prior to the

commencement of development. The phasing plan shall ensure that the International Maritime Promenade and landscape zone as shown within the indicative phasing plan as shown on page 69 of the Design & Access Statement by Grid Architects Dated 14.12.2021, shall be delivered as part of the first phase, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that development takes place in an ordered and agreed methodology. In the interests of retaining a permissive route through the site from Western Esplanade to Harbour Parade and to ensure the part of International Maritime Promenade relating to this site is delivered in a timely manner in accordance with policy AP19 of the City Centre Action Plan.

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

No construction works on the superstructure of the buildings within any individual phase shall be carried out unless and until a written schedule and samples of external materials and finishes, to accord with section 07 of the Design & Access Statement by Grid Architects Dated 14.12.2021, has been submitted to and approved in writing by the Local Planning Authority for that relevant phase of development. Development shall be implemented only in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of the relevant phase. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site.

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

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

No development shall take place (excluding site set up and demolition, archaeology, site investigations, services and diversions), within each phase identified by condition 03, until detailed drawings to a scale of 1:20 showing a typical section of Balustrade profile, horizontal brick banding, window surrounds and reveals, metal fins to form the roof crown to block B1 tower, parapet detailing and roof construction and roof drainage has been submitted to and approved in writing by the Local Planning Authority. The roof design shall incorporate mansafe fall protection and not guard railings. The development shall be implemented in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure a high quality design of the buildings.

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

Prior to commencement of development within each phase, with the exception of site clearance, demolition and preparation works, a detailed landscaping scheme and implementation timetable, including both landscaping to external areas, public routes and roof terraces shall be submitted, which includes for that relevant phase:

- i. proposed finished ground levels or contours; including sections where necessary; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hardsurfacing materials, structures and ancillary objects (refuse bins, wayfinding signage, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;

- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls;
- v. details of sightlines from points of access onto the public highway and;
- vi. a landscape management scheme.

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

The approved hard and soft landscaping scheme (including parking) for the each phase shall be carried out prior to the first occupation of buildings within each relevant phase, or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

07. Flexible C1/C3/Class E uses and/or co-living (Sui-Generis) for Block/Zone E (Performance Condition)

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

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

08. Commercial Units Hours of Use and Delivery Restriction and restriction of retail floor space (Performance Condition)

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

06:00 to 00:00

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

Any bar and restaurant ancillary to a C1 hotel use within Block E shall be limited to hotel guests only after midnight.

The total amount of retail floor space (Class E(a)) across the development hereby approved shall not exceed 750sqm gross.

Reason: In order to control the use in the interests of the amenity of nearby existing and future residential occupiers within the MDZ. To protect the existing defined shopping areas within the City Centre in accordance with policies AP5 and AP21 of the City Centre Action Plan.

09. Signage Strategy & Active Frontages (Performance Condition)

Prior to the first occupation of each phase of development a 'Signage Strategy' for any non residential uses within that phase shall be submitted to and approved in writing by the Local Planning Authority for use in the determination of any subsequent applications for Advertisement Consent. The Strategy shall include details of a universal fascia size, means of projection, the use of materials and the form of illumination. The development shall proceed only in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority on submission of an application for Advertisement Consent.

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the Class E commercial Units hereby approved shall retain some form of 'active window display' on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl).

Reason: In the interests of good design and to retain a lively and attractive street scene whilst ensuring adequate natural surveillance is offered to the public realm.

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

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

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

11. APPROVAL CONDITION Archaeological investigation [Pre-Commencement Condition]

No below-ground disturbance 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.

12. 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.

13. Ecological Mitigation Statement (Pre-Commencement)

Notwithstanding the submitted Preliminary Ecological Appraisal Report dated 09.12.2021, prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures will be required, which unless otherwise agreed in writing by the Local Planning Authority shall be

implemented in accordance with the programme before any demolition work or site clearance takes place.

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

14. External Lighting Scheme (Pre-Commencement)

Prior to the commencement of works on each phase (including the buildings and associated external spaces), with the exception of site clearance, demolition and preparation works details of the lighting scheme shall be submitted and approved in writing by the Local Planning Authority. The design of lighting scheme shall comply with BS 5489-1:2020 and discharge any liabilities attached to that standard. The development shall only be carried out in accordance with the approved details and maintained thereafter.

REASON: To ensure safe and secure development and contribute to reducing crime and disorder, in accordance with the adopted Local Plan (Core Strategy), Policy CS13 and the NPPF (As Amended).

15. 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 17:00 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.

16. Piling (Pre-Commencement)

Prior to the commencement of development of each phase, 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. Construction & Demolition Management Plan (Pre-Commencement)

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

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor's cabins/office;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary;
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- g) A scheme for recycling waste resulting from the construction programme;
- h) Measures for the suppression of dust caused by the construction phase including cleaning of wheels and the under chassis of lorries leaving the site;
- i) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with

- by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- j) Confirmation that the hours of construction listed in the condition below will be adhered to;
 - k) measures to deal with the environmental impact issues raised by Natural England in their response to the application; and
 - l) The methods of supervision to ensure that workers have knowledge of the method statement.

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.

18. Noise

Notwithstanding the submitted Preliminary Acoustic Report dated 26 November 2021, Prior to the commencement of works on each phase with the exception of site clearance, demolition and preparation works, details of acoustic mitigation including appropriate glazing specification shall be submitted to the Local Planning Authority and agreed in writing. The scheme of measures shall include mitigation against steady continuous tonal noise from the substation to the west. The acoustic mitigation shall be installed as agreed prior to first occupation of each relevant phase and retained as agreed.

Reason: To secure an acceptable residential living environment.

19. Amplified Sound

No sound amplification systems shall be operated within the Class E commercial units hereby approved unless a noise assessment has been submitted to and approved by the Local Planning Authority, and any noise mitigation measures required have been installed in accordance with the approved details.

Reason: To ensure the amenities of nearby residents and businesses are not harmed.

20. 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 GEA Desk Study Report, ref: J21301) 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.

21. 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.

22. 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.

23. Energy (Pre-Commencement)

Prior to the commencement a confirmed energy strategy shall be submitted to and approved in writing by the Local Planning Authority which include 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 19% over part L Building Regulations Target Emission Rates.
- Space heating demand should be less than 15 kWh/m²/yr at building level for all building types. This may be demonstrated through building regulations calculations (SAP / BRUKL), although for some buildings more detailed energy modelling may be considered.

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 Green City Charter and Plan (2020)

24. Energy (performance condition)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has aspired to net zero carbon, with a minimum reduction in CO₂ emissions of at least 19% over part L Building Regulations Target Emission Rates.

Space heating demand should be less than 15 kWh/m²/yr at building level for all building types. This may be demonstrated through building regulations calculations (SAP / BRUKL), although for some buildings more detailed energy modelling may be considered.

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 Green City Charter and Plan (2020)

25. Water efficiency

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 100 Litres/Person/Day water use in the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. The appliances/fittings to be installed as specified.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

26. APPROVAL CONDITION - BREEAM Standards

For any Building where more than 500sqm of non-domestic floorspace of the same use type (e.g. retail, leisure, office) is being delivered, a BREEAM New Construction assessment achieving 'Excellent' as a minimum will be delivered for each use type as a minimum; multiple BREEAM assessments per use type may be delivered where this is deemed the most suitable route to compliance.

With the exception of site clearance, demolition and preparation works, before the development commences on non-residential uses, the developer demonstrates that the Design Stage BREEAM assessment(s) is (are) progressing with the ability and intention to achieve the targeted BREEAM 'Excellent' rating as advised by the qualified BREEAM assessor appointed for each assessment. The Design Stage Assessment(s) shall be concluded and a Design Stage Certificate(s) achieving an 'Excellent' rating as a minimum shall be provided to the Local Planning Authority within six months of commencement of construction on site (with the exception of site clearance, demolition and preparation works).

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).

27. APPROVAL CONDITION - BREEAM Standards [performance condition]

"Within 6 months of occupation of any Development Plot requiring BREEAM Assessment, written documentary evidence proving that the development has achieved a BREEAM New Construction rating of 'Excellent' as a minimum in the form of post construction assessment and certificate as issued by the BRE 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).

28. Sustainable Measures

Prior to the commencement of each development plot phase of the development (excluding site setup/demolition/site investigation preparation works) the following information for that

development plot phase shall be submitted to and approved in writing by the Local Planning Authority:

- Embodied carbon review the high-level embodied carbon implications of the proposals and which demonstrates that embodied carbon has been considered when making decisions regarding structure, architecture, and materiality. Consider conducting a detailed embodied carbon assessment in line with the RICS methodology on key buildings to benchmark the design.
- Good Homes Alliance Early Stage Overheating Risk Tool Complete the GHA Early Stage Overheating Risk Tool for each residential building and submit. Consider conducting overheating risk analysis in line with CIBSE TM59 where the tool demonstrates this may provide a benefit.
- Post Occupancy Evaluation (POE) and energy performance Review the benefit of POE and energy performance in the context of each building. Outline any commitments to conduct POE at this stage.
- Water efficiency, rainwater harvesting, and greywater recycling review Review the viability and feasibility of rainwater harvesting and greywater recycling for each phase and provide detail/
- Energy storage appraisal To be considered at either site- or phase-/building-level, review the potential for energy storage. Detail any proposals.
- Pre-demolition audit Conduct a pre-demolition audit on all existing buildings and hardstanding, considering opportunities for reuse on site and maximising the proportion of waste taken offsite which is recycled. Audit to be completed at a site-level prior to any works or at a phase-level, details of which should be provided. Set out how exploration of embodied carbon has informed decision making on materials

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)

29. Sustainable Drainage Systems (Pre-Commencement)

Notwithstanding the submitted drainage strategy, prior to the commencement of the development hereby approved, with the exception of site clearance, demolition and preparation works, a scheme for surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be informed, and accompanied, by an assessment 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. If infiltration is found to be viable following infiltration tests, then any infiltration drainage design measures must be designed in a manner to safeguard the existing culvert crossing the site.

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.

The agreed means for disposing of surface water shall be fully implemented in accordance with the agreed details before the development first comes into use and thereafter retained as agreed.

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).

30. Public Sewer and Culvert protection (Performance)

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

Reason: In order to safeguard the public sewer.

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

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

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

32. Surface / foul water drainage (Pre-commencement)

With the exception of site clearance, demolition and preparation works, 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.

33. Submission of a Bird Hazard Management Plan

With the with the exception of site clearance, demolition and preparation works, no development shall commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Bird Hazard Management Plan should comply with advice note 3: <https://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>

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

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

34. Permanent Obstacle Lighting Scheme

Obstacle lights shall be placed on the proposed tower block D. These obstacle lights must be steady state red lights with a minimum intensity of 200 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-2-Lighting-2016.pdf>

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

35. No Storage Under Tree Canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

36. Tree Retention and Safeguarding (Pre-Commencement Condition)

All trees to be retained pursuant to the submitted and approved plans 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.

37. Arboricultural Method Statement (Performance)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement, including the tree protection measures, throughout the duration of the site clearance, demolition and development works on site.

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

38. International Maritime Promenade Management Plan

Prior to the commencement of development (excluding site set up and demolition, archaeology, site investigations, services and diversions), a management plan to detail how access to Block/Zone E and servicing will be managed along the International Maritime Promenade route to avoid conflict with pedestrians and cyclists and to ensure this strategic route is provided as high quality public realm. The management plan shall set out servicing times to avoid peak pedestrian commuter times and management of bollards or physical measures to prevent non-servicing vehicle access and parking. The Management Plan shall be adhered to for the lifetime of the development, unless subsequently amended plans are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of pedestrian and cyclists safety and to ensure a high quality public realm and satisfactory form of development in accordance with policies AP19 and AP21.

39. Servicing Management Plan (Pre-Use Condition)

Before each phase, a management plan for the servicing and delivery requirements for each building within that phase of that relevant unit shall be submitted to and approved in writing by the Local Planning Authority. The Management Plans shall be adhered to for the lifetime

of the development, unless subsequently amended plans are first submitted to and approved in writing by the Local Planning Authority.

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

40. Parking (Performance)

The parking and access shall be provided in accordance with the plans hereby approved before each building to which the parking relates first comes into occupation/use and shall thereafter be retained as approved for the lifetime of the development. A total of 103 car parking spaces, including 13 disability spaces shall be provided with a maximum of 46 of these space provided for the office accommodation within Block A. Of the 59 car paking spaces provided for the residential accommodation, not more than 1 parking space shall be allocated to any individual apartment.

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

41. Electric Vehicle Spaces (Pre-Use)

Prior to any building hereby approved first coming into use 25% of its associated total parking numbers shall be provided as active (ready to be used) electric vehicle charging points with all other spaces to be passive (infrastructure provided for easy and practical future connections) 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 the parking and charging of electric vehicles.

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

42. Cycle storage facilities (Pre-Occupation)

Before the development hereby approved first comes into occupation/use, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. A minimum of 603 cycle parking spaces shall be provided for the C3 residential accommodation hereby approved. The storage shall be thereafter retained as approved for the lifetime of the development.

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

43. Refuse & Recycling (Pre-Commencement)

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

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

44. Residential Environment – Internal and external amenity space

Prior to the first occupation of each phase a management plan relating to how the buildings and their associated spaces will be managed within that phase, including the resident's amenity areas and associated roof terraces, main pedestrian routes and, shall have been submitted to and approved in writing by the Local Planning Authority.

The management plan shall include details of outdoor seating, any rooftop amenity space furniture and associated facilities including litter bins and management, the management of special events and the policing of anti-social behaviour alongside the day to day operational requirements of the building.

All occupiers of the residential accommodation shall be given secure, unfettered, free access to the resident's amenity areas and associated roof terrace during the lifetime of the development. The use of the development shall be carried out in accordance with this agreed management plan unless otherwise agreed in writing by the Local Planning Authority.

A minimum of 841sqm gross of communal/private internal amenity space shall be provided for residents of the development in accordance with the submitted Accommodation schedule Rev G dated 13.12.2021.

Furthermore before each residential building within each phase comes into occupation, the internal and external amenity space for that particular phase as shown on the plans hereby approved and any subsequent phasing plan agreed under condition 03, shall be made available for use for that particular phase in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: The nature of managed PRS units includes internal and amenity space provision and provides a different offer to market C3 units when considered against the National Prescribed Space Standards. To secure a satisfactory city living environment.

45. 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

Reason: In the interests of safeguarding the appearance of the buildings and in the interests of the setting of the Civic Centre (grade II* listed).

46. Roof Plant

Notwithstanding the information submitted with the approved plans details of all roof plant, and the measures to be taken to soundproof such equipment and/or enclosure shall be submitted to and approved by the Local Planning Authority prior to either its installation or the occupation of each of the buildings to which the plant relates (whichever is sooner). The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation. The development shall be implemented in accordance with the agreed details. The machinery and plant shall not be used until the approved soundproofing measures have been implemented in accordance with the agreed details

Reason: To ensure that the impact of the development is as demonstrated and in the interests of visual and neighbour amenity and to protect the setting of the Grade II listed Civic Centre

47. External Ventilation & Extraction Details

Details of suitable ventilation, extraction and filtration equipment for each of the non residential units, if required, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in, and occupation of, each unit. The details shall include a written scheme for the control of noise, fumes and odours from extractor fans and other equipment. The equipment shall be installed and maintained in accordance with the agreed information and made ready for use prior to the first use of the unit to which the details relate.

Reason: To ensure that adequate provision is made for the ventilation of the commercial use which does not impinge on the residential amenity of neighbouring residents or the external design of the building hereby approved.

48. Means of Enclosure - Permitted Development Removed

Notwithstanding the details of the proposed scheme and the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority either in response to this condition or through the submission of a planning application.

Reason: To safeguard the open character and appearance of this important area of open Space.

49. Satellite and antennae - Permitted Development Removed

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 satellite dishes or other antennae shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority either in response to this condition or through the submission of a planning application.

Reason: In the interests of the appearance of the buildings

50. Green/Brown roof scheme (Pre-Commencement only)

Prior to the commencement of each phase of the development hereby approved (with the exception of site setup/demolition/site investigation works), a detailed feasibility study for the installation of green or brown roofs for that particular phase shall be submitted to and approved in writing by the Local Planning Authority. If the study demonstrates the buildings within that phase have the capacity for the green or brown roofs, a specification shall be agreed in writing with the Local Planning Authority. The green or brown roofs to the approved specification must be installed and rendered fully operational prior to the first occupation of that phase of the development hereby granted consent and retained and maintained thereafter.

Before the relevant phase first comes into use, 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/brown roof must be installed to the approved specification before the relevant plot 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.

51. APPROVAL CONDITION - Public seating areas (Pre-Occupation Condition)

The commercial units within use Class E hereby approved shall not be first occupied or open to the public until details of the external areas to be used for seats and tables that relates to the commercial units has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and no other areas of the promenade or public areas shall be used for such outdoor seating without the prior written consent of the Local Planning Authority.

Reason:

To prevent obstruction to International Maritime Promenade and to secure an acceptable public realm.

52. Block A - Restricted Office Use (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 those Orders, the development hereby approved shall only be used for office use (E(g)(i)); and for no other purpose whatsoever (including any other purpose in Class E; only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: In accordance with site specific policy allocation AP21 of the City Centre Action Plan. Moreover the impacts of alternative uses within Class E have not been assessed as part of this planning application.

53. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

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

Notes to Applicant

Community Infrastructure Liability

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.