

**Planning and Rights of Way Panel 12<sup>th</sup> September 2023**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> Albion Place Car Park & Castle Way Car Park, Southampton			
<b>Proposed development:</b> Change of use of Albion Place and Castle Way car parks to bus hub interchange with formation of associated vehicular access and public open space (proposal affects setting of listed structures and ancient scheduled monuments) [Amended description]			
<b>Application number:</b>	23/00668/R3CFL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	14.07.2023	<b>Ward:</b>	Bargate
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Bogle Cllr Noon Cllr Paffey
<b>Referred to Panel by:</b>	n/a	<b>Reason:</b>	n/a
<b>Applicant:</b> Southampton City Council		<b>Agent:</b> Balfour Beatty Living Places	

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The Council has considered the impact of the development on the setting of the adjoining conservation area, listed buildings and Scheduled Ancient Monuments and found the impact to be acceptable. Taking into account the benefits of the proposed development, and the significant adverse harm arising from the conflict with the policies in the development plan as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the planning balance would point to approval. 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). Policies – CS13, CS14, CS18, CS19, CS20, CS21, CS22 of the of the Local Development Framework Core

Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP9, SDP10, SDP11, SDP12, SDP15, SDP16, SDP17, NE4, HE1, HE3, HE6, TI2 of the City of Southampton Local Plan Review (Amended 2015). Policies AP12, AP13, AP16, AP18, AP19, AP29 of the City Centre Action Plan March 2015. Policies C1, A1 of the Local Transport Plan: Connected Southampton, Transport Strategy 2040 (March 2019).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Tree plan
3	Alternative layout option	4	Lime tree T5 RPA investigation
5	Alternative car park locations	6	Timeline of public engagement
7	Replacement tree species		

## **Recommendation in Full – Conditionally Approve**

### **1. Background**

- 1.1 The application is submitted on behalf of Southampton City Council, following Cabinet approval and central government funding secured via the Transforming Cities Fund (TCF), under Regulation 3 of the Town and Country Planning General Regulations, which relates to proposals made by the Local Authority. Whilst the Council is both applicant and determining Planning Authority the Regulations allow for this, and the Panel's ability to determine the application based on the favourable recommendation given by officers is not constrained as a consequence.
- 1.2 The planning application can be decided independently of other consents required under separate legislation; including a series of Traffic Regulation Orders (TRO) within Albion Place and Castle Way and Scheduled Ancient Monument (submitted to Historic England).

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

- 2.1 This city centre site comprises of two short stay public car parks known as Albion Place to the north (76 spaces) and Castle Way to the south (52 space). These car parks are located on the western side of Castle Way accessed from Albion Place which leads onto the residential street of Forest View. Castle Way, adjacent to the car parks, is currently used by bus operators for stopping and layovers of buses. Currently car owners living in Forest View rely on reversing their vehicles into Albion Place car park as there is no turning space in Forest View.
- 2.2 There are 15 trees identified within the car park areas, which are afforded statutory protection because they are located within a designated conservation area. The group of 3 Lime trees (avenue of Limes) to the east of the Masonic Hall have historical importance as they are believed to pre-date the Masonic Hall.

- 2.3 The surrounding area is characterised by High Street commercial uses fronting Castle Way and the West Quay Shopping complex to the north and west. Residential neighbourhoods of the Old Town are located beyond the south of Castle Way Car Park including Forest View, separated by the Castle Bailey Wall. There is pedestrian access from Castle Way into the car parks and a pedestrian route along the edge of the town walls and castle bailey with links across the site to and from Maddison Street (south) and Forty Steps (west).
- 2.4 The site is located within close proximity to many important and sensitive heritage assets. Being within the Old Town West Conservation Area, the car parks are adjacent to, and flank the base of, the Castle Bailey Walls, Castle East Gate, pair of K6 red telephone boxes, and the Masonic Hall (dating to the 1870s) in the south, stretching to Arundel Tower and wall to the north. The historic importance of the medieval towers, gate, and walls (Southampton's historic defences of the Old Town) are protected under Grade II\* listing and Scheduled Ancient Monument status, with the K6 telephone boxes being grade II listed.
- 2.5 The significance of the age and heritage value of the (non-listed) Masonic Hall is recognised as a non-designated heritage asset. The Castle Bailey Wall is currently covered by scaffolding as the Council are undertaking repairs to the medieval monuments as part of the Heritage Assets Repair Programme (HARP).

## 2. **Proposal**

- 2.1 Planning permission is sought to change the use of the Albion Place and Castle Way car parks (removal of 128 parking spaces) to create a bus hub interchange and park space with an area of 1,719sqm. The physical works mainly comprise of hard and soft landscaping and surface works to create the bus hub and park space with public art features and public realm space flanking the Castle Bailey and Town Walls, and improvement to levels across the site for better pedestrian circulation and access. New interpretation boards of the heritage assets will be provided. Purbeck stone paving is proposed to directly interface with the historic walls. The bus hub area will create a pedestrian only space for passengers to sit or wait with 5 bus stops with bus shelters.
- 2.2 The proposal requires the removal of 2 trees to facilitate the creation of the bus hub area (as shown on the survey plan in **Appendix 2**) – T5 Lime and T9 Pear. This tree loss will be mitigated through planting 9 replacements with standard to extra heavy standard sizes (images of the suggested trees are shown in **Appendix 7**).
- 2.3 A vehicle turning and drop off layby has been incorporated into the north side of Albion Place for Forest View residents and visitors to the Masonic

Lodge. The existing bin storage and collection area adjacent to the Masonic Lodge will be maintained.

- 2.4 Other associated improvements delivered by the project include:
- improved levels across the site for pedestrian movement;
  - on-street bus infrastructure on Castle Way;
  - a new zebra crossing provided to the south of the Albion Place/Castle Way junction to connect Castle Lane either side of Castle Way;
  - relocation of the existing zebra crossing near Albion Place to improve connectivity between the Shopmobility Hub and the High Street as well as towards the bus hub and the new urban park; and,
  - additional facilities including improved waiting facilities, cycle parking and space for cycle docks and e-scooter hire.
- 2.5 The layout has been developed to accommodate the operational requirements for the buses, and to provide future proofing of bus operations within and into/out of the city centre to the surrounding areas. All buses will enter the hub area at the southern end (new access formed on Castle Way) and exit at Albion Place where buses either turn north or south depending on their route. Services from the Waterside/West will be terminating rather than using the highway to turn around to make their return journey out of the city. Those running north-south use the stops on Castle Way.
- 2.6 During the initial design stages of the scheme development options were developed to assess the feasibility and configuration of the bus hub and open space. These were reviewed against a series of design conditions, local constraints and scheme viability considerations. The final options considered siting the bus hub in either the Castle Way area or Albion Place. During subsequent stages the design process of the Albion Place scheme was remodelled to explore ways to retain the Lime tree T5 (see **Appendix 3**). It was concluded that Albion Place on balance:
- Provided the better solution to enhance/protect heritage assets;
  - Reduced long term risk to the heritage assets;
  - Operationally would perform better;
  - Both options required trees to be removed to facilitate the scheme although it was noted that the Lime tree T5 had a higher value than those that would need to be removed within the Castle Way option;
  - Albion Place was preferable from a conservation perspective and provided greater heritage benefit; and
  - Improved the visibility and legibility of the area – which in turn would help to reduce the antisocial behaviour and crime occurring within area.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these

proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) was revised in 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.

3.3 The application site is allocated within the City Centre Action Plan as a key site under policy AP29 within the Old Town Quarter. The location of the site is identified in the policy for a 'bus super stop' and supporting facilities. The policy states that alongside the creation of a new public open space that development will be small scale, have no negative impact on the Town Walls or their setting; and retain views looking into and out from this part of the Old Town. Policy AP18 (transport) promotes modal shift from car use in city centre by providing bus interchanges.

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

4.1 It should be noted that outline planning permission (ref no. 13/00464/OUT) granted for the extension of the West Quay Shopping Centre (Watermark) accepted the principle of replacing the Albion Place and Castle Way car parks with landscaping under phase 2 as part of extensive public realm works. Whilst the reserved matters was not submitted the principle of losing this car parking was previously supported.

#### **5. Consultation Responses and Notification Representations**

5.1 Prior to the submission of this application the Council's Transport team carried out their own public engagement through a series of consultation exercises and meetings between February 2021 and March 2023 with the public and businesses/groups affected (see timeline in **Appendix 6**).

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 on 16.06.23 and erecting a site notice on 06.06.23. At the time of writing the report **5 letters of objection** have been received from surrounding residents and **1 letter of support** from Ward Cllr Noon. The following is a summary of the points raised:

5.2 ***Lack of meaningful Public Consultation whilst local businesses / groups and residents were not kept up to date or engaged throughout the consultation period and not properly notified with the regards to the submission of the planning application. Objectors have similar***

**concerns and feel unheeded by the promises put forward. It would be a step forward if the needs of citizens had as great (or greater) influence than commercial considerations. This is especially concerning when the future of bus operations is not within the council's power and could change considerably. The Freemasons group, as the only business directly impacted by the scheme, we were not given advance warning or notified of the on-line survey in February 2021. The 339 respondents was not an adequate representation of the community. A strong disagreement percentage was written off from the results of the online perception survey (2021) because it was assumed that concerns about loss of parking came from the Masons. Masons are citizens who use these care parks at other times and whose views should be taken into account and not just discriminated against. The turning area provided for the Masonic Lodge was never requested by the Masons.**

**Response**

The key point here is that the Planning Department has met and exceeded its requirements to notify interested parties of this application. In terms of what the Council (as applicant) did prior to the submission of the application it is clear that public engagement was undertaken with the local community as set out at **Appendix 6**.

- 5.3 ***The scheme would adversely impact on the business associated with the Southampton Masonic Hall Company, where groups and events will decide to stop using the facilities. This is already evident with recent cancellations with loss of 2 Masonic units which used to meet here along with the annual Ocean Liner Ship Show. The building is widely used as a cost effective, city centre, community facility.***

**Response**

The loss of parking is compensated by existing public parking provision in safe and convenient walking distance within the city centre (see **Appendix 5**). Provision is made for opportunities for businesses, visitors, and residents, including persons with mobility and sensory difficulties, to maintain safe and convenient access to the area including a layby incorporated into Albion Place on the north side of Masonic Hall. Unfortunately due to the size, layout and operational requirements of the bus hub, it is not feasible or practicable to retain any public car parking as part of the proposed development.

- 5.4 ***Out of keeping with Conservation Area and negative impact on the setting of heritage assets***

**Response**

The proposal is considered not to adversely affect the significance of the heritage assets affected in accordance with the relevant local and national tests. No objection has been raised by Historic England and/or the Council's Historic Environment Officer. In this respect the scheme is considered to comply with the Development Plan heritage policies as

discussed in detail below.

- 5.5 ***Impact on air quality from increased pollution caused by buses operating nearer residential properties and congestion from displacing traffic elsewhere in the city centre as it is unlikely that the transport improvements will change how people travel into the city. There is also concern about the noise from the operation of a bus hub including the noise from bus engines. The health of these people should have much greater consideration.***

**Response**

The Council's Air Quality Officer considers that there will be no adverse impact to the health of local residents from the operational bus hub. Through an 'Enhanced Partnership' bus operators are required to not idle their vehicles longer than necessary, further reducing emissions. The applicant has confirmed that (i) buses have stop/start technology and (ii) bus operators are required to ensure that all buses and support vehicles operating in Southampton are at least Euro VI compliant or Zero Emission vehicles, and (iii) that no lower Euro rated vehicles have operated in Southampton since 17th April 2023.

- 5.6 ***The scheme will, according to the results of the 'on-line consultation', not affect how people travel into town and will not increase their use of the bus network, so this will increase congestion by diverting traffic elsewhere in the city centre. Having 3 stops within the bus hub is a very small gain for a significant cost and disruption.***

**Response**

The Highway's Officer has raised no objection to the impact of the proposal on congestion and road safety affecting the local road network. This scheme is in accordance with the Local Transport Plan, and transport modelling underpins the city and region-wide schemes within the Transforming Cities Fund (TCF) programme. This was submitted and accepted by Department for Transport ahead of funding being agreed.

- 5.7 ***Increased revenue costs of maintaining the park space and loss of parking income to the Council. The urban park is fundamentally a good idea but this interpretation with hard surfacing rather than green space is a lost opportunity. We understand that ongoing maintenance is a consideration but experience tells us that there is no guarantee that what is planned now will be sustained in future.***

**Response**

The loss parking revenue and increased costs of maintaining park space is not a land use Planning matter. The Council's Open Spaces Team will maintain the future park space. The public art features comprise an heritage interpretation resembling the illustrations depicted within the Saintonge jugs commonly found in Southampton so will have a historic and cultural connection with the city.

- 5.8 ***The limited security and safety measures to be provided will make users of the facility susceptible to a high risk of crime due to the high and increasing rate of crime in the city including violence and sexual offences. Queues at the bus hub will encourage begging by local vagrants who loiter around the car park payment machines causing nuisance and public safety issues.***

**Response**

The design of the proposed development is led by consultation with Hampshire Police. The applicant will install a comprehensive package of security measures including lighting and CCTV coverage. The detailed scheme will be agreed with Hampshire Police via a planning condition. Additionally, the change of use from a car park to the bus hub will improve natural surveillance within the space from the activity created by the operational bus hub.

- 5.9 ***There will be inappropriate areas of planted borders and shrubbery planting adjacent to the east side of the Masonic Lodge, which some appears to be on land owned by the Masonic Lodge at the front. This will likely increase rodent activity making the task of preventing them accessing the building more difficult. The addition of new tree planting is also not welcomed and is a possible hazard to building foundation. Both could also possibly interfere with the building damp proof course which has already been compromised by the Council when surfacing the adjacent car park. It is on record, from previous meetings, that the Council are willing to pay towards necessary remedial works to prevent further dampness to our walls. The increase in shrubbery and potential increase in litter in both areas will almost certainly exacerbate the rat infestation in the city and the health hazard that accompanies it, including to nearby buildings such as the Masonic Lodge.***

**Response**

The landscaping plans shown are currently indicative with further detail to follow. The applicant has confirmed that ground planting have been included to help mitigate the issues highlighted and to provide a solution for the surface water drainage. Two additional trees are proposed within the bus hub, and the species will be selected so that its appropriate to the location and minimise impacts on any of the structures above or below ground. The issues of vermin are covered by separate legislation. The design for surfacing and detailing within the Bailey Wall arches has been carefully considered to reduce rat infestation, and the design has been approved by Historic England in principle.

- 5.10 ***Residents of Forest View will have to make their own access at the other end of the road. Little consideration has been given to access for large delivery vehicles, which includes Brewers Drays to the Masonic Hall and Refuse trucks for the hall and all Forest View residents, and Fire Engines who may be called to the automatic alarm***

***system at the Hall. Many users of the Masonic Hall, both Freemasons and other users, have disabilities which require vehicular access to the building. The disabled access to the building is on the east side within the proposed bus hub area. With the addition of planting beds, there does not appear to be any provision made for vehicles to pull up adjacent to the entrance or indeed to leave their vehicle there for the duration of their visit. This access is used by DJs when unloading gear for any event taking place in the adjacent room.***

**Response**

The Highways Officer has raised no objection to the impact of the proposal on road safety in the locality with regards to the access and highway changes. A layby will be provided on Albion Place to the north side of the Masonic Hall.

- 5.11 ***There is a lack of public toilet facilities to serve the increased number of visitors waiting at the bus hub. This will create a health hazard locally because local vagrants frequently use the rear yard of the Masonic Hall and the old Bailey Wall arches to urinate and defecate. Shrubbery in the open space will provide more opportunities for them without eliminating the use of the arches or Masonic yard.***

**Response**

There is not a planning policy requirement to provide public toilets as part of the proposal. Increased CCTV coverage will improve surveillance of the space to design out anti-social behaviour.

- 5.12 ***The siting of the waste bin for the Forest View residents is inappropriate. It is positioned immediately adjacent to the Fire Exit for the Masonic Hall, which must be unobstructed at all times This bin will be constantly moved around and used by one and all, not to mention those that empty it, so the potential obstruction and health and safety hazard is obvious.***

**Response**

The detailed design of the bin storage facility will be agreed by condition to ensure it can be operated without obstructing the fire exit for the Masonic Hall.

- 5.13 ***The problems of buses standing on Castle Way will continue. These make crossing Castle Way very hazardous for local residents. The needs of local people carry very little weight in comparison to the commercial considerations given to flexibility for bus operators and retailers. The siting of the pedestrian crossing opposite Castle Lane is considered to be dangerous for local residents who live south of this point and should be moved to a point where people with mobility issues don't have to try and navigate a hump in the pavement and steps.***

**Response**

The Highways Officer has raised no objection to the impact of the proposal

on road safety in the locality with regards to the access and highway changes.

- 5.14 ***The loss of a mature lime tree which is an intrinsic part of the heritage and ecology of the site. The tree although not subject to a TPO is protected by being in a Conservation Area. We fully support the comments of the Arboricultural Manager. 7 new trees will take many years to establish and will not provide shade for a long time. This is a serious consideration in a hard landscaped area with increasing hot summers. The established tree's protection should not be breached and it should be retained in whatever plans are made.***

**Response**

The adverse environmental and public amenity impacts from the loss of the Lime tree T5 is a shortcoming of the proposed development, which needs to be weighed up against the benefits of the proposal to be delivered in the 'planning balance' exercise. This issue is discussed in further detail below.

**Consultation Responses**

5.15

<b>Consultee</b>	<b>Comments</b>
Cllr Noon	<p><b>SUPPORT</b></p> <p>I fully support this exciting scheme to transform the Albion Place &amp; Castle Way car parks into a Bus interchange and Urban Park. The Bus Interchange will provide more efficient bus connections into and around the city. The Urban Park will improve the environment by contributing more attractive and cleaner environment and strength the areas connection to the surrounding city walls.</p> <p>I do ask that vehicle access to Forest View is maintained at all times and the residential refuse bin on the car park behind the Mason is kept. Many residents on Forest View don't have access to the back of the properties, therefore need those refuse bins. Along with the other Transforming Cities Scheme this will contribute to a more friendly city centre for pedestrians and cyclist.</p>
SCC Tree Officer/ Arboricultural Manager	<p><b>OBJECTION</b></p> <p><u>Tree Preservation Orders</u> There are no Tree Preservation Orders currently on site but it is within the Old Town Conservation Area. SCC tree policy states that all trees on land owned by the Council should be dealt with as if a Tree Preservation Order affecting such trees were in operation.</p> <p><u>Historical feature</u> I don't feel the historical importance of trees 5-8 (Limes) has been sufficiently represented. 1867-1883 historic maps indicate a line of trees at this location which</p>

follows the historic orientation of Albion Terrace, this is further supported by an 1890 photo of the Masonic Lodge that shows what I believe to be one of these trees next to the building. Trees 5-8 are historically pollards, a typical form of tree management at the time, and are in line with the original road layout, forming an avenue of trees - The size, form and location of these trees support the idea that they are what remains of the original avenue and wider gardens, as shown on historic maps and it is my opinion that these are the same trees that were present in 1890. We know that the Lime Avenues in the central parks were presented to the City in 1862 and though they have a slightly larger stem diameter than those at Albion Place, this is explained by the fact that the park trees have been allowed to grow as maidens and their stems width not restricted by pruning back to pollards.

With the above in mind, trees T5-T8 would predate the Masonic Lodge and the land reclamation that now forms the entire West Quay area and the Docks and as such should be viewed as an historical feature within the Conservation Area and retained in full.

#### Classification

I don't completely agree with some of the classification offered trees across the site. BS5837:2012 is clear that trees with an expected retention span of 40+ years should be classified as Cat A unless lacking a special quality necessary to merit this. Cat C should be reserved for unremarkable trees of very limited value or impaired condition.

#### Limes T5-T8

T5, 6, 7 and 8 Limes have been marked as Cat B, with fair condition and 20+Years remaining contribution - I would really expect them to be Cat A as a group; They form an important landscape and historical avenue and offer extremely high amenity to the area. With proper management in place there is little justification to suggest these trees will not have a safe retention span of 40+ years.

#### Sycamores T10-T12

All but one of the sycamore's within the carpark that have been given C classification - I believe that they should all carry higher grading than this due to their prominent position and quality, none have significant defects that would limit their retention to only 10+years and all provide excellent amenity value. The damage to

	<p>tarmac around their base should not be a basis for downgrading; proper management of the hardstanding around these trees or replacing some of the hardstanding with grass would leave them in a better condition than they are now and extend their useful life further.</p> <p><u>Impact to retained trees</u>  T6 Lime - Within the RPA of this tree, the removal of existing carpark hardstanding and installation of a new roadway, that will be used by buses and therefore need suitable subbase construction, will be required. What is the expected requirement for depth and scope of the new roadway foundations? If substantial roots are found, how will they be protected and if a cellular confinement system is utilised, how will this affect the height difference to surrounding areas and in turn how will this affect the design?</p> <p><u>Summary</u>  It is the opinion of the tree officer that the Lime Avenue forms an important historical feature in the landscape and that it should be retained in full and protected from present and future development, and that the remaining trees within the carpark are of adequate condition and prominence to achieve a higher categorisation. I object to the removal of T5 and have not seen sufficient evidence to fully identify and mitigate the levels of work within the RPA of T6. If planning is granted, this will be crucial to ensure T6 is adequately protected.</p> <p>Though the contingency value offered is greater than the CAVAT value of T5 and that the Councils 2:1 replacement requirement would be met by the current design, this does not in my opinion mitigate for the loss of T5 for the reasons stated above.</p> <p><u>Case Officer Update</u>  <i>Following further discussions with the Tree Officer, they are satisfied with the excavation works to be carried out within the root protection area of Lime tree T6 - subject to agreeing a method protection statement and schedule of arboricultural supervision. The objection to the loss of the T5 Lime still stands. It rests with the Panel to consider the loss of T5 as part of the overall 'planning balance' and this is considered in more detail below.</i></p>
<p>SCC Open Spaces</p>	<p><b>OBJECTION</b>  I support the comments made by the Arboricultural Manager. My objection is to the loss of the Lime Tree</p>

	<p>T5, and potential loss of Lime tree T6 which provide good visual amenity value and make up part of a historic row of trees that once were the boundary feature of the "Botanic Gardens" dating back to the late 1800's. I do not consider that the removal of these heritage assets can be mitigated through replacement planting, although more planting in this location is welcomed. I also do not consider that the ability for buses to turn right at this location is justification enough to remove these important trees.</p> <p>The right turn option will only reduce trip distances by 600m (approximately 2 minutes) and I could not find any specific commitment from the bus companies that they would want to turn buses at this location, within the application documentation. The proposal therefore relies on a potential or possible change by the bus companies which it cannot guarantee. This would therefore mean that the trees could be felled for no reason as the bus companies choose not to turn right out of the hub area. I believe that a similar amount of bus provision could be delivered without the right hand turn option and still retain the trees.</p> <p>I have no objections to the rest of the scheme and fully support the introduction of open space in this area.</p>
SCC Design Manager	NO OBJECTION
Historic England	<p>NO OBJECTION</p> <p>The Castle Wall and Gate and Old Town Walls represent the surviving remnants of one of the most important medieval ports in England. The proposals for the creation of a new bus interchange and public realm will have impacts, both positive and negative, on the setting of these designated heritage assets. There may also be impacts to designated and undesignated archaeology and the condition and integrity of the Castle Wall. Scheduled Monument Consent (SMC) will be required for any works interacting with the scheduled structures.</p> <p>Historic England does not object to the proposals but requests that matters concerning SMC, vibration, ongoing maintenance and repair of the walls, archaeology and interpretation are addressed by condition within any planning permission.</p>
SCC Archaeology	Does not support the inclusion of the raised planter between Masonic Hall and Castle Bailey Wall for the following reasons:

- Setting of the scheduled castle bailey wall (I don't accept that the bed is needed to hide the Masonic Hall wall).
- Potential litter and use of this area by rough sleepers (relates to setting issue).
- Impact on archaeological deposits.

The drawings show formation levels for the planter and its walls will be 450m below proposed ground level. There will also be a gully connection into the southeast side of the planter, and drawing 00512 appears to show this with a formation level of over 600mm below proposed ground level. This planter is positioned in the area of the c6m wide berm between the castle ditch and castle bailey wall. Important medieval and earlier remains could survive here quite high up, although for this location the depth of modern makeup is currently unknown. The other two planters in Albion Place are positioned over the castle ditch, the upper fills of which are post-medieval or later, so of less importance (although still of interest).

Under the National Planning Policy Framework, any harm to, or loss of, the significance of a designated heritage asset from development within its setting requires clear and convincing justification (NPPF paragraph 200). The same applies to impacts on archaeological remains that are demonstrably of equivalent significance to scheduled monuments (NPPF paragraph 200 / footnote 68), as applies to medieval and earlier remains in Southampton. Substantial harm or loss should be wholly exceptional. Less than substantial harm should be weighed against the public benefits of the proposal.

If planning consent is granted for the scheme, conditions will be required to secure a phased programme of archaeological works, landscaping details, vibration levels, construction management, materials storage and the securing of heritage interpretation boards.

*Case Officer Response*

*The planter is required as part of the surface water drainage solution for this site. The planter has been designed as a low 300mm planter and detailed design and drainage can be reserved by condition to find a solution, in consultation with the archaeologist, with limited excavation and which works in terms of landscape maintenance and drainage design .*

SCC Historic Environment Officer	NO OBJECTION
SCC Air Quality team	<p>NO OBJECTION</p> <p>The proposals for a new travel hub in Albion Place is highly unlikely to result in a significant negative impact on residents living near the development. The new bus stops are located far from any residential receptors (ie the facades of houses). Concentrations of pollutants drops off quickly with distance from their source. In addition, the castle wall acts as a barrier to any pollution which does make it that far, likely preventing pollution from the bus stops from having any significant impact on these houses compared to the existing site use as a car park in terms of compliance with air quality objectives.</p> <p>In addition, through an 'Enhanced Partnership' bus operators will be required to not idle their vehicles longer than necessary, further reducing emissions. The improvement plan will also require all buses in the city to meet the best diesel Euro standard.</p> <p>Access to reliable bus services and other sustainable transport modes is key to reducing emissions of key pollutants of which road transport and in particular private vehicle transport is the key contributor to. The Albion Place travel hub aims to encourage sustainable travel and contribute towards further improvement in air quality across the city.</p>
SCC Highways Development Management	<p>NO OBJECTION</p> <p>Overall, there many benefits to the proposed development as it invests and promotes sustainable travel. The main harmful impact would be on the amenity and convenience for visitors where they would not be able to park as close to this particular area as they would like. Due to the large amount of spare public parking observed in the near vicinity and also in the wider city centre, it is considered that the loss of parking would not endanger the vitality of city centre trade and how the general can gain access to the city centre.</p>
SCC Ecologist	NO OBJECTION
SCC Flood Risk team	<p>NO OBJECTION</p> <p>Additional information has been received from the applicant. The Drainage Strategy shows that a betterment from the existing site runoff rates and volumes has been achieved through the inclusion of soft landscaping which offers some natural infiltration. The Drainage Strategy now indicates that some runoff from</p>

	the hard landscaping will be directed towards, and allowed to pond, within the soft landscaping areas for storage.
Southern Water	NO OBJECTION
City of Southampton Society	<p>OBJECTION</p> <p>This application comes in two parts (the proposed public open space and the proposed bus hub) and our comments also cover these parts separately.</p> <p>1) The Public Open Space.</p> <p>We had understood from the original plans for the West Quay Development that both the Castle Way car park and the Albion Place car park would be converted to a green space, so in principle, we are in agreement. We are pleased to note that the proposed layout will not encourage use by skateboarders and electric scooters.</p> <p>We are however concerned about the potential harm from bus emissions as we understand that up to 10 buses could be parked up at any one time ' more than in Vincent's Walk. Add to this will be the noise from the bus engines. This will not be an ideal environment to relax.</p> <p>2) The Bus Hub.</p> <p>Our concerns about this part of the proposal are as follows:</p> <p>a) The felling of one established lime tree (admittedly not subject to a TPO)</p> <p>b) The proposed layout includes two bus stops on the west side of Castle Way adjacent to the bus hub. The existing layby will not survive. This part of Castle Way is narrow and will make passing the parked buses difficult and dangerous ' especially if traffic is travelling south at the same time.</p> <p>c) The failure to provide any Public Conveniences.</p> <p>There is space on the hard standing next to the Masonic Hall to accommodate these facilities. It must be made a condition of any Approval that the bus company provide and then service these facilities ' just as the Railway companies do for all the stations in Southampton and also National Express at the coach station.</p> <p>d) There is no need to provide a turning space for residents of Forest View as this road falls outside the red lines of this development. These residents should make their own arrangements ' possibly by opening up the other end of the street to allow through traffic.</p> <p>e) There is an excess of hard standing across the site. It is recognised that tree roots could cause damage to</p>

	<p>the Bailey Wall but planters or grass/shrub areas could be provided. This will help absorb the emissions from the buses and provide a cooler and more relaxing atmosphere for bus travellers.</p> <p>In conclusion while the design of the public open space is acceptable we feel that a redesign of the bus hub is required.</p> <p><u>Case Officer Response</u>  <i>Largely addressed elsewhere in this report. The Forest View vehicle access is not proposed to change as part of the application, whilst a turning area will be provided to maintain safe access. The installation of further planters or soft landscaping in the bus hub will affect underlying archaeology and the setting of the Castle Bailey wall. The replacement of the car park with the public realm is an improvement to the setting of the Castle Bailey wall.</i></p>
<p>Southampton Commons and Parks Protection Society SCAPPS</p>	<p><b>OBJECTION</b></p> <p>SCAPPS reluctantly objects to the proposals as submitted, reluctantly because SCAPPS welcomes action at last being taken to implement the City Centre Action Plan's proposal for a park in this location. SCAPPS objection is because the proposed layout requires loss of a mature lime tree, prominent in street views, and because of the excessive amount of hard-surfacing/tarmac. Both are a consequence of the design brief stipulating a bus stop layout enabling buses to enter the stops and leave in the same direction from which they entered.</p> <p>We have been unable from submitted information to understand why that is so essential as to justify loss of a mature tree so important in street views. A mature tree of that size makes a much greater contribution to improving air quality than replacement planting. Second, it's this requirement for buses to swing round to make a turn that contributes to the application proposing such a large area of tarmac. Which/how many bus services need to make a turn through the bus stops? Most present service-routes continue on in the same direction. Why can't the small number of services that do need to turn continue the present practice of using the road layout? What provision is made for buses on stand-over between services?</p> <p>Many passengers using these bus stops will come from or head toward the Bargate and Above Bar. The</p>

application-site boundary is Castle Way. Permission should be subject to a Unilateral Undertaking to fund clearly defined and convenient pedestrian routes through the Shop Mobility site from the proposed pedestrian crossings on Castle Way to Bargate Street and on to the Bargate, and to secure much-needed environmental improvement of the site and rear servicing of neighbouring premises.

Case Officer Response

*Securing pedestrian improvements through the Shop Mobility site is a good idea, but does not form part of this application and couldn't form a reason for refusal because it would not be a necessary to mitigate the highways impact of the proposal.*

*The amount of hard standing has been developed to accommodate the operational requirements for the buses and to provide future proofing of bus operations. All buses will enter the hub area at the southern end and exit at Albion Place where buses either turn north or south depending on their route.*

*Services from the Waterside/West will be terminating here rather than using the highway to turn around to make their return journey out of the city. Those running north-south use the stops on Castle Way. The buses have not been allocated to a particular bus stop but modelling has been done to influence the number of stops and operation based on the described approach.*

*The width of Albion Place at the junction with Castle Way has influenced the configuration to allow a bus to turn right (south) from the site.*

*The proposal contains one bus stand with all other locations being bus stops.*

## 6.0 Planning Consideration Key Issues

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

- The principle of development;
- Effect on heritage and character;
- Impact on amenity and public safety;
- Parking, highways and transport
- Mitigation of direct local impacts.

### 6.2 Principle of Development

- 6.2.1 The site is allocated as a key site in the City Centre Action Plan under policy AP29 (key site: Albion Place and Castle Way car parks) to reuse the Castle Way and Albion Place car parks as a bus hub and urban park space. Furthermore, policy AP18 (transport) promotes the creation of bus interchange infrastructure in the city centre to encourage a modal shift from car use. Alongside the objectives of policies CS13 (design) of the Core Strategy, policy AP 16 (design) expects new development in the city centre to meet the design principles set out the quarters and key sites, and to contribute to other objectives including delivery of an enriched public realm, ensure high quality design, strengthen the unique distinctiveness of the city's heritage, and respect the existing residential amenity of neighbouring property and provide safe access.
- 6.2.2 The Council's 'Bus Service Improvement Plan' (first published in October 2021 and updated in 2022) explains that the Albion Place bus interchange is part of strategic transport planning to enable the city centre to become a hub for rapid bus corridors to converge on the city. The new hubs will simplify the routing of buses so passengers know where to get their bus. A bus priority loop will be implemented over time connecting the main bus hubs – Albion Place, Above Bar Street and Vincent's Walk.
- 6.2.3 The creation of the proposed bus hub interchange will support the Council delivering its long-term sustainable transport strategy under the policies C1 (Southampton Mass Transit System) and A1 (Liveable City Centre) within the Council's adopted Local Transport Plan: Connected Southampton, Transport Strategy 2040 (March 2019). The Local Transport Plan sets out the Council's long-term vision and approach for transport planning and investment through to 2040. This is linked to the strategic transport objectives of policy CS18 (transport) of the Core Strategy to achieve a modal shift to environmentally sustainable transport. Alongside the parking planning policies for the city and maximum parking standards set out in policy CS19 (parking) of the Core Strategy and SDP5 (parking) of the Local Plan Review, the Council's planning policy and standards for parking provision in the city centre is set out in policy AP19 (streets) of the City Centre Action Plan. The impact of the loss of the 128 car parking spaces to businesses, visitors and residents in the locality will be assessed against the capacity of car parking available in the city centre to absorb the parking demand and need.
- 6.2.4 The proposal will result in both landscape improvements and unfortunate tree loss to accommodate the development; and these positive and negative environmental impacts need to be considered as part of the overall 'planning balance'. The proposed development will conflict with the objectives of policy SDP12 (landscape) of the Local Plan Review which expects important trees to be retained. The impact on loss of habitat and biodiversity including protected species is assessed against the requirements of policies NE4 (protected species) of the Local Plan Review and CS22 (biodiversity) of the Core Strategy. The proposal offers a package of measures to mitigate the impact on habitat and biodiversity and deliver a minimum of 10% Biodiversity Net Gain. The creation of the new

park space will meet the objectives of policy AP 12 and AP 13 (open space) of the City Centre Action Plan to increase the quantity and improve the quality and accessibility of open space in the city centre and the strategic requirements of policy CS 21 (open space) of the Core Strategy.

6.2.5 As such, the principle of development can be accepted to replace the existing car parks to deliver transport infrastructure to promote use of sustainable transport as part of the city's strategic network and the creation new public open space.

6.3 Effect on heritage and character (including tree loss impacts)

6.3.1 In accordance with the relevant national heritage tests and local plan policies HE1 (conservation area), HE3 (listed), HE6 (archaeology) and CS14 (historic) the report below assesses the impact on the significance of the heritage assets affected. Overall, the height, scale, design and appearance of the proposed resurfacing & landscaping works and associated structures, including bus shelters, refuse store (eastern side of Masonic Hall), cycle and scooter stands/facilities and landscape planters, will not appear out of character with this city centre urban environment and the street scene. The replacement of the Albion Place car park hardstanding with the landscaped park will improve the character and appearance of the local area. The visual amenity impacts in relation to the tree loss and the setting and character of the adjacent heritage assets are assessed below in the report.

6.3.2 *Impact to existing trees*

The resurfacing works to create the new vehicle and bus circulation layout requires two trees to be removed. These are identified as T5 Lime and T9 Pear on the submitted tree plan – **see Appendix 2**. Fundamentally, the Tree Officer objects to the removal of the T5 Lime tree. The Tree Officer considers that the 'B' categorisation of the four Lime tree (identified as T5 – T8 – **see Appendix 2**) should be changed to category 'A' given their status as an important historical feature in the landscape, predating the 1880s. The Lime group form an important landscape and historical avenue feature and offer extremely high amenity to the area. As such, the remaining trees in this Lime tree group should be retained in full and protected from present and future development, whilst the other remaining trees within the car parks are of adequate condition and prominence to achieve a higher categorisation.

6.3.3 Given the positive contribution to the character and appearance in the street scene, the loss of the Lime tree T5 will adversely affect visual amenity of the local area. The Tree Officer's objection will not be addressed by the layout and design of the proposed scheme. The Council should decide the planning application as proposed, so this shortcoming of the scheme should be materially weighed up, alongside the other impacts, against the benefits to be delivered by the proposal under the 'planning balance'.

The Pear tree T9 does not make a significant contribution to the character and appearance of the street scene, so the loss of the Pear tree T9 will not significantly affect the visual amenity of the area, whilst the replacement tree planting offered will adequately mitigate the environmental impact caused by the loss of the tree.

- 6.3.4 In acknowledging the importance of the Lime tree T5, the applicant held discussions with the SCC Tree team prior to submission. The applicant explored a different layout option for the bus hub and park space at the design stage to retain the Lime tree T5 (**see Appendix 3**), albeit this results in the loss of a Sycamore tree with lower value than the Lime tree T5. The option to locate bus hub in the Albion Place car park (north) was not taken forward as it posed greater harm and less significant benefits to the heritage assets affected. Protecting and enhancing the natural environment is a key priority and objective of the Local Development Plan and it is regrettable that the Lime tree T5 will be lost, however, it should be noted that the survival of the heritage assets affected in the built environment are more than likely to long outlive the Lime tree affected. The applicant has justified the layout and size of the bus lane in the bus hub (where Lime tree T5 is located) based upon the operational bus requirements. The retention of the Lime tree T5 would not be practicable given the impacts of construction within the root protection area and operational use of the bus hub.
- 6.3.5 It should be noted that the Council's Historic Environment Officer considers the loss of an important Lime (one of a group of three trees once associated with the former residential streetscape) would be regrettable, and whose loss would cause some harm to the conservation area, despite new plantings being proposed, however, they concluded that there would be on balance a low level impact on the heritage assets affected by the proposed scheme alongside the public benefits derived (see further discussed below in the report).
- 6.3.6 In addition to the visual and character impact, the significant tree loss would result in associated environmental impacts, including rainwater management and urban shading through the loss of tree canopy, effect on climate change resilience, and biodiversity through loss of foraging and habitat. Although standard to heavy standard sizes are the size of the replacement trees (when first planted) this will not physically mitigate these environmental impacts until their canopies mature in the longer term. The 9 replacement trees will exceed the Council's 2:1 replacement policy. **Appendix 7** shows how the canopies of suggested replacement trees should look like when they have matured. The SCC Ecologist will advise through the Biodiversity Net Gain metric on the appropriateness of the trees and mix and type of plant species in terms of biodiversity value under the revised landscaping scheme to be secured by conditions 12.

### 6.3.7 *Impact on heritage and character*

The site itself lies within a Conservation Area and the proposed development will affect the setting of heritage assets designated as grade II\* listed and Ancient Scheduled Monuments. The statutory tests for the heritage impact of the proposal, as set out in sections 16 (Listed Buildings), 66 (Listed Buildings) and 72 (Conservation Areas) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest (Listed Buildings) and; whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

6.3.8 Paragraph 194 of the NPPF adds that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. NPPF Paragraph 202 confirms that where less than substantial harm is caused to the designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 203 confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

6.3.9 The Council's Heritage Officer acknowledges that although there would be some changes to the existing surroundings of the listed buildings and non-designated heritage assets, and that the presence of an operational bus hub and associated structures would continue to cause some harm to the heritage assets in this sensitive location, however, given the indirect impact of the proposals, and coupled with the resultant low magnitude of change, the level of harm presented by the scheme would be considered to fall within the low end of the '*less than substantial harm*' spectrum when compared to the existing arrangement.

6.3.10 The NPPF heritage test for the less than substantial harm affecting the setting of the heritage assets and conservation area should be weighed against the public benefits of the proposal. There are a number of substantial public benefits delivered by the proposed development including the investment in public transport and the improvement to the setting and public access of the town and castle bailey walls. These benefits are considered to outweigh any the less successful elements of the scheme including that the area will continue to be dominated by the operational

movement of buses, the loss of the Lime tree, and all the associated issues with such a use e.g. noise, emissions, lighting.

- 6.3.11 Historic England commented that the issue of the potential effect of vibration of scheduled monuments affected by the operational bus hub is not quite resolved in the application. The applicant has confirmed that, subject to an upcoming TRO to be lodged for public consultation, the speed limit of Castle Way will be reduced to 20mph and therefore the induced vibrations will be less than the current 30mph road. The Portland Terrace Bus Gate TRO will create a no through road for traffic between Spa Road and the shopmobility junction and so reduce the frequency of total vehicles using Castle Way to just bus frequencies.
- 6.3.12 In line with Historic England's comments a pre-commencement condition is recommended to agree a detailed method statement to safeguard the structural integrity of the heritage wall assets from vibration impacts during construction and during operational use of the bus hub.
- 6.3.13 In confirming the indicative excavation depths and sub-layers in more detail, the applicant has addressed the SCC Archaeologist's comments and a further condition is recommended.
- 6.3.14 As such, the proposal is considered to preserve the setting and character of the listed/ancient scheduled monuments and the character and appearance of the Conservation Area. Furthermore, the proposal would accord with the requirements of the relevant policies in the Development Plan, namely HE1 (conservation area), HE3 (listed), HE6 (archaeology) of the Local Plan Review and policy CS14 (historic) of the Core Strategy.

#### 6.4 Impact on amenity and public safety

- 6.4.1 The impact of the proposal should be assessed against safeguarding the amenity and safety of the local area. The physical impact of the proposed structures on the amenity of nearby occupiers is assessed against policy SDP1(i) of the Local Plan Review. The affect from noise and lighting associated with the bus hub and park use in relation to policies SDP16 (noise) and SDP17 (lighting), and policy SDP10 (security) requires the fear and risk of crime to be designed out using security measures such as appropriate lighting, CCTV and improved natural surveillance. Whilst Hampshire Police were not consulted through the planning application, the applicant has confirmed that the package of security measures and layout of the bus hub to design out opportunities for crime were informed by consultation with Hampshire Police at the pre-planning design stage.
- 6.4.2 The proposed bus hub use is compatible land use within this urban setting, where bus services already stop and layover on this part of Castle Way, and the land is currently used by the public for parking. The application site is within a busy city centre urban area adjacent with quieter residential neighbourhoods to the south and west (beyond the Castle Bailey Wall).

There is existing street lighting and background traffic noise associated with the frequent movement of buses and vehicles coming and going from the car parks (using the Albion Place junction) and travelling along Castle Way. Castle Way is currently used by buses to layover and pick up passengers. The main residential properties affected are located to the south of the Castle Bailey wall in Castle Lane, Maddison Street and Forest View, and flats located on the eastern side of Castle Way. Freemasons and other groups use the Masonic Hall abutting the western edge of the Castle Way car park along the site boundary. The height of the Castle Bailey wall acts as a substantial barrier between the residential uses to the south of the site.

#### 6.4.3 *Noise impact*

Local residents have raised concerns with regards to disturbance from bus engine noise operating closer to residential properties using the stops within the bus hub interchange. This is addressed above at paragraph 5.5.

6.4.4 As such, the noise disturbance associated with the activities resulting from the scale, nature and intensity of the proposed change of use will not adversely affect the residential amenity of the nearby occupiers.

#### 6.4.5 *Loss of privacy, light and outlook*

Given the separation distances and the height of the Castle Bailey wall, there will be limited impact to the loss of light, privacy and outlook enjoyed by nearby residents.

#### 6.4.6 *Security and Safety*

The replacement of the current car park use will benefit from the increased public presence throughout the day and night time using the bus hub. The design of the bus hub will reduce antisocial behaviour in the area, with improved natural surveillance and creating spaces that provide fewer criminal opportunities. This includes improved lighting along the highway frontage, and within the bus hub where necessary, that will help to minimise the opportunities for rough sleeping, improved natural surveillance creating the perception of safety, formalised surveillance with the provision of CCTV and a long-term maintenance strategy. Prior to the first operation of the bus hub details of the scheme of security measures, including lighting and CCTV coverage, will be secured by planning condition to ensure further engagement with Hampshire Police.

#### 6.4.7 *Lighting*

The specification of lighting in terms of the column height and luminance levels, including the ambient up lighting of the adjacent walls, will be designed to minimise the adverse impact to the amenity of nearby residents from light spill.

### 6.5 Parking, highways and transport

6.5.1 *Transport improvements*

It has been established that the proposed change of use to a bus hub supports the delivery of the objectives of the Council's wider transport strategy and adopted local transport & planning policies to encourage a modal shift to sustainable transport, whilst the change of use from the car parks to a bus hub and park space will have the added transport benefits of reducing traffic flow on Castle Way and improving pedestrian routes along the Town Walls. The delivery of the pedestrian crossing point on Castle Way will connect the two sections of Castle Lane currently severed by Castle Way, improving pedestrian connections between the High Street and the Old Town as well as enhancing connectivity between the bus hub and southern High Street.

6.5.2 There are numerous cycle stands being proposed as part of the development. Similarly, space is being provided to enable installations of e-scooters and electric cycles.

6.5.3 As such, the transport improvements delivered to achieve a modal shift to sustainable transport use in the city centre and the wider transport network accord with policy.

6.5.4 *Impact on highways safety*

Policy TI 2 (vehicle access) will only permit new access from classified roads (Castle Way is classified as 'C' road) providing that road safety is not adversely affected. NPPF paragraphs 110 to 113 sets out the framework for assessing road safety and transport impacts. NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The nature and layout of the proposal complies with the requirements of NPPF paragraph 112.

6.5.5 The SCC Highways officer considers that the proposed development will not adversely affect highways safety and refuse collection vehicle access will be via the bus hub to collect rubbish from the waste storage area adjacent to the eastern side of the Masonic Hall. Detailed design of the bin store can be agreed by planning condition.

6.5.6 The loss of 128 parking spaces and with the nature of them being short term parking (daytime), will likely generate fewer vehicular trips overall as a result of development. Furthermore, in terms of bus movements, the two accesses will act as an ingress and egress only which will also help reduce turning movements at each access.

6.5.7 The loss of short-term city centre parking in place for a bus hub is in line with many Council objectives in improving the function of the inner ring road and to reduce private car trips within the city core.

6.5.8 As such, the proposal will accord with policies SDP1(i) (amenity) and TI2 (vehicular access) of the Local Plan Review

6.5.9 *Parking provision & access*

Members of the Freemasons and users of the Masonic Hall have raised concerns that the loss of the car parks will adversely affect the viability of their business and as community use as members and visitors depend upon safe and convenient access from the car parks next to the venue, especially those with mobility and sensory difficulties. Subsequently, the creation of the layby in Albion Place to the north of the Masonic Hall will secure opportunities for persons with mobility and sensory difficulties and deliveries to safely and conveniently access the Masonic Hall. Safe vehicle and pedestrian access for ingress and egress, alongside refuse collection facilities, are being maintained for residents of Forest View. The disabled access to the Masonic Hall will remain unobstructed with a safe and secure route across a well-lit and level surface along Albion Place and the new public realm area.

6.5.10 The existing car parks do not contain any disabled bays with all bays being standard dimensions with no additional hatching for additional access. The applicant has provided information in the Transport Statement, including a parking survey of city centre car parks. The survey shows the car parks to be lost are well utilised, however, the survey demonstrates that there is sufficient spare capacity in both Council owned car parks and privately owned car parks. With the nearest ones being West Quay and Podium Car Park; Eastgate; The Quays North & South car parks (see map of locations in **Appendix 5**). In addition, there are various on street public parking bays in the local area. As such, the loss of the car park spaces will not adversely affect or prejudice the safety and access of businesses, visitors and local residents in the area including those persons with mobility and sensory difficulties

6.6 Mitigation of direct local impacts

6.6.1 *Ecological impacts*

An extended Phase 1 Habitat Survey for protected species has been undertaken by the applicant and has been accepted by the Council's Ecologist.

6.6.2 The scheme will result in a loss of biodiversity and habitat on site through the removal of the Lime tree T5 and Pear tree T9. The site has the potential to improve biodiversity and habitat by replacing the part of the existing hardstanding with park space. The level of improvement can be measured through a Biodiversity Net Gain metric tool. The applicant has submitted an interim report to set out options for achieving 10% BNG with recommended actions.

6.6.3 As such, the habitat and biodiversity loss directly associated with the Lime tree T5 can be mitigated in the longer term once the replacement tree planting canopy has matured. It has been demonstrated that no protected species will be adversely affected by the proposed development.

6.6.4 *Impact on air quality*

The SCC Air Quality team have raised no objection to the impact of the proposed development.

6.6.5 Access to reliable bus services and other sustainable transport modes is key to reducing emissions of key pollutants of which road transport and in particular private vehicle transport is the key contributor to. The bus hub aims to encourage sustainable travel and contribute towards further improvement in air quality across the city.

6.6.7 *Impact on drainage*

The SCC Flood Risk team have lifted their holding objection in relation to the SUDS strategy proposed. Additional information has been received from the applicant that includes justification as to the method of surface water disposal from the site and shows that a betterment from the existing site runoff rates and volumes has been achieved

6.6.8 *Impact on Southern Water network*

Southern Water commented that public assets affected by the proposal identified as existing gravity sewers, water distribution mains and water services lie within the site. Following further discussions between the applicant, Southern Water have confirmed that the construction depths will not require any diversionary works to protect these assets. As such, Southern Water are satisfied that construction works affecting their assets can take place.

## **7. Summary & Planning Balance**

7.1 The principle of the change of use of the car parks to the bus hub and parks is considered acceptable.

7.2 It is acknowledged that the proposal would positively contribute towards the Council's strategic transport network objectives as set out in the adopted Local Transport Plan by improving and delivering sustainable transport infrastructure and improving the liveability of the city centre.

7.3 The delivery of new open space in the city centre would be a positive public benefit.

7.4 There would be social and environmental benefits from improving the character and setting of the heritage assets affected by replacing Albion

Place car park with a new landscaped park and public realm adjacent to and flanking the Town Wall heritage assets.

- 7.5 The financial revenue lost from the operational car parks is not a land use material consideration, however, there will be a neutral social and economic impact caused by the loss of parking spaces as it is demonstrated that the available capacity of nearby parking will provide convenient and safe access for businesses, visitors and local residents. Subsequently, applicant will secure opportunities for persons with mobility issues to visit the Masonic Hall and maintain safe access for Forest view.
- 7.6 The loss of the Lime tree T5 will cause adverse environmental impacts so this is a shortcoming of the proposed development. The visual amenity and other associated environmental impacts cannot be directly mitigated until in the longer term when the replacement tree planting will take full effect.
- 7.7 It is considered that the adverse impacts of granting planning permission, in terms of the loss of an attractive and healthy Lime tree, would be significantly and demonstrably outweighed by the benefits. As such, consideration of the planning balance would point to approval.

## **8. Conclusion**

- 8.1 Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval subject to the conditions set out below.

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

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

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) 4. (a) (e) (g) (vv) 5. (i) (j) 6. (a) (b)

**Stuart Brooks** PROW Panel 12.09.23

## **PLANNING CONDITIONS**

### **01. Full Permission Timing (Performance)**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Before any development works are commenced, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;

- (c) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- (d) details of temporary lighting;
- (e) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (f) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (g) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (h) details of construction vehicles wheel cleaning; and,
- (i) details of how noise emanating from the site during construction will be mitigated.
- (j) measures to protect the scheduled Castle Bailey Wall, town walls and towers from potential damage during construction works - from parking of vehicles, movement of plant and materials, storage of plant and materials. No storage of goods including temporary contracts buildings, plant and stacks of materials and equipment associated with the development shall be stored within 4 metres of the Castle Bailey Wall, town walls and towers.

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, and the character of the area and highway safety. To preserve the scheduled monuments affected during construction works.

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

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

Monday to Friday	08:00 to 18:00 hours
Saturdays	09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

### **04. Archaeological damage-assessment (Pre-Commencement Condition)**

No ground disturbance (other than ground investigation works and archaeological evaluation trenching) shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict ground disturbance accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

### **05. Archaeological evaluation investigation (Pre-Commencement Condition)**

No 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.

**06. Archaeological evaluation work programme (Performance Condition)**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

**07. Archaeological investigation (further works) (Performance Condition)**

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

**08. Archaeological work programme (further works) (Performance Condition)**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

**09. Vibration (Pre-Commencement)**

No ground disturbance shall take place within the site until vibration monitoring has been installed on the scheduled Castle Bailey Wall, town walls and towers in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be retained as approved during the construction period.

Reason: To preserve the adjacent scheduled monuments during construction works.

Informative: a maximum vibration of 3mm/sec Peak Particle Velocity is permitted in the vicinity of the town walls and castle walls, measured by a device fixed to the monument itself.

**10. Arboricultural Method Statement (Pre-Commencement)**

No ground disturbance shall take place until a site specific Arboricultural Method Statement has been first submitted to and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

- (i) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (ii) Specification for the installation of any additional root protection measures with specific measures to be undertaken within the root protection area of Lime tree T6 during works including excavation to be hand dug and/or utilise the vacuum excavator and the possible relocation of the bus shelter shown in this zone;

- (iii) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas with specific protection measures for the root protection area of Lime tree T6;
- (iv) Specification for the construction of hard surfaces where they impinge on tree roots;
- (v) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
- (vi) An arboriculture management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
- (vii) Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.
- (viii) A schedule of Arboricultural Supervision for works affecting the root protection area of Lime tree T6.

The Arboricultural Method Statement and schedule of Arboricultural Supervision shall be fully adhered to throughout the course of the development.

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

#### **11. Safety and Security Measures (Pre-Operational Use)**

Prior to first operational use of the bus hub hereby approved, a scheme of safety and security measures including CCTV coverage and a lighting plan be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first operational use of the bus hub and shall be retained thereafter for the lifetime of the use.

Reason: In the interests of safety and security of all users of the development.

#### **12. Biodiversity Net Gain (Pre-Operational Use)**

Prior to the removal of Lime tree T5, a completed biodiversity metric shall be submitted to and agreed in writing by the Local Planning Authority, which demonstrates a minimum of 10% biodiversity net gain, and a plan which shows the location, extent, and composition of the proposed habitat. This shall include the measures set out in the section 6 of the Preliminary Ecological Appraisal by Mott Macdonald dated May 2023 and amended landscaping scheme to include more native planting species of recognisable value to wildlife and suitable sized replacement tree species. The approved habitat measures shall be implemented before first operational use of the development hereby approved.

Reason: In the interests of enhancing biodiversity and habitat on site.

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

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been first submitted to and agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details. A suitably qualified ornithologist will be required on site to check if any potential nest sites of black redstart are active if works commence during the bird breeding season between 1 March and 31 August. If nesting black redstart are present and impacts are possible on site, works shall

cease in the area until a suitable cordon is set up around the nest to protect the nest and allow the young to fledge in accordance with details submitted to and agreed in writing with the Local Planning Authority.

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

#### **14. External Lighting Scheme (Pre-Operational Use)**

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: To minimise the impact on protected species.

#### **15. Landscaping, lighting & means of enclosure detailed plan (Pre-commencement)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) proposed finished ground levels or contours; hard surfacing materials of the new public realm and pedestrian circulation spaces, raised planter design and associated drainage design, specification of external lighting, structures and ancillary objects (seating, refuse bins, etc);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (v) details of any proposed boundary treatment and means of enclosure;
- (vi) a landscape management scheme;
- (vii) details of the specification and content of historic interpretation boards and ground artwork installation and,
- (viii) detailed specification and location of planter areas and upstands, including below ground sections and foundation design.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to the first operational use or during the first planting season following the full completion of works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of other works approved which shall be retained as approved for the lifetime of the development.

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.

Reason: To preserve important archaeological assets and setting of the Town Walls.

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.

**16. Refuse & Recycling for Forest View (Pre-Commencement)**

Prior to the commencement of development, details of storage for refuse and recycling to serve Forest View including temporary provision during construction, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The temporary storage shall be provided prior to the commencement of development in the Castle Way Car Park area in accordance with the agreed details. The permanent refuse storage shall be provided prior to first operational use and thereafter retained as approved. No refuse shall obstruct the fire exit of the Masonic Hall at any time.

Reason: In the interests of visual amenity, the amenities of Forest View, the safety of the users of Masonic Hall and in the interests of highway safety.

**17. Bus Shelter Advertising (Performance)**

Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 or any Order amending, revoking or re-enacting that Order, no advertisements under deemed consent within Schedule 3, Part 1, Class 9 shall be displayed at any bus shelter within the bus hub hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In the interests of preserving the setting and character of the scheduled monuments affected.

**18. Vibration Levels during bus hub operation (Pre-Commencement)**

No ground disturbance shall take place within the site until a technical statement on vibration impacts on Castle Bailey Wall during operation of the bus hub has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any measures approved to mitigate vibration impacts prior to the first operational use of the bus hub and thereafter retained for the lifetime of the bus hub use.

Reason: In the interests of the preserving the character and setting of scheduled monuments affected by ensuring their structural integrity.

**19. 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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
NE4	Protected Species
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
TI2	Vehicular Access

City Centre Action Plan - March 2015

AP 12	Green infrastructure and open space
AP 13	Public open space in new developments
AP 16	Design
AP 18	Transport and movement
AP 19	Streets and Spaces
AP 29	Albion Place and Castle Way car parks

Other Relevant Guidance

Parking Standards SPD (September 2011)  
Old Town Development Strategy (November 2000)  
Local Transport Plan (March 2019)  
Bus Service Improvement Plan (BSIP) 2021  
CIHT's Manual for Streets and Manual for Streets 2  
The National Planning Policy Framework (2021)