



## **DETERMINATION OF APPLICATION**

### **TOWN AND COUNTRY PLANNING ACT 1990**

#### **Town and Country Planning (Development Management Procedure) (England) Order 2010**

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In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

### **OUTLINE APPLICATION - CONDITIONAL APPROVAL**

**Proposal:** **Mixed use development including alterations to the West Quay Shopping Centre comprising Retail (Use Class A1, A2, A3, A4 and A5 - 19,500 square metres maximum floorspace); Hotel (Use Class C1 - 28,000 square metres maximum floorspace); Residential (Use Class C3 - maximum 260 flats); Leisure (Use Class D2 - 19,500 square metres maximum floorspace) including a Cinema; Offices (Class B1(a) - maximum 10,000 square metres floorspace); public open space; with associated car parking, access, highway, landscaping and other works including infilling the existing pedestrian subway in Bargate Street (Outline application with access for consideration at this stage - Environmental Impact Assessment Development).**

**Site Address:** **Land between Harbour Parade and Portland Terrace to The South of West Quay Shopping Centre Southampton**

**Application No:** **13/00464/OUT**

Subject to the following conditions.

#### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, the means of access (vehicular and pedestrian) into the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters in relation to each phase of the development shall be obtained from the Local Planning Authority prior to any works in respect of such phase taking place on the site  
the layout of the buildings on site and detailed siting of associated areas,  
the appearance and architectural design specifying the external materials to be used,  
the scale of the buildings indicating massing and building bulk, 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 with the exception of the reserved matters relating to the residential element of the development which shall be submitted before the expiration of five years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun either before the expiration of five years from the date of this Outline permission, or before the expiration of two years from the date of approval of the last application of the reserved matters to be approved whichever is the latter.

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). A longer time period is considered appropriate given the complexity and viability of the development.

02. APPROVAL CONDITION - Additional Details Required (Pre-Commencement Condition)

Details of the following particulars of the proposed development in addition to the submission of Matters Reserved from the Outline Planning Permission hereby approved shall be submitted to and approved in writing by the Local Planning Authority before commencement of the relevant phase of the development:

(A) In addition to Reserved Matters for the layout of the building(s) and for the means of access thereto in respect of each phase of the development, a plan showing the detailed siting of structures on the site showing the position of trees to buildings, and the vehicular parking areas to access points in relation to such phase;

(B) In addition to Reserved Matters for the appearance and design of the building(s) in respect of each phase of the development a detailed plan showing the size of the building(s) and specifying the external materials to be used in relation to such phase;

(C) In addition to Reserved Matters for the size of the building(s) in respect of each phase of the development details of the height, width, length of the structures and the massing and bulk of the buildings to the open areas shall be provided in relation to such phase;

(D) In addition to Reserved Matters for the landscaping to the site in respect of each phase of the development, a detailed plan indicating a programme of implementation together with details specifying the numbers, types, size and species of trees, hedgerows and shrubs to be planted, and the method of ground preparation and mulching treatment, the construction and specification details of all hard landscaping areas including those relating to the detailed design of any public art work, tree pits, street furniture and signing in paved areas, proposed in relation to such phase. This should be accompanied by a detailed Management and Maintenance Plan;

(E) Details of the treatment to the boundaries of the site, and all screen walls or fences within the proposed development in respect of each phase of the development;

(F) Details of the means of refuse disposal and siting of refuse disposal points and recyclable material storage and collection points in respect of each phase of the development;

(G) Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted in respect of each phase of the development ;

(H) Detailed cross-sections of the site showing existing levels and proposed finished levels, position of access roads, car parking areas and buildings and position of trees on the site in respect of each phase of the development ;

(I) Details of the layout of on-site car parking in respect of each phase of the development;

(J) Details of the construction of all highways and vehicular access ways, including a specification of the type of construction proposed for the roads and footpaths, together with all relevant horizontal cross-sections and longitudinal sections showing the existing and proposed levels and details of street lighting in respect of each phase of the development;

(K) Details of the proposed drainage of the site, including details of the provision for the protection of existing sewers which cross the site during the period of all works of excavation and construction in respect of each phase of the development ;

(L) A plan showing the location and depth of trenches in connection with the laying of services

in respect of each phase of the development;

(M) Details of the method of construction of each phase of the development, including piling, and the means of protection to safeguard the Town Walls as a listed building and Scheduled Ancient Monument.

Reason:

To ensure the proposed development is satisfactory as regards layout, access, appearance, landscape provision and in all other detailed respects.

### 03. APPROVAL CONDITION - Parameter Plan and Design Principles

The details of the reserved matters submitted pursuant to this permission shall be carried out in accordance with the Parameter Plans Amended (Dated July 2013) and Design Principles Amended (Dated July 2013) documents accompanying this planning application and be consistent with the Design and Access Statement Amended (Dated July 2013).

REASON

To secure the satisfactory development of this important site in accordance with the agreed principles and objectives and to ensure high design quality is achieved.

### 04. APPROVAL CONDITION - Phasing

The development may be carried out on a phased basis and applications for reserved matters may be submitted in respect of any of the phases of development within the site in any order.

The development hereby permitted shall not be commenced until a phasing plan has been submitted to and agreed in writing by the local planning authority. The phasing plan shall identify and describe the phases of construction of development including the relevant public realm/infrastructure elements. The development shall be carried out in accordance with the provisions of the approved phasing plan and/or any subsequent amendment to it that has been agreed in writing by the local planning authority.

REASON

To ensure the development is carried out in a comprehensive and controlled manner.

### 05. APPROVAL CONDITION - Floorspace

The gross internal area constructed at the application site for purposes within Classes A1, A2, A3, A4, A5, B1, C1, and D2 on the application site shall not exceed 68,500 sq m and Class C3 shall not exceed 260 units. The areas for these purposes shall be:

	Minimum Floorspace(sq m)	Maximum Floorspace (sq m)
Retail/restaurant (A1-A5)	4,000	18,500
Retail Kiosks	0	500
Offices	0	10,000
Hotel Class C1	0	28,000
Leisure Class D2	6,000	19,500
Residential Class C3	140	260 units

For the avoidance of doubt the gross floor area of the proposed car park is excluded from the maximum proposed floorspace levels for Development Zone 3.

**REASON**

To control the development in accordance with the Environmental Impact Assessment submitted with the application.

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

Prior to the commencement of each phase 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 relevant part of the site to which such phase relates shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved 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.

**07. APPROVAL CONDITION - Use of uncontaminated soils and fill**

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

**08. APPROVAL CONDITION - Unsuspected Contamination**

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 in relation to such phase of the development to which such contamination relates 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.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

**09. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]**

No development shall take place within such part of the site to which a phase relates until the implementation of a programme of archaeological work in respect of such phase 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.

**10. APPROVAL CONDITION - Archaeological work programme [Performance Condition]**

The developer shall secure the completion of a programme of archaeological work for each phase of the development 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.

**11. APPROVAL CONDITION - Archaeological damage-assessment [Performance Condition]**

The type and dimensions of all proposed groundworks in respect of each phase of the development shall be submitted to and approved by the Local Planning Authority. The developer will restrict groundworks in accordance with the approved details 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.

**12. APPROVAL CONDITION - Archaeological investigation example 1 [Pre-Commencement]**

Two successful borehole samples will be taken by a geoarchaeologist through the underlying peat deposits, as well as the deposits immediately above and below them, before development begins on the site.

Reason:

To ensure that the archaeological investigation includes the recovery of regionally important evidence.

13. APPROVAL CONDITION - Archaeological investigation example 2 [Performance Condition]

Following the removal of the modern infill in the area of the proposed residential tower, but before the removal of the underlying intertidal muds, an appropriate archaeological contractor will undertake an evaluation of the tower-base site, in strips, comprising about 17.5% of that area. If significant archaeological remains are encountered as a result, they will be investigated, recorded and recovered, in accordance with a further written scheme of investigation that has been submitted to and approved by the Local Planning Authority, before the applicant may remove the underlying muds.

Reason:

To ensure that the archaeological investigation includes a close examination of an area possibly containing wrecks.

14. APPROVAL CONDITION - Preservation of the archaeological record [Performance Condition]

Allowance will be made, as an integral part of the archaeological work, for the full analysis of the data, leading to the publication of at least one report in an appropriate form (either in the appropriate journal or journals or as a monograph); the provision of required data to the Southampton Historic Environment Record; the conservation of all materials requiring conservation; and the deposition of the full site archive, including recovered materials, with Southampton City Museums.

Reason

To ensure that the archaeological work is appropriately recorded.

15. APPROVAL CONDITION - Noise - plant and machinery [Pre-Occupation Condition]

The Class A1, A3, A4, A5, B1, C1 and D2 uses hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the relevant phase of the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To protect the amenities of the occupiers of existing nearby properties

16. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Occupation Condition]

The use of each phase of the development shall not commence until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment in respect of such phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason

To protect the amenities of the occupiers of existing nearby properties

17. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;  
Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

Reason

To protect the amenities of the occupiers of existing nearby residential properties

#### 18. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting strategy for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. A detailed scheme shall be provided including light scatter diagram with relevant contours in respect of each phase prior to occupation of that phase. The detailed scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason

To protect the amenities of the occupiers of existing nearby residential properties. In addition, it is necessary to control the permanent lighting arrangements on this development to avoid confusion with aeronautical ground lights which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)).

#### 19. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

Prior to the commencement of each phase 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 piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs in respect of such relevant phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

#### 20. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development in each phase of the development a written construction environment management plan in respect of such phase shall be submitted to and approved by the Local Planning Authority. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to

ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

**Reason**

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

**21. APPROVAL CONDITION - Waste Management Plan [Pre-Occupation Condition]**

A waste management plan containing full details of measures to reduce the wastage of materials and promote the recycling of materials during the construction process and in the subsequent use and operation of each phase of the development shall be submitted and agreed in writing with the Local Planning Authority prior to the first occupation of such relevant phase of the development hereby granted consent. The plan will contain measures to promote the reuse, segregation and composting of wastes produced on site.

**Reason:**

To ensure that resource consumption is minimised and opportunities for recycling are maximised on site and to comply with policy SDP13 (viii) of the City of Southampton Local (2006)

**22. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the residential development commences, written documentary evidence demonstrating that the residential development will achieve a minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

**REASON:**

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

**23. APPROVAL CONDITION - Code for Sustainable Homes [performance condition]**

Within 6 months of any part of the residential development first becoming occupied, written documentary evidence proving that the development has achieved a minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body shall be submitted to the Local Planning Authority for its approval.

**REASON:**

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

**24. APPROVAL CONDITION - BREEAM (commercial development) [Pre-Commencement Condition]**

Before individual phases of the development commence, written documentary evidence demonstrating that the development phase will achieve a minimum rating of Excellent against the BREEAM standard in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.



**REASON:**

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

**25. APPROVAL CONDITION - BREEAM (commercial development) [performance condition]**

Within 6 months of any part of the commercial development first becoming occupied, written documentary evidence proving that the development has achieved a minimum rating of Excellent against the BREEAM standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

**REASON:**

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

**26. APPROVAL CONDITION - Renewable / Low Carbon Energy Sources (Pre-Commencement Condition)**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable / low carbon energy technologies on the site, that will achieve a reduction in CO2 emissions as required in core strategy policy CS20 must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development as required in core strategy policy CS20 must be submitted and approved in writing by the Local Planning Authority prior to the commencement of each phase of the development hereby granted consent. Renewable / low carbon energy technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the relevant phase of the development hereby granted consent and retained thereafter.

**REASON:**

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**27. APPROVAL CONDITION - Rainwater /Grey-water Harvesting (Pre-Commencement Condition)**

A feasibility study demonstrating the investigation of the potential for the installation of a rainwater/grey-water harvesting system on site shall be carried out and verified in writing by the Local Planning Authority prior to commencement of each phase of the development hereby granted consent. If the study demonstrates that the installation of such a system would be technically and financially viable, a specification shall be agreed in writing with the Local Planning Authority. A system to the approved specification must be installed and be rendered fully operational prior to the first occupation of the relevant phase of the development hereby granted consent and retained thereafter.

**REASON:**

To reduce overall water consumption and demand on resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

## 28. APPROVAL CONDITION - Green roof feasibility study (Pre-Commencement Condition)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

## Reason:

To reduce flood risk and manage surface water run off 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.

## 29. APPROVAL CONDITION - Signage Strategy

Prior to the commencement 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 in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

## REASON:

In the interests of visual amenity by securing some uniformity in the signage of the development whilst not preventing a successful corporate branding.

## 30. APPROVAL CONDITION - Surface Water Drainage (Pre-Commencement Condition)

Before each phase of development approved by this planning permission no development shall take place until such time as a scheme to manage surface water has been submitted to, and approved in writing by, the local planning authority.

1. The surface water drainage scheme should be based on the sustainable drainage principles referred to within the Flood Risk Assessment and shall also include;

- a) Confirmation of the surface water drainage techniques to be used. (Following on-site testing of ground conditions, contamination and infiltration rates)
- b) Confirmation of dimensions and location of specific drainage features (e.g. green roofs, permeable paving, soakaways, ponds etc.)
- c) Specific details in relation to how the drainage system will be maintained over its development life.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the development proposals or within any other period as may subsequently be agreed, in writing, by the local planning authority.

## Reason

This condition is required for the following reasons:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

2. To reduce the risk of flooding to the proposed development and future users. Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the development itself as well as third parties off site.

### 31. APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence until details of the proposed means of foul and surface water sewerage disposal for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

In order that the Local Planning Authority may be satisfied with the drainage arrangements and to ensure the development will not result in an increased risk of flooding in the area.

### 32. APPROVAL CONDITION - Height Limitation on Buildings and Structures

No building or structure (including cranes) of the development hereby permitted shall exceed 116 metres AOD.

#### Reason

Development exceeding this height would penetrate the Obstacle Limitation Surface (OLS) surrounding Southampton Airport and endanger aircraft movements and the safe operation of the aerodrome.

See Advice Note 1 'Safeguarding an Overview' for further information (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp))

### 33. APPROVAL CONDITION - Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority for each phase of the development. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow. The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

#### REASON

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

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by

BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

**34. APPROVAL CONDITION - Car Parking (Performance Condition)**

The car parking within Development Zone 3 hereby approved shall be used as specified in the application. No more than 140 car parking spaces shall be made available for general public use to replace the existing public parking. The remaining car parking spaces shall not be used other than by occupiers of the residential accommodation within Development Zone 4.

**Reason**

To ensure the car parking is provided as set out in the application and to prevent the addition of long stay commuter car parking which would be contrary to Core Strategy Policies CS18 and CS19.

**35. APPROVAL CONDITION - Protection of sewers (pre-commencement condition)**

No development shall commence until details of measures to be undertaken to protect public sewers has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved measures unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure satisfactory protection of the public sewers.

**36. APPROVAL CONDITION - Cycle parking (Pre-occupation condition)**

The buildings hereby approved shall not be occupied until cycle parking facilities relating to that building for occupiers and visitors have been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include secure enclosed facilities for employees and showering, changing and locker facilities for employees. Thereafter these cycle and associated facilities shall be retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To promote cycling as a sustainable mode of transport.

**37. APPROVAL CONDITION - Safety and security (Pre-Commencement Condition)**

No development shall take place within such part of the site to which a phase relates until a scheme of safety and security measures including security of the car parking areas, a lighting plan, a plan showing location and type of CCTV cameras and access to the residential building has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the phase to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

In the interests of safety and security.

38. APPROVAL CONDITION - Park and Plaza (Pre-occupation condition).

None of the buildings within individual Development Zones (1, 3 and 4) shall be occupied until the corresponding approved works for the Plaza (Development Zone 2) have been substantially completed in accordance with the approved phasing plan number 052-ACME-SKE078 Rev E.

Reason

To ensure the development is carried out comprehensively in accordance with the application and to ensure a high quality public realm and pedestrian environment is created in accordance with Local Plan Policy MSA6.

39. APPROVAL CONDITION - Means of Enclosure (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected within Development Zone 2.

Reason

To safeguard the open character and appearance of this important area of open space adjoining a Scheduled Ancient Monument.

40. APPROVAL CONDITION - Ecology/bird strike (Pre-commencement condition)

No development of the residential tower (Development Zone 4) shall commence until appropriate design measures relating to the height and position of the tower to minimise the risk of bird strike has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the design of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason

To minimise the impact of the development on the flight paths of migratory birds and the designated features of the SPA and Ramsar sites.

41. APPROVAL CONDITION - Hours of Use Class A3, A4 and A5 (Performance Condition)

The Class A3, A4 and A5 uses hereby approved shall not be open to the public outside the hours of 0800 to midnight on any day.

Reason

To protect the amenities of adjoining residential occupiers.

42. APPROVAL CONDITION - Management plan for Plaza

No development of Development Zone 2 shall commence until a management plan relating to the future use of that area has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of outdoor seating and associated facilities, the management of special events and hours of use. The use of the plaza shall be carried out in accordance with this management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure control over the management and operation of the plaza in the interests of the amenities of the area.

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

The development shall not be occupied until a scheme relating to vehicular servicing arrangements for each phase of the development has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding what is shown on the approved plans, the details submitted to discharge this condition shall include the detailed design and layout of the service yard forming part of DZ2. The approved measures shall be in place before the phase of the development to which the works relate is first occupied and retained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

##### Reason

To ensure the arrangements for vehicular servicing are satisfactory for this large scale development and in the interests of highway safety.

#### 44. APPROVAL CONDITION - Road design (Pre-commencement condition)

No development of Development Zones 3 or 4 shall take place until the Local Planning Authority has approved in writing detailed drawings and a specification of the construction of the road and footpath leading from Harbour Parade roundabout to the car park. The works shall be carried out in accordance with these approved details.

##### Reason

To ensure that the road is constructed in accordance with the standards required by the Local Highway Authority.

#### 45. APPROVAL CONDITION - Design of Plant (Pre-commencement condition)

Notwithstanding what is shown on the Parameter Plans, no development shall take place until details of the full extent of the rooftop plant areas of the buildings within that particular phase has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

##### Reason

To ensure satisfactory treatment of this important part of these buildings in a sensitive location adjoining a conservation area and Scheduled Ancient Monument.

#### 46. APPROVAL CONDITION - Approved Plans

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.

#### 47. APPROVAL CONDITION - Access for people with disabilities (Pre-Commencement Condition)

Prior to the commencement of each phase of development approved by this planning permission, details of measures to ensure appropriate provision of means of access and facilities for peoples with disabilities shall be submitted to and approved in writing by the Local Planning Authority. These measures shall include suitable car parking provision and means of negotiating the different levels of the development. The approved measures shall be in place prior to the occupation of the phase of the development to which the works relate and retained thereafter.

Reason: To ensure this important city centre development makes adequate provision for people with disabilities.

## REASON FOR GRANTING PERMISSION

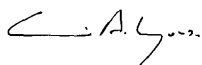
The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The Council accepts the methodology used in the Environmental Statement and its conclusions and is satisfied that the future submission of reserved matters will be controlled through the Parameter Plans and Design Principles Documents which were part of the assessment in the ES and are subject of planning conditions. The Council has undertaken a Habitats Regulations Assessment in connection with the development and is satisfied that any adverse impact can be adequately mitigated through the obligations within the Section 106 agreement. The Council has also considered the significant regeneration benefits associated with the development. The Council has considered the impact of the development on the setting of the adjoining conservation area, listed buildings and Scheduled Ancient Monument and found the impact to be acceptable. Other material considerations do not have sufficient weight to justify a refusal of the application. 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 186-187 of the National Planning Policy Framework (2012).

Policies SDP1 - SDP13 (inclusive), SDP15, SDP20, SDP21, SDP22, NE1, HE1, HE3, HE6, CLT1, CLT5/6, CL14, H1, H2, H7, H8, H9-H11, H12, REI 1, REI 7, MSA1, MSA6 and IMP1 of the City of Southampton Local Plan Review (March 2006).

CS1, CS2, CS4, CS5, CS6, CS8, CS9, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS24 and CS25 of the City of Southampton Core Strategy (2010).

### Note to Applicant

1. A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
3. A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk)



**Chris Lyons**  
**Planning & Development Manager**

21 February 2014

If you have any further enquiries please contact:  
**Richard Plume**

**IMPORTANT NOTE TO APPLICANT**

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
PARAMETER PLANS	Amended July 2013	Other Plans	03.07.2013	Approved
DESIGN PRINCIPLES	Amended July 2013	Other Plans	03.07.2013	Approved
PHASING 052-ACME-SKE078	Rev E	Other Plans	28.11.2013	Approved



**NOTES**

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
9. The applicant is recommended to retain this form with the title deeds of the property.
10. 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 186-187 of the National Planning Policy Framework (2012)  
Please address any correspondence in connection with this form quoting the application number to: **Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS**