

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 12 July 2016
 Planning Application Report of the Planning and Development Manager**

Application address: West Quay Shopping Centre and adjoining land, Harbour Parade and Portland Terrace.			
Proposed development: Non-material amendment sought to planning permission ref: 13/00464/Out to vary Condition 17 to allow extended working hours on Saturdays of 08:00 to 18:00 from 31 July to 31 December 2016.			
Application number	16/00944/NMA	Application type	NMA
Case officer	Richard Plume	Public speaking time	5 minutes
Last date for determination:	24.06.2016	Ward	Bargate
Reason for Panel Referral:	Request by Ward Member or five or more letters of objection have been received	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	Councillor Noon	Reason:	Impact on local residents who want a limit on hours of working at weekends.

Applicant: Hammerson (Watermark) Ltd	Agent: Barton Willmore
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is the first phase of the Watermark Westquay development on land directly to the south of the West Quay Shopping Centre (WQSC), between Portland Terrace and Harbour Parade. The approved development of a cinema, additional leisure accommodation, Class A3, A4 and A5 uses and associated public realm improvements is under construction and is programmed for completion in late 2016.
- 1.2 The surrounding area is predominantly commercial in character although to the east of the site are houses on top of the Town Walls at Forest View and Cement Terrace. The Premier Inn hotel adjoins to the west on the opposite side of Harbour Parade.

2. Proposal

- 2.1 This is an application to amend a condition of the previous planning permission to extend the hours of construction working on Saturdays for a limited period from 31 July to 31 December 2016. The previously approved hours (the standard hours) are between 09.00 and 13.00 hours. The proposal is to extend those hours to between 08.00 and 18.00. A previous application to extend the hours has been granted (see paragraph 4.4 below).

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to this proposal are Policies SDP 1 (Quality of Development) and SDP 16 (Noise) of the Local Plan and Policy AP25 of the City Centre Action Plan which is the site specific policy for the land north of West Quay Road, including the Watermark site.

4. Relevant Planning History

- 4.1 In February 2014 outline planning permission was granted for a 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.

- 4.2 Condition 17 of this permission reads as follows:

“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”

- 4.3 In July 2014 - reserved matters approval was granted for Phase 1 of the Watermark West Quay development (covering layout, scale, appearance and landscaping pursuant to planning permission reference 13/00464/OUT) to provide leisure use including cinema (Class D2 - 11,200 square metres floorspace) retail (Classes A1, A2, A3, A4 and A5 - 13,000 square metres floorspace) and public realm works. It is this development which is currently being built.
- 4.4 In January of this year, an amendment was approved (application reference 15/02244/NMA) for a similar extension of the hours of working on a Saturday up

until the end of July 2016. This application is to further extend the hours of construction until the end of December which is the end of the contract period.

5. 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. At the time of writing the report 5 representations have been received from surrounding residents. The following is a summary of the points raised.

5.2 **The development has been very disruptive and local residents have experienced months of noise, dust and late night disturbance with works carrying on into the evenings and at weekends.**

Response

It is unfortunate but inevitable that large scale regeneration projects of this nature result in some degree of noise and disturbance to adjoining occupiers. This is a busy city centre location where the prevailing character is commercial in nature: the exception being Forest View and Cement Terrace where there are a total of 13 houses directly facing the development site.

5.3 **It has become clear that the contractors are unable to satisfactorily plan the work involved and whenever they fail to meet their own schedule they disregard the wellbeing of residents and extend the working hours. Big businesses must not be allowed to do as it pleases at the expense of others.**

Response

Like many projects this one has experienced delays due to adverse weather etc. An extension of the working hours on a Saturday only is not considered to be unreasonable given the nature of the surroundings.

5.4 **Councillor Noon:** There is quite a bit of concern from residents of Forest View about additional disturbance and noise from the site if work was to continue all day on a Saturday. Most residents do except that that there is no way of avoiding some distance during the week but would like a quiet weekend.

Consultation Responses

5.5 **SCC Environmental Health (Pollution & Safety)** - no objection in principle to this application, but the applicant must ensure that the following comment is adhered to, '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 with the LPA.' To ensure there is no audibility of works outside of the building will require regular and frequent checks be carried out with an action plan in place that is followed to stop the works and hence the noise immediately if they are audible. Ideally written logs should be kept of these checks for inspection by the Council. Any works on the site are still controlled by the requirement not to cause noise nuisance, whatever the time of day. I should add that all works cannot be expected to be silent/inaudible but activities need to be controlled as to minimise both noise and dust. Controls include using best practicable means; adopting good work practices; good control of the workforce (to minimise loud voices, misuse of equipment and vehicles); planned maintenance of equipment, machinery and plant, and organisation of work to take into consideration that the noisier works which should take place in the middle of the day rather than early morning or late afternoon/evening. It is unfortunate that the works are taking longer than anticipated requiring this

extension, but it will hopefully shorten the period overall during which construction continues to take place.

5.6 **SCC Highways – No objections**

6. Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are the importance of this key project for the city weighed against the impact on the amenities of local residents.

6.2 The planning permission for this site is subject to a condition with the standard working hours across the city. For Saturdays, the hours are 09.00 to 13.00. This does not mean that no works can take place on the site outside of these hours but any such works should not be audible outside the buildings. Complaints have been received from local residents that the approved hours of work have been exceeded, including some works being carried out on Sundays. Following investigations of these complaints, the contractor has confirmed that no future works will take place on Sundays.

6.3 Environmental Health and Planning Officers have been monitoring the site and been in regular contact with the contractors. The ability to take action through planning powers and/or environmental protection legislation will be possible irrespective of the outcome of this application. Members attention is drawn to the detailed comments of the Environmental Health team in paragraph 5.5 of this report.

6.4 This is a busy city centre location where background noise levels are high including throughout the day on a Saturday. Permission has previously been granted for an extension of the Saturday hours up until the end of July. In the circumstances, it is considered that a further limited period extension can be granted for Saturday working up until the end of the contract period. This is an important regeneration project for the city centre and the developer is hoping to have the development open for business by Christmas. The previous permission included an additional condition restricting deliveries to the site on Saturday afternoons. It is recommended that this condition be imposed again.

7. Summary

7.1 Extending the working hours on a Saturday is considered to be reasonable in the circumstances of this case and the predominantly commercial nature of the surroundings.

8. Conclusion

That the application be approved for a limited period.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), 1 (b), 1 (d), 2 (b), 2 (e).

RP2 for 12/07/2016 PROW Panel

PLANNING CONDITIONS

For a temporary period expiring on 31 December 2016 Condition 17 of planning permission ref: 13/00464/Out is amended to read as follows:

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

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

At the end of this period the permitted hours of work shall revert to that permitted by Condition 17 of outline planning permission reference 13/00464/OUT.

Add additional condition

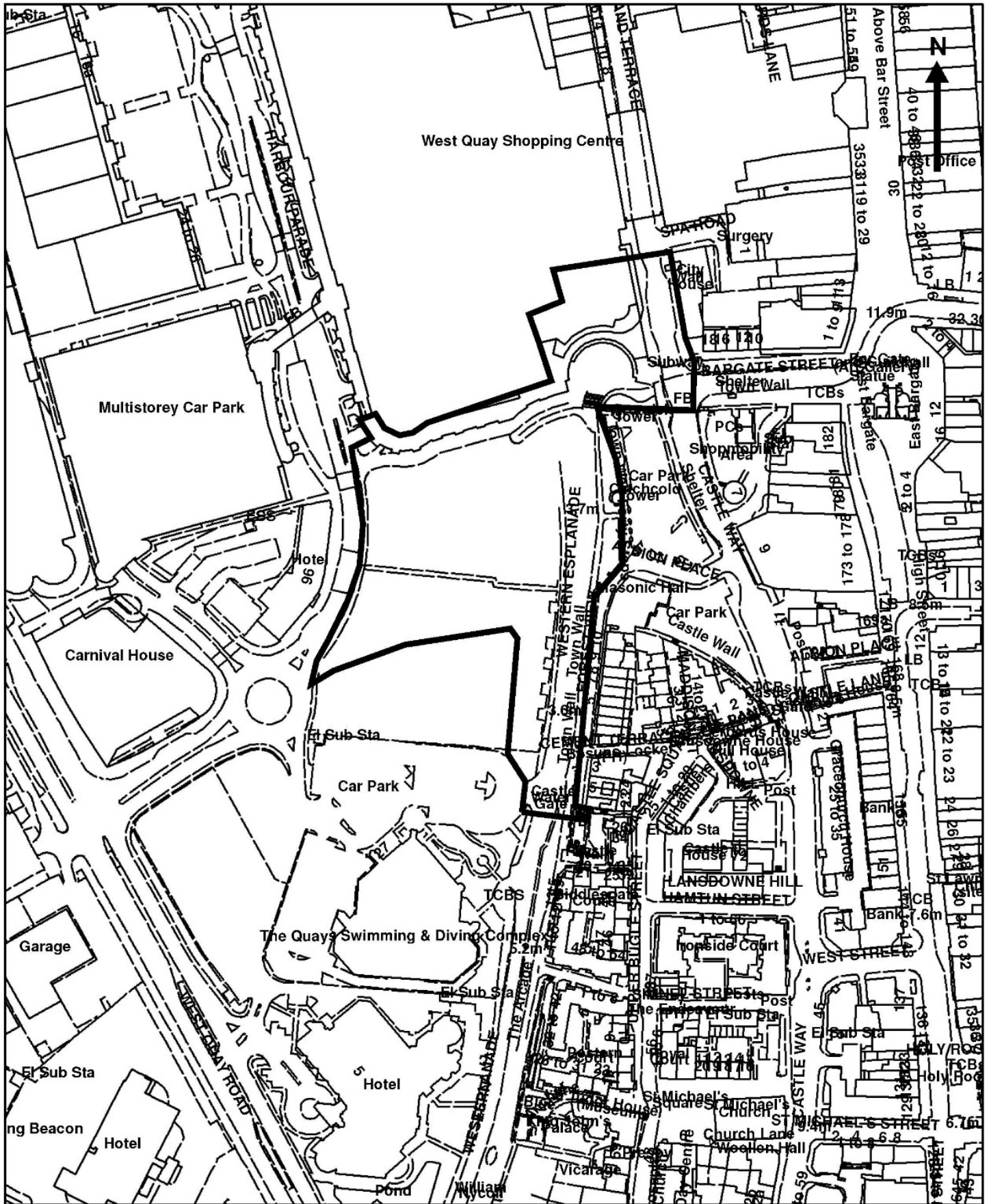
APPROVAL CONDITION - Hours of deliveries to the site [Performance Condition]

No deliveries or collections of goods and materials shall take place after 13.00 on Saturdays for the duration of the 6 month extension of the hours of working hereby approved.

Reason

To limit traffic problems at peak hours on the highway network.

16/00944/NMA



Scale: 1:2,500

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