

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 10.3.15**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Fruit and Vegetable Market, land at Queensway / Bernard Street			
<b>Proposed development:</b> Redevelopment of the site, demolition of existing buildings and erection of buildings ranging in height from four to eight storeys to provide 279 flats (83 x one bedroom and 197 x two bedroom) and 899 square metres of commercial floor space (Use Classes A1, A2, A3, B1a, D1 and D2) in three phases with associated access, parking and public realm improvements (includes stopping up part of the public highway) (amended description).			
<b>Application number</b>	14/01903/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	PPA	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Major planning application subject to objection	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker

<b>Applicant:</b> Hampshire & Regional Property Group	<b>Agent:</b> Vail Williams
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The proposed development of the Fruit and Vegetable Market is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development comprises a residential led mixed use scheme which includes flexible commercial units for retail, food and drink and non-residential institutions to encourage activity along the Bernard Street frontage. The development will provide regeneration of the area and improved connectivity with the city centre and the waterfront whilst respecting the setting of Holyrood Church and Old Town North Conservation Area. Furthermore the development will provide improvements to the public realm along Queensway, Bernard Street and Back of the Walls (including re-identification of the line of the medieval town walls and open space within the development).

Overall the scheme is acceptable and the level of development will not have a harmful impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing with appropriate parking, amenity space and landscaping for this high density, city centre, location.

Other material considerations detailed in the report to Planning Panel on 10 March 2015 have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, HE1 H1, H2, H7, REI1, REI7, REI8 of the City of Southampton Local Plan Review - Adopted March 2006;  
Policies CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS19, CS20 and CS25 of the Local Development Framework Core Strategy (January 2010);  
Emerging policies AP9, AP12, AP13, AP16, AP17, AP18, AP19 and AP28 of the City Centre Action Plan (Draft Adopted Version January 2015); and, National Planning Policy Framework (2012)

<b>Appendix attached</b>			
1	Development Plan Policies		

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement to secure:

- i. Either works agreed under S278 or Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site and the reconfiguration of public parking spaces along the Queensway frontage in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013).
- ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
- iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iv. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies

CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).

- v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- vi. A management plan for the collection of refuse.
- vii. In the event that Back of Walls is made private, measures to ensure the public can continue to pass and re-pass along this route.
- viii. Contributions towards a Traffic Regulation Order (TRO) for parking and waiting restrictions along Back of the Walls, Bernard Street and Queensway.
- ix. The submission of a scheme and phasing plan of public realm improvements to Queensway, Bernard Street and Back of the Walls (to include the re-identification of the line of the medieval wall) and open space within the site and the funding of the agreed scheme of public realm improvements.
- x. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- xi. In the event that the proposed commercial space is occupied for A3 use which operates beyond 10pm, contributions towards late night bus services in accordance with policy SDP1 of the Local Plan Review, policy CS25 of the Core Strategy and the Planning Obligations SPD (September 2013).

2. In the event that the legal agreement is not completed within two months of the date of the panel resolution, or another date as agreed with the applicant, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

4. That the Panel authorise the stopping up of the areas of public highway set out in the application.

## **1.0 The site and its context**

1.1 The Fruit and Vegetable Market is bounded by Queensway, Back of the Walls and Bernard Street and has an area of 1.08 hectares. The site predominantly comprises single and two-storey buildings historically associated with the storage and distribution of fresh produce. A number of the units are now vacant with wholesalers relocating as a result of the land assembly to enable redevelopment of this site. Changes in the way fresh produce is stored and delivered has meant

that it is no longer essential to have such premises in the heart of the city

- 1.2 The existing buildings are set back from the Queensway frontage with a service road and parking to the front. The unit in the north-eastern corner of the site contains a large basement. A parking area is located in the northern part of the site with access taken from Bernard Street. Back of the Walls provides one way vehicular access through the site with vehicles entering from Queensway and exiting onto Bernard Street. Pedestrian access is available from Back of the Walls through to Briton Street. Market Place also provides a one way route into the site from Bernard Street and links into Back of the Walls.
- 1.3 The site is located within the defined city centre boundary and has a mixed commercial and residential character. There is existing commercial use adjacent to the site with P&R Produce and Southampton Wood Recycling located on the opposite side of the Back of the Walls. An MOT testing centre is located on the adjacent side of Queensway and a two-storey building comprising a car wash, recruitments consultants with restaurant is located adjacent to the southern boundary on Briton Street. Offices and the seven storey Job Centre building is located on the adjacent side of Bernard Street. Four to five storey residential development is located to the south and west of the site (Chandlers Court, Coopers Court and Carpathia Court) some of which have parking with access onto Back of the Walls. High density residential schemes are also located nearby on Briton Street ranging in height from five to 10 storeys in height. Residential development is also located on the adjacent side of Queensway comprising three to four storey town houses and a seven-storey block of flats is nearing completion.
- 1.4 The Old Town conservation area is located to the east and a number of commercial properties within the High Street back onto Market Place. St Michael's Church (Grade I Listed) and Holyrood Church (Grade II\* listed) are also located nearby. It should be noted that the application site is archaeologically significant with the line of the medieval town wall and town ditch running through the site.
- 1.5 A mature lime tree, bus stop and public car parking spaces are located on the Queensway frontage. There are also four public car parking spaces along Back of the Walls. Parking controls exist within the area with on-street parking available to permit holders or pay and display from 8am-8pm.

## **2.0 Proposal**

- 2.1 The proposal seeks full planning permission for the redevelopment of the site with the erection of buildings ranging in height from four to eight-storeys comprising 279 flats (84 x one bedroom and 195 x two bedroom) and 899 square metres of commercial floor space (Use Classes A1, A2, A3, B1a, D1 and D2) in three phases. A total of 124 private parking spaces (at a ratio of 0.44 per flat) is currently proposed.
- 2.2 The proposed layout retains the access arrangements along Back of the Walls and Market Place. Public realm improvements are proposed to the Back of the Walls in order to reference the archaeology of the area and to create a linear public open space and pedestrian route. No parking is proposed along the Back of Walls but vehicular access will remain available for adjacent commercial and residential use and for servicing vehicles. Carriageway narrowing is proposed to Queensway with the provision of 32 public parking spaces and landscaping along

the frontage.

- 2.3 The applicant proposes to implement the scheme in three phases. Phase 1 is located in the southern part of the site, bounded by Queensway and Back of the Walls. This phase is solely residential and comprises 109 units (41 x one-bed and 68 x two-bed). All units within this phases are intended to be affordable. The block has a horse shoe footprint with under croft leading to an internal courtyard parking area providing 23 parking spaces. The block is seven-storeys to Queensway with an additional 8th floor set back. The height steps down to four-storeys along the Back of the Walls route. Low rise planting is used to provide defensible space at ground floor level. The design incorporates recessed and projecting balconies. Communal entrances are located within the Queensway and Bernard Street frontages.
- 2.4 Phase 2 is located in the north-eastern part of the site at the corner of Queensway and Bernard Street and comprises 102 residential units (18 x one-bed and 84 x two-bed) with 341 sqm of commercial space to the Bernard Street frontage. This block has an L-shaped footprint which frames a courtyard amenity area. This phase contains a large basement parking area which provides 86 parking spaces. The building is five-storeys with an additional storey set-back to Bernard Street, rising to six-storeys with an additional storey set-back to Queensway.
- 2.5 Phase 3 is located in the western part of the site bounded by Bernard Street and Market Place and comprises 68 residential units (25 x one-bed and 43 x two-bed) with 559sqm of commercial floor space to Bernard Street. This building also frames a courtyard parking area which provides nine car parking spaces. Access into the building is taken from Back of the Walls and Market Place. Integral bin and cycle storage is provided.
- 2.6 Each of the phases have a cohesive building design with a facade of buff face brick with deep window recesses, which include projecting and recessed balconies addresses the primary streets of Queensway and Bernard Street. Balcony bays and coloured panelling have been used to introduce design variety between the blocks. The elevations to the courtyards and roof set-backs with be finished in a lighter weight cladding system (Prodema or similar). The buildings are flat-roofed with set-backs. The ground floor commercial units to Bernard Street will be recessed to form a colonnade.
- 2.7 Railings and landscaping providing defensible space for the ground floor units. Tree planting and landscaping is proposed to Back of the Walls with dwarf walls providing defensible space to ground floor units. Railings are proposed to enclose the courtyard within Phase 2.

### **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved”

Policy SDP13.

- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.
- 3.4 The site is allocated for housing development under 'saved' policy H1 of the Local Plan Review. The site is also identified as having the potential to accommodate 240 residential units within the Strategic Housing Land Availability Assessment (SHLAA).
- 3.5 Emerging policy AP28 of the City Centre Action Plan (CCAP) represents up to date and site specific policy for the Fruit and Vegetable Market. This policy can now be given significant weight because the CCAP has been through formal examination and the Inspector has recommended no changes to this policy.

Policy AP28 of the CCAP indicates:

*Development of this key site provides the opportunity to regenerate the area, reconnecting it with the shopping area and the waterfront, and enhancing the setting of the surrounding heritage assets.*

*A residential led mixed-use scheme will be supported including offices and research and development. Small scale retail, food and drink (A3 and A4), non-residential institutions that encourage activity on the High Street and Bernard Street frontages will also be supported.*

*Any proposal for the redevelopment of the area will:*

- (i) Result in improvements to the public realm*
- (ii) Include appropriate open spaces*
- (iii) Achieve an appropriate degree of safety in respect of flood risk in line with policy AP15*
- (iv) Achieve the re-identification of the line of the medieval wall through the design of the buildings, public art and public realm.*

#### **4.0 Relevant Planning History**

- 4.1 14/02028/SCR  
On 23.12.14 the Council raised no objection to a request for a Screening Opinion under Regulation 5 (1) of the Town and Country Planning Environmental Impact Assessment (England and Wales) prior to the application for the demolition of existing buildings and erection of 281 residential apartments and 899sqm of commercial space (use classes A1, A2, A3, B1a, D1 and D2) over three phases.

## 5.0 **Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (19.12.2014) and erecting a site notice (16.12.2014). At the time of writing the report 1 representation has been received from surrounding residents. The following is a summary of the points raised:

***Loss of existing on-street parking together with insufficient parking to serve the proposed development will lead to increased parking pressures within the area.***

Officer Response - There will be no net loss of existing on-street public car parking spaces with 32 spaces re-provided along the Queensway frontage. These spaces will be available for 'pay and display' and permit holders with future occupiers of the development having the opportunity to apply for permits.

At the time of writing this report the applicants seek permission for 124 private parking spaces and residents would also have opportunity to apply for permits to use the 32 parking spaces at the front of the development. This would equate to 51% parking provision of solely private spaces and 0.56 spaces if permitted spaces to Queensway are included. Such a level of parking provision is considered acceptable within the city centre. The supporting Transport Assessment indicates that national statistics show that 56% of households within the Bargate Ward own a car or van. Therefore these statistics would suggest that the level of parking provision for the development would be broadly in line with the average ownership levels for the Bargate Ward. The Council's Parking Standards SPD indicates that the maximum permissible would be 1:1 parking which would equate to 279 spaces. This level of parking provision cannot be accommodated within a larger basement because of the heritage constraints of the site and cost.

The site lies within an area of High Accessibility to public transport and having regard to the city centre location of the site which is within walking distance of services and facilities and good access to public transport. The provision of less car parking than the maximum standard is therefore considered to be acceptable.

### **Consultation Responses**

- 5.2 **SCC Highways** - No objection. The site is within an area of high accessibility with reduced dependence on car travel and therefore less than the maximum car parking standards can be supported. The proposed road narrowing and parking layout to Queensway is welcomed and mirrors the parking layout agreed on the adjacent side of Queensway. The parking spaces to Queensway will remain available as public spaces for 'permit holders' or 'pay and display'. The level of parking provision and access arrangements within the site is acceptable. It has been demonstrated that refuse trucks can sufficiently service all three phases of the development. Back of the Walls will not contain parking and will be provided as a pedestrian friendly route. Provision has been made for a lay-by to Bernard Street to serve the proposed commercial units. Satisfactory bin and cycle storage provision has been made

- 5.3 **SCC Housing** – No objection. The proposed housing mix comprising one and two-bedroom units is acceptable and reflects current housing need. Policy CS15 of the Core Strategy requires a minimum of 35% affordable housing units which equates to 98 of the 280 dwellings. The affordable housing will be secured through the Section 106 (S106) Legal Agreement.
- 5.4 **SCC Sustainability Team** – No objection. The application has been designed to target level 4 of the Code for Sustainable Homes for the residential element and BREEAM level of 'Excellent' for the commercial element (to be secured by condition). The pre-assessment shows that the development is targeting a reasonable level of improvement to the thermal envelope which will then be topped up with PV arrays to the roof. A feasibility study into use of sustainable drainage system (SUDs) should be secured by condition.
- 5.5 **Design Review Panel** – The panel were concerned that the development does not appear to have taken any contextual queues from the urban grain of the old town. There is a risk that the development will have a bland appearance if attention is not given to detailing and materials. The proportions of the elevations differ between Phases 1 and 2-3. The colonnade proportions and positions along Bernard Street require further analysis. The top line of the three buildings need to be rationalised as the number and location of setbacks is visually confusing. A crisp, clean and consistent parapet height is needed to retain the perspective along Bernard Street, with a clear and defined transition to the taller set back along Queensway. The reveal depths of the windows seem now to be very shallow. On the north facing elevation to Bernard Street box bays would be a better solution to help provide greater articulation. The panel would welcome the introduction of independently accessed flats at ground floor level to improve activity. The panel suggests that duplex units should be considered to allow bedrooms to be located above street level. Tree planting should be encouraged to Queensway. The public realm/landscaping to Back of the Walls should be informed by the archaeology to create an appropriate modern interpretation of the wall.

Officer Response - The success of the proposed design will be in its simplicity and the securing of high quality materials and detailing (by condition). The design has been amended following the Design Review panel comments. Box bays and variation in brickwork has been introduced to provide design variety into the different phases of the development. Section drawings have also been provided to demonstrate that windows and balconies are sufficiently recessed to support the design approach. The design, scale and height has been adjusted within Phases 2 and 3 to provide an improved scale to Bernard Street with a reduction in roof setbacks. The developer has chosen not to provide duplex units however, defensible space is provided to the ground floor units with low planting and railings. There is a mains sewer running along Queensway which prevents the introduction of tree pits along the site frontage. Low level plating is proposed to Queensway with trees within the amenity courtyard and along Back of the Walls

- 5.6 **SCC Environmental Health (Pollution and Safety)** - No objection subject to conditions to secure appropriate noise attenuation to the flats, control of hours of work, details of mechanical plant and extract ventilation, demolition dust suppression and to secure a construction environment management plan.



- 5.7 **Conservation and Archaeology** – No objection.
- 5.7.1 The reduction in height of the Phase 3 block from five to four storeys is welcomed. The reduction has lessened the impact of the proposals on both the views to St Michael's Church, as is the commitment to vary the brickwork on the Bernard Street and Queensway frontages (within a general buff colour palette). There is still a conflict between the scheme as proposed and concerns expressed by English Heritage regarding the coloured window panels, particularly on the Bernard Street elevation. I would suggest that this is an issue that can be covered by an appropriately worded condition requiring the final colour range to be agreed prior to installation.
- 5.7.2 While the landscaping proposals are evolving from the ones shown in the application, detailed landscaping and materials have yet to be agreed. A key concern is the treatment of Back of the Walls, which needs to reflect and interpret the history of the area. It is likely that these details cannot be finalised until the area has been opened up for archaeological excavation and some further research has been carried out. Final approval of the landscaping design will need to be covered by an appropriately worded condition requiring the approval of SCC of the landscaping proposals, including design, materials and maintenance regime.
- 5.7.3 The site sits partly over the town ditch, and includes the ditch, town walls, possibly two towers, extra and intra mural occupation, and the remains of the failed Southampton to Salisbury canal. Archaeological evidence of the town walls and the evidence of the medieval (and earlier) town (which latter is relevant to Phase 3 only) will be of national and possibly international importance, and will require the formulation of appropriate mitigation strategies. A programme of archaeological evaluation of the site has commenced, which to date has demonstrated that Phase 1 will not impact on the remains of the town wall. Further evaluation work is programmed for the near future (for which a Written Scheme of Investigation (WSI) has been received and approved).
- 5.7.4 Generally, Phases 1 and 2 sit within the town ditch. It is possible that the north-western end of Phase 2 will have an impact on the town wall and one of the towers, but this is yet to be confirmed. There is a high potential for archaeology to survive within the site and conditions are therefore suggested to secure the appropriate investigation and work programme.
- 5.8 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests conditions to deal with any land contamination risks.
- 5.9 **SCC Ecology** – No objection.  
The Fruit and Vegetable Market site lacks any notable habitat and is of low ecological value. Apart from bats and nesting birds there are no protected or BAP priority species present in the locality. The ecology report accompanying the planning application confirmed that the site has negligible potential for bats but some potential for nesting birds.
- The submitted ecology report made recommendations for a number of simple enhancements which should be secured by condition.
- 5.10 **English Heritage** – Do not object to the principle of development on this site, but

the limited information currently available means that a very careful, structured approach should be taken if development proceeds. This should firstly integrate the results of further archaeological evaluation trenching with the design and methodology for foundations, services and landscaping, achieving mitigation by preserving archaeological deposits in situ where appropriate. Further mitigation should be achieved through archaeological excavation, analysis and publication. The balance between preservation in situ and archaeological investigation will be important; very localised excavations which lack overall context and will be difficult to interpret should be avoided, as should the preservation of small 'islands' of archaeological remains which are likely to be of limited value in the future. The phased approach proposed for construction will be helpful in allowing this process to proceed for the more archaeological significant remains likely to exist in Phases 2 and 3, while Phase 1 is under construction.

- 5.10.1 The local authority should attach appropriate conditions to any planning consent granted to require further archaeological evaluation; submission of detailed designs and methodologies for foundations, services and landscaping; and archaeological excavation, analysis and publication.
- 5.10.2 With regard to the buried remains of the medieval city defences, there is an opportunity through appropriate landscaping to enhance the setting and interpretation of these remains, including the wall tower or towers. The landscaping proposals as submitted do not take this opportunity and they should be revised.
- 5.10.3 Regarding the setting of St Michael's Church, the ruins of Holy Rood Church and the bank at 129 High Street, all nationally important heritage assets; it is considered that this proposal would be harmful to their significance. Therefore, to be acceptable within the terms of the NPPF you must be satisfied that this harm is convincingly justified (ie that the development could not be smaller) and outweighed by public benefits).
- 5.10.4 Officer Response - The scheme has been amended to take into account the comments of English Heritage. Phase 2 and 3 have been reduced in height by one storey to reduce the dominance of the buildings within Bernard Street in order to protect the setting of St Michael's Church and Holyrood Church and the bank at 129 High Street. The Council's Heritage Team raises no objection following these changes and the below ground archaeology can be assessed and dealt with by way of the attached planning conditions
- 5.11 **Environment Agency** – No Objection
- 5.12 **Southern Water** – Request conditions to secure measures to protect the public sewer and details of foul and surface water disposal. Also request informative regarding connection to the public sewer.
- 5.13 **BAA Safeguarding** - No objection

## 5.14 **Hampshire Constabulary -**

- 5.14.1 Phase 1 and 2 are generally acceptable in terms of layout, the dwelling boundaries along the Back of the Walls and Queensway should have a defensible space and I suggest a 1500mm round top railing fence is suitable.
- 5.14.2 Both the underground and surface car parks will be vulnerable to vehicle crime and unauthorised parking and should therefore be suitably gated and access controlled.
- 5.14.3 Phase 3 gives me concern regarding the dwellings to the north which will be very close to and possibly face onto the rear of business properties on the High Street. There is a likelihood that there will be late night activity from the restaurants and the possibility of noise being generated by staff as well as odours, after the business closes, particularly if disposing of food waste into the commercial bins we saw on the highway. If windows and or balconies are proposed for this elevation this could detrimentally affect the residents' views and amenity.
- 5.14.4 Officer Response - Suitable means of enclosure and gated access to the private amenity area and parking areas will be secured by condition.

A limited number of units within Phase 3 (two per floor) will have single aspect (west facing) views towards the rear of business properties on the High Street. A condition will be added to ensure these units are served by appropriate windows to prevent adverse noise nuisance

## 6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of development;
  - Density and scale
  - Design, layout and impact on heritage;
  - Impact on residential amenity;
  - Quality of Residential Environment;
  - Highway Issues.
- 6.2 Principle of Development
- 6.2.1 The proposed redevelopment of this key city centre site is considered to accord with the National Planning Policy Framework and policies in the development plan. The site is allocated for housing redevelopment within the Local Plan Review and site specific policy (AP28) within the City Centre Action Plan (CCAP) promotes residential led mixed-use development on this site. The scheme would help to regenerate the area and would add to the vitality of the city centre by making efficient and sustainable use of the site for housing delivery. Furthermore, an element of employment use would be retained on site through the provision of 900 sqm of flexible commercial space that could be used for office use, food and drink use, small scale retail or non-residential institutions. Commercial use to Bernard Street will generate an active street frontage and will promote movement along important routes from the High Street towards Queens Park and Oxford Street.

### 6.2.3 Density and Scale

The development has a residential density of 258 dwellings per hectare (dph) and policy CS5 of the Core Strategy indicates that a density level of over 100 dwellings per hectare can be supported in a high accessibility area such as this, providing the character and appearance of the area is not compromised.

The hierarchy of scale through the development has been considered to ensure a viable development that responds to its context whilst protecting the setting of nearby heritage assets. The weight of development has been placed to the Queensway frontage with a scale of up to eight-storeys which appropriately responds to nearby seven to 10 storey development within Queensway and Briton Street.

The height is reduced to four to five storeys adjacent to Back of the Walls within Phase 1 to address nearby four storey flatted development.

6.2.3 The scale of development has been carefully considered within all phases to ensure the development does not appear unduly dominant when viewed from Bernard Street and the High Street. The proposed scale of five storey with setback to Phase 1 and four storey plus setback to Phase 2 is considered acceptable when judged against the surrounding context and will not detract from the setting of nearby heritage assets (Holyrood and St Michael's Churches) and the Old Town Conservation Area. The application is supported by street scene perspectives to demonstrate that the proposed building heights will not be harmful to the street scene. It should be noted that Bernard Street forms part of the strategic view corridor towards St Michael's church.

6.2.4 The development represents a high density scheme which is suitable for this context. It is considered that a suitable balance has been achieved in securing necessary housing delivery and suitable amenity space and parking to meet the needs of the development. The provision of a mix of one and two bed units meets the current housing needs within the city centre, as confirmed by the Council's housing team, and therefore the development satisfies the requirements of policy CS16 of the Core Strategy.

6.2.5 The application site sits outside of a flood risk area (as confirmed by the Environment Agency) and therefore there is no requirement to secure flood mitigation measures or safe flood evacuation.

### 6.3 Design, layout and impact on surroundings

The proposed layout makes efficient use of the site in order to achieve a scheme which is viable whilst meeting the requirements of policy AP28 of the Core Strategy. The layout comprises perimeter block development in three phases which acceptably responds to the layout of building within the area. The development respects the existing building lines within Queensway and Bernard Street and provides sufficient separation distance from adjacent commercial and residential use. Phases 1 and 3 will provide blocks which frame courtyard parking with Phase 2 containing a courtyard amenity area. This large space will provide a quality usable amenity space for residents of all phases of the development and is a requirement of policy AP28. Railings will be provided to enclose the amenity space and to delineate the public and private spaces. The railings will allow views through from Back of the Walls to create a sense of openness when walking the route.

- 6.3.1 The development will provide improvements to the public realm to Queensway, Bernard Street and Back of the Walls through the use of hard and soft landscaping and by creating active frontages. Back of the Walls will become a pedestrian friendly, linear public open space with the heritage of the area brought to life through landscaping and public art by condition. Amenity open space will be provided within the large courtyard of Phase 2 (1320 sqm). This large space will provide a quality usable amenity space for residents of all phases of the development. Railings will be provided to enclose the amenity space and to delineate the public and private spaces as suggested by Hampshire Constabulary. Please note that existing below ground services are prohibitive towards tree planting along the Queensway frontage
- 6.3.2 The design approach seeks simple and crisp detailing to the elevations proposing buff brick facade to the external elevations facing Queensway, Bernard Street and Back of the Walls and a lighter cladding system to the internal courtyards and floors set back at roof level. The design incorporates recessed windows and balconies and projecting floating balconies to provide relief to the elevations. Coloured panelling, variety in brickwork and balcony bays have been used to provide variety between the blocks. This simplistic design approach is welcomed and would be in keeping with the character and appearance of the area. The proposal incorporates a colonnade to Bernard Street which is a welcomed design feature that facilitates a wide footway to the front of the commercial units. As such the policy meets the requirements of policy CS13 of the Core strategy as supported by the CCAP policy AP28.
- 6.4 Impact on residential Environment  
The residential amenities of nearby residents will not be adversely harmed. In fact the proposal is likely to improve the amenities of nearby residents by removing a non-conforming use with noise generation from market traders during the early hours of the morning. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties and having regard to the high density character of the area.
- 6.4.1 The applicants undertook a pre-application public consultation and held a public exhibition attended by 30 local residents and Councillors. As a result of the public consultation on this application only one objection / representation has been received, which raised no objection to the principle of residential redevelopment but expressed concerns regarding parking impact.
- 6.4.2 A front to front separation distance of 25m is provided between the proposed six to eight storey scale to Queensway and the three to four storey town houses on the opposite side of the street, which is considered an appropriate privacy distance across a street within the city centre.
- 6.4.3 The development provides an acceptable arrangement with the existing four storey flatted development, adjacent to Back of the Walls (Chandlers Court, Coopers Court and Carpathia Court). Phase 1 has been reduced to four storey in scale adjacent to Back of the Walls. Chandlers Court has blank gables facing Back of the Walls and a separation distance of 22m would be provided to the nearest windows, and 24m to Carpathia Court, which again is considered a reasonable distance in terms of ensuring reasonable daylighting and privacy

within the city centre.

## 6.5 Residential Standards

All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting. The internal layout and stacking of the flats is considered acceptable. Whilst separation distances and the quantum of amenity space is not strictly in accordance with Residential Design Guide Standards (20sqm per flat), the development still provides a high-quality residential environment. Furthermore, it is important to note that the RDG builds in flexibility when considering proposals in denser locations such as the city centre.

6.5.1 All upper floor flats have been provided with either recessed or projecting balconies. A large courtyard amenity space with an area of 1320 sqm locating within Phase 2 will be made available to occupiers of all three phases. This level of amenity space is considered sufficient for city centre living and the provision of high quality open space provides an acceptable setting for the development.

6.5.2 In terms of layout, all units with a ground floor, street frontages have an area of defensible space between the building and the public highway to provide privacy and security for future occupants. A survey of external noise sources has been carried which concludes that this site is suitable for residential development and that double glazing and acoustic trickle vents should be secured to deal with external noise from traffic and nearby businesses. Appropriate conditions are also recommended to restrict the hours of use and to require details of any extract ventilation equipment to serve the proposed commercial use.

## 6.6 Parking and Highways

The site lies within an area of High Accessibility to public transport and having regard to the city centre location of the site, which is within walking distance of services and facilities and good access to public transport. The provision of less car parking than the maximum standard is therefore considered to be acceptable. The submission indicates that provision has been made for 156 spaces to serve the development. However, it should be noted that the 32 of these spaces on the Queensway frontage will be retained as public parking spaces to ensure there is no net loss of public parking. These spaces are available overnight currently with no charge. Future occupiers of the development will have the opportunity to apply for permits to serve these spaces. In short, 124 spaces are serving 279 flats at a ratio of 0.44 spaces per flat.

6.6.1 Such a level of parking provision is considered acceptable within the city centre. The supporting Transport Assessment indicates that national statistics show that 56% of households within the Bargate Ward own a car or van. Therefore these statistics would suggest that the level of parking provision for the development would be broadly in line with the average ownership levels for the Bargate Ward. The Council's Parking Standards SPD indicates that the maximum permissible would be 1:1 parking which would equate to 279 spaces which is not deliverable for this constrained site without compromising the quality of the development.

6.6.2 The proposed road narrowing and parking layout to Queensway is welcomed and mirrors the parking layout agreed on the adjacent side of Queensway. It has been demonstrated that refuse trucks can sufficiently service all three phases of

the development. Back of the Walls will not contain parking and will be provided as a pedestrian friendly route which is regarded as the most appropriate way of enhancing this important route in the city. Provision has been made for a lay-by to Bernard Street to serve the proposed commercial units. Satisfactory bin and cycle storage provision has been made in line with adopted standards.

## 6.8 S106 mitigation and Affordable housing

The development triggers the need for a S106 Legal Agreement to secure appropriate highway infrastructure improvements in accordance with Core Strategy Policy CS25

6.8.1 A minimum of 35% affordable housing is required on schemes which propose 15 or more residential units in accordance with policy CS15 of the Core Strategy. Therefore 98 of the 279 units are required to be affordable and this will be secured through the S106 legal agreement. The developer has indicated that all 108 units within Phase 1 are anticipated to be affordable.

6.8.2 Traffic Regulations Orders will also be secured through the S106 Agreement requiring parking and waiting restrictions along Back of the Walls, Bernard Street and Queensway. A highway condition survey, waste management plan, and retention of pedestrian access to Back of the Walls will also be required. The S106 agreement is necessary to secure obligations to mitigate against the scheme's direct local impacts. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

6.8.3 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. When the S106 is signed this application will have complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## 7.0 Summary

7.1 The proposed development of the Fruit and Vegetable Market is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development comprises a residential led mixed use scheme which includes flexible commercial units for retail, food and drink and non-residential institutions to encourage activity along the Bernard Street frontage. The development will provide regeneration of the area and improved connectivity with the city centre and the waterfront whilst respecting the setting of Holyrood Church

and Old Town North Conservation Area. Furthermore the development will provide improvements to the public realm along Queensway, Bernard Street and Back of the Walls (including re-identification of the line of the medieval town walls and open space within the development.

- 7.2 Overall the scheme is acceptable and the level of development will not have a harmful impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing with appropriate parking, amenity space and landscaping for this high density, city centre, location.

## **8.0 Conclusion**

- 8.1 It is recommended that planning permission be granted subject to a Section 106 Agreement and conditions.

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

**AG for 10/03/15 PROW Panel**



## **PLANNING CONDITIONS**

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RECOMMENDATION: S106

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### **CONDITIONS for 14/01903/FUL**

#### 01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not 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. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out (excluding site set up and demolition) unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

#### 03. APPROVAL CONDITION - Window and balcony recesses

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the facade sections as shown on drawing no. 12.123.099 showing the depth of recesses to windows and balconies.

Reason: In the interests of achieving good design

#### 04. APPROVAL CONDITION - Phasing Plan (Pre-commencement condition)

Prior to the commencement of development (except site set up and demolition) a schedule and plan of phasing shall be submitted and agreed in writing with the Local Planning Authority to set out how each part of the site will be occupied during the different phases of development. Details shall include where works compounds and parking will be located.

Reason: To secure a satisfactory form of development and to ensure that the delivery of sufficient landscaping, amenity space and parking to serve the whole development.

05. APPROVAL CONDITION - Gated access to basement (Pre-commencement condition)

Prior to the commencement of development (except site set up and demolition) details of the gated access to the basement shall be submitted to the Local Planning Authority and agreed in writing. The basement shall thereafter be managed and secured as agreed.

Reason: In the interests of safety and security.

06. APPROVAL CONDITION - Landscaping, lighting and means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works (except site set up and demolition) a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.
- vi. Back of the walls scheme and management plan

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

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

Reason:

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

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

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

unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

- i. 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.
- ii. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

Reason:

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

#### 08. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise 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 - Use of uncontaminated soils and fill [Performance Condition]

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

Reason:

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

10. APPROVAL CONDITION - 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.

11. APPROVAL CONDITION - 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.

12. APPROVAL CONDITION - Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

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

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

Before each phase of the development commences (except site set up and demolition), written documentary evidence demonstrating that the development will achieve at 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).

14. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of each phase of the development first becoming occupied, written documentary evidence proving that the development has achieved at 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).

#### 15. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development (except site set up and demolition) a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

#### 16. APPROVAL CONDITION - BREEAM (Pre-Commencement Development)

Before the commercial development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent level of the Building Research Establishment's Environmental Assessment Method (BREEAM) 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).

#### 17. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Within 6 months of any part of the commercial development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent level of the Building Research Establishment's Environmental Assessment Method (BREEAM) 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).

18. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, save for demolition of the existing buildings, site preparation and groundworks, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the Ecological Appraisal updated November 2014 and submitted with the application, which shall be implemented in accordance with the programme.

Reason:

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

19. 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 Local Planning Authority.

Reason:

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

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

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development have been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify the areas to be used for contractors vehicle parking and storage of plant, building materials, excavated materials, temporary buildings and all working areas required for the construction of the development hereby permitted. The method statement shall also include full details including maintenance details of hoardings to screen the materials compound from neighbouring premises. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority

Reason;

To protect the amenities of neighbours and the wider environment.

21. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

## 22. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

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

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs 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.

## 24. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

## 25. 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 has been submitted to, and approved 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 that the development would not increase the risk of flooding in the area.

## 26. APPROVAL CONDITION - Details of visitor cycle parking (Pre-Occupation Condition)

The respective building within the development hereby approved shall not be first occupied or used until visitor cycle facilities in said building have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure satisfactory provision of cycle facilities for visitors to the site.

#### 27. APPROVAL CONDITION - Refuse facilities - the residential buildings (Pre-Occupation Condition)

The refuse storage facilities for the residential buildings hereby approved, which shall include recycling facilities, as shown on the approved drawings shall be provided before the use to which the facility relates has been provided. The storage areas shall be retained thereafter.

The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor. Walls, columns, pipes conduits etc. shall be suitably protected to avoid damage from moving bins. The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard coded keypad detail. The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10. A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

Reason:

To ensure suitable refuse and recycling facilities are provided and in the interests of visual amenity.

#### 28. APPROVAL CONDITION - Layout of Car Parking/ Servicing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences with the parking along the Queensway frontage thereafter retained for public use and all other parking within the development shall thereafter be retained solely for the use of the occupants and visitors to the site and for no other purpose. Furthermore a management plan detailing parking allocations between units/tenure is no more than 1 space per flat shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be retained in accordance with the agreed scheme of parking management

Reason:

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

#### 29. APPROVAL CONDITION - Residents cycle parking (Pre-occupation condition)

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for a minimum of 279 bicycles to be stored for the benefit of the residents in accordance with the plans hereby approved plans. The cycle storage hereby approved shall thereafter be retained on site for that purpose.



Reason: To encourage cycling as a sustainable form of transport

30. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The food and drink uses / drinking establishments hereby permitted shall not operate, (meaning that customers shall not be present on the premises, no sale or delivery of food or drink for consumption on or off the premises), outside the hours of 0730 to midnight on any day.

Reason:

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

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

No occupation of any A3 use shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment serving any Class A3 commercial units have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings prior to occupation.

Reason:

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

32. APPROVAL CONDITION - Restriction on Class D1 uses (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), any use of the premises for Class D1 (non-residential institutions) shall not include use for, or in connection with, public worship or religious instruction.

Reason;

To protect the amenities of local residents as such a use could attract a significant number of people outside of normal business hours.

33. APPROVAL CONDITION - No means of enclosure (Performance Condition)

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent Order, no gate, fence, wall or other means of enclosure shall be erected across the roads and footpaths within the application site.

Reason:

In the interests of public access through the development.

34. APPROVAL CONDITION - Glazing - soundproofing from external noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Queensway and Bernard Street and noise from nearby commercial uses has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:

- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason:

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

### 35. APPROVAL CONDITION - Noise from plant

Any new mechanical services plant to serve the proposed commercial units shall meet the acoustic design targets as set out within Section 11 of the acoustic report by the Equus Partnership Ref EPL 4342/PBG/NIS.

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

### 36. APPROVAL CONDITION - Approved Plans

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE1	New Development in Conservation Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts

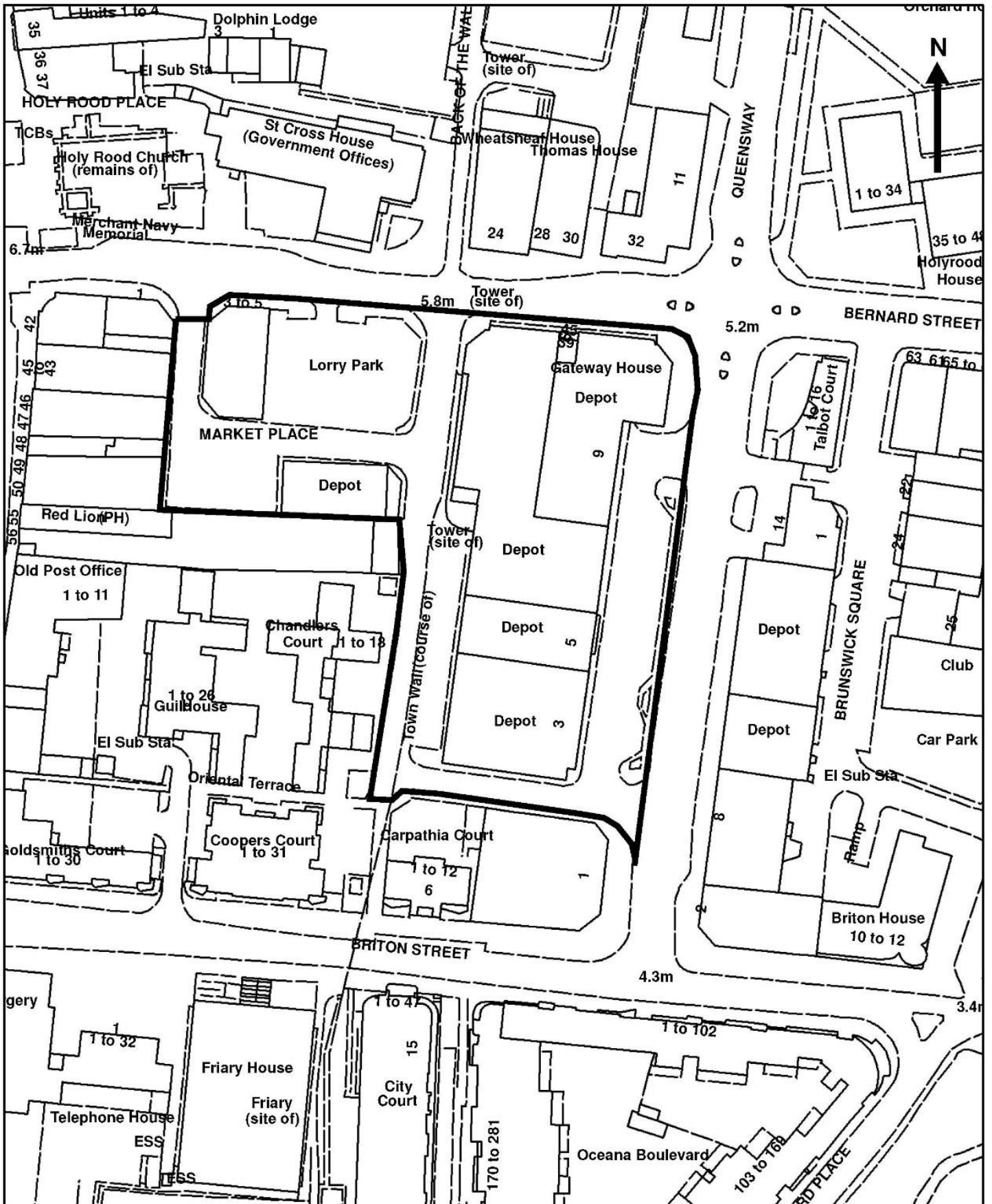
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)  
Development Design Guide SPG (February 2004)  
Old Town Development Strategy (April 2004)  
The City Centre Master plan (September 2013)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)  
City Centre Area Action Plan (2015)

# 14/01903/FUL



Scale: 1:1,250

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