

Planning and Rights of Way Panel 10th January 2017
Planning Application Report of the Service Lead – Planning, Infrastructure and Development

Application address: Bargate Shopping Centre and adjoining land In Queensway, East Street, Hanover Buildings and High Street, Southampton			
Proposed development: Demolition of existing buildings (Bargate Shopping Centre and multi-storey car park; 77-101 Queensway; 25 East Street; 30-32 Hanover Buildings; 1-16 East Bargate; and 1-4 High Street, excluding the frontage); refurbishment of basements and mixed use development comprising 152 flats (63 x one bedroom and 89 x two bedroom) (Use Class C3); 185 units of student residential accommodation (451 bedrooms); retail use (Class A1); flexible retail, office or food and drink use (Classes A1-A3); in new buildings ranging in height from 4-storeys to 9-storeys; with associated parking and servicing, landscaping and public realm (Environmental Impact Assessment Development affects a public right of way and the setting of the listed Town Walls) - description amended following validation to confirm works to existing rights of way - further changes to the proposed heights along Queensway submitted 30/11/16			
Application number	16/01303/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	Planning Performance Agreement	Ward	Bargate
Reason for Panel Referral:	Referred by the Service Lead – Planning, Infrastructure and Development due to strategic importance	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey

Applicant: Bargate Property Limited LLP	Agent: GL Hearn
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Recommendation Summary	<ol style="list-style-type: none"> 1. That the Panel confirm the Habitats Regulations Assessment in Appendix 1 to this report; and, 2. That the Panel confirm that the highway land required to complete the development can be 'stopped up'; and, 3. Delegate to Service Lead: Planning, Infrastructure and Development to grant conditional planning permission subject to the criteria listed in this report; and, 4. That the Panel support a bid to the Council's Capital Board to allocate CIL monies to support this development.
Community Infrastructure Levy Liable	Yes

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 proposed design principles and quantum of development, which formed part of the assessment in the ES and are subject of planning conditions, are acceptable. 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 associated conservation area, listed buildings and scheduled ancient monuments and found the impact to be acceptable following guidance from Historic England and the Council's own advisers. Other material considerations, as reported to the Council's Planning and Rights of Way panel on 10th January 2017, such as the proposed reduction in cycle parking, the lack of affordable housing due to the scheme's viability, and the potential harm to 3 Fastigate Oak trees off-site 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, SDP4-17, SDP22, NE4, HE1, HE3, HE6, CLT1, CLT5, CLT14, H1-3, H7, REI7, TI2 and MSA1 of the adopted City of Southampton Local Plan Review (Amended 2015). Policies CS4-6, CS13-16, CS18-21, CS24 and CS25 of the adopted City of Southampton Core Strategy (Amended 2015). Policies AP5-9, AP12-19 and AP28 of the adopted City Centre Action Plan (2015) as supported by the Council's current supplementary planning guidance outlined in the Panel report and the National Planning Policy Framework (2012)

Appendix attached	
1	Habitats Regulations Assessment
2	Development Plan Policies
3	Historic England's Response 22 September 2016
4	Historic England's Response 30 November 2016
5	Viability Assessment – DVS Findings

Recommendation in Full

- 1) That the Panel confirm the Habitats Regulations Assessment (HRA) in **Appendix 1** to this report to enable the planning application to be determined; and then,
- 2) That the Panel confirm the stopping up of existing public highway deemed necessary to enable the development to proceed; and,
- 3) That the Panel delegate to the Service Lead – Planning, Infrastructure and Development to grant conditional planning permission subject to receipt of satisfactory amended plans showing (i) a revised access and tracking of The Strand's new access (as suggested by the TMS Safety Audit (email addendum) dated 9th December 2016) and (ii) a larger lift serving the basement cycle stores from the ground floor, and the completion of a S.106 Legal Agreement to secure the following:
 - a. Financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site, including (but not limited to) the new access and layout arrangements to the site from The Strand (as recommended by the TMS Safety Audit (email addendum) dated 9th December 2016) and Queensway, the re-provision of existing Pay & Display parking and taxi ranks, the installation of off-site short stay 'Sheffield' style cycle parking, a contribution towards upgrading 'Legible Cities' signage, and any associated Traffic Regulation Orders (TROs) necessary for the implementation of the development, in line with Policy SDP4 of the City of Southampton Local Plan Review (2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (2015) and the adopted SPD relating to 'Developer Contributions' (September 2013). The development will not be brought into use until these works have been provided;
 - b. Submission, approval and implementation of a site-relevant Town Walls Interpretation and Public Art Strategy in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013), including either the provision of, or a contribution towards, works along the line of the missing Town Walls between the Bargate and the site and south from Polymond Tower within the red line, adjacent town wall improvements/maintenance and the provision of lift access (or equivalent) to the first floor of the Bargate monument itself;
 - c. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment (without any affordable housing) and that a review is undertaken should circumstances change and the development stall;
 - d. In lieu of an affordable housing contribution from the student residential blocks an undertaking by the developer that only students in full time higher education be permitted to occupy the identified blocks and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v). Flexibility to be provided for temporary short-term non-student accommodation outside of term times;
 - e. Submission, approval and implementation of a 'Student Intake Management Plan' to regulate arrangements at the beginning and end of the academic year;
 - f. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);

- g. Restrictions to prevent future occupiers of the private and student housing benefitting from parking permits in surrounding streets. No student within the purpose built accommodation, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to either the site's designated parking or the Council's Controlled Parking Zones;
 - h. Submission, approval and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired to a similar standard as the 'existing' carriageway and footpath by the developer at their own cost as required by the adopted SPD relating to 'Developer Contributions' (September 2013);
 - i. Submission, approval and implementation of a Travel Plan for both the commercial and student residential uses;
 - j. Submission, approval and implementation of a Car Park Management Plan to ensure that the public car parking is provided and retained with daily charges to at least match the minimum daily charge of the prevailing Council car parking charges;
 - k. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses;
 - l. Submission, approval and implementation of a Construction Traffic Management Plan indicating off-site routes to be used by associated construction traffic;
 - m. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013);
 - n. The submission, approval and implementation of a Carbon Management Plan setting out how 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);
 - o. The creation of a 'permitted route' through the development for use by pedestrians and cyclists between the Bargate frontage of the development and Queensway.
- 4) That the Planning Panel support officer's recommendations to the Council's Capital Board that the Community Infrastructure Levy (CIL) monies collected from this development are allocated to support infrastructure improvements in the vicinity of the site with particular focus on the local heritage assets and the potential by the Council to secure additional funding through a bid to the Heritage Lottery Fund;
- 5) That the Service Lead – Planning, Infrastructure and Development be given delegated powers to delete, vary or add relevant parts of the Section 106 agreement and to delete, vary or add planning conditions as necessary as a result of further negotiations with the applicant; and,
- 6) In the event that both (i) the amendments to The Strand access and lift access to the cycle store have not been submitted and agreed with the Local Planning Authority, and (ii) the s.106 legal agreement, have not been completed within 6 months of the Panel date the Service Lead – Planning, Infrastructure and Development be authorised to refuse permission on the grounds of highway safety impacts and/or the failure to secure the provisions and mitigation of the s.106 Legal Agreement.

1. The site and its context

- 1.1 This planning application seeks to demolish and redevelop the former Bargate Shopping Centre and associated land, including the western frontage to Queensway and the 3 storey (part 4) locally listed building fronting the Bargate monument that is currently occupied by Mettricks coffee shop, LUSH and Maplins amongst others. This building is in Council ownership

- 1.2 This planning application seeks to demolish and redevelop the former Bargate Shopping Centre and associated land, including the western frontage to the application site is approximately 1.4 hectares in area, and is located directly to the south of York Walk and the associated Town Walls.
- 1.3 The site is currently in several separate parcels of land and falls away from the Bargate to Queensway by approximately 5 metres. The majority of the site consists of the former shopping centre building itself, and associated multi-storey car park with 236 spaces (approved under LPA ref: M30/1672/261 in 1986), which closed in 2013 and sits vacant awaiting the outcome of this planning application. The site also includes units 30-32 Hanover Buildings, 1-16 East Bargate and 1-4 High Street, which front the listed Bargate Scheduled Ancient Monument; and Landport House and units 77-99 Queensway and 25 East Street. The associated buildings outside of the former shopping centre are largely occupied by existing retailers, with office accommodation above.
- 1.4 The application site is within the city centre, as defined in the Development Plan. The surrounding area is predominantly commercial in character, but there are notable heritage assets within, and adjacent, the application site that also contribute to the existing character of this part of the city centre. The key heritage assets located either within or adjacent to the application site can be summarised as the Old Town North Conservation Area (including the properties fronting East Bargate), the Grade I Listed Bargate Scheduled Ancient Monument, located to the west of the Site, the Grade I Listed Town Wall Scheduled Ancient Monument running along the site's northern boundary (and then in a southerly direction from Polymond Tower), and the Grade II registered 'Central Parks' located to the north of the site. As stated, the locally listed buildings at 2-8 East Bargate (listed with 30 to 32 Hanover Buildings) are identified for demolition to facilitate the proposed scheme.
- 1.5 There are 3 street trees (Fastigate Oak) to the front of this building and their future is uncertain for the reasons set out in this report.

2.0 Proposal

- 2.1 Full planning permission is sought for a mixed-use redevelopment of the site to provide replacement retail, private and student residential, and a public pedestrianised route, above associated basement car parking. The development seeks to physically and visually link the Bargate with the Queensway and, in this respect, seeks to use the existing Debenhams as an anchor to the scheme
- 2.2 A key aspiration of the proposal is to open up public access to the Town Walls that currently sit in a backland location hard up against the existing shopping centre.
- 2.3 The overall floorspace for the scheme, based on the submitted layout plans, can be summarised as follows:

Proposed Development - Summary		
Commercial Floorspace	A1 Retail (13 units in total)	3,544sq.m
	A3 Restaurant (8 + 5 kiosks)	2,174sq.m + 5 kiosks
Residential Floorspace	152 private flats (Sites A and E)	63 no.1 bed flats
		89 no.2 bed flats
Student Accommodation	185 flats comprising 451 study bedrooms	110 studios
		23 no.2 bedroom flats
		52 cluster flats of 3+ beds
Parking	Retail	110 spaces
	Residential	37 spaces (0.24 spaces/flat)
	Students	0 spaces
Building	4-9 storeys (22.88m AOD to 37.56m AOD)	

Heights	
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- 2.4 A scheme for 152 private flats would normally attract a requirement for 53 'affordable' dwellings. The applicants have submitted a viability appraisal of their scheme that suggests the scheme will only come forward if the Council's obligations in respect of affordable housing are waived. This assessment has been independently tested by the District Valuations Service (DVS) and further details of their findings are provided in the 'Planning Considerations' of this report
- 2.5 The submitted Environmental Statement suggests that the scheme could generate 280 new jobs, with 271 associated with the retail, restaurant and site management uses. 9 jobs are likely to be needed to support the student residential use. The applicants have proposed that the non residential uses could operate between 6am and midnight.
- 2.6 The individual building blocks are summarised in the applicant's Design and Access Statement as follows:
- 2.7 **Site A – 4 storeys (24.65m AOD tall)**
This site lies north-east of the Bargate and is intended for a standalone restaurant and residential development. There will be 2 restaurants at ground level, totalling 556sq.m. The residential upper level will provide 24 private dwellings
- 2.8 **Site B – 4-7 storeys (22.88m to 30.30m AOD tall)**
This site extends along the southern edge of the new retail street to the new central square around York Gate with a mix of retail at ground level and student residential above. The site allows for 7 retail units (including 5 mezzanines) and 2 restaurants, amounting to 2,352sq.m... The upper levels were designated for student residential (shared with Site C and D). This site accommodates 251 bedspaces with a mix of studios and apartment clusters. This site retains the existing art deco façade of the former 'Jongleurs' building
- 2.9 **Site C – 7 storeys (30.46m AOD tall)**
This site is defined from the York Buildings route and the line of the East Wall, with retail at ground and connecting high level link to student residential. The retail portion has 3 single height units totalling 540sq.m. The upper level student residential has 72 bedspaces over 6 levels
- 2.10 **Site D – 9 storeys (35.54m AOD tall)**
This plot runs from the East Wall to the Queensway buildings with retail at ground and further student residential connecting into Sites B and C. The retail portion equates to 4 single height units totalling 700sq.m. The upper floor student residential portion amounts to 128 bedspaces over 8 levels.
- 2.11 **Site E – 9 storeys (35.06m AOD tall with plant to 37.56m AOD)**
This site sits adjacent the Queensway roundabout with a 406sq.m unit designated for A3 restaurant use at ground floor level and residential above. The upper floor residential contains 48 private flats with a mix of 1 and 2 bed accommodation
- 2.12 **Site F – Amended to 5-7 storeys (23.06m AOD tall with plant to 25.56m AOD)**
This plot sits to the southern end of the Queensway ownership with retail at ground and residential above. The lower retail consists of 3 single height units amounting to 839sq.m. The upper floor residential consists of 80 apartments with

a mix of 1 and 2 beds.

2.13 **Public Realm and External Materials**

A significant portion of the site has been given over to the public realm, not including highways improvements, amounting to 5,200sq.m of the site. A series of retail kiosks will sit between the new development and the Town Walls with the new permitted route providing some 15 metres separation from the walls themselves. The existing shopping centre has a maximum separation, in places, of 5 metres. The residential uses are set-back on a podium above the retail in order to provide as much relief to the walls as is practicable whilst delivering the necessary quantum of development

2.14 Existing highway land is needed to create the development and approval is sought to 'stop up' parts of the site that are needed for building and associated works. A key change to the highway network concerns vehicular access. Currently vehicles enter the site, and the rear of East Street, from The Strand and then leave via East Street using a one way system. The proposed vehicular access is, instead, formed by a new two-way access from Queensway. This access will also service the rear of the existing East Street buildings. The main pedestrian route through the development is proposed to run east-to-west (severing the existing one way network) meaning that The Strand becomes a two-way cul-de-sac to service Site E, existing parking for a handful of cars, and the retained buildings along this part of Hanover Buildings.

2.15 The chosen architecture is contemporary in nature but seeks to recognise the differences between development within, and outside of, the existing Town Walls. Building heights are lower within the old town with brick proposed as the prevailing material. The buildings increase in height outside the walls and metal cladding becomes the dominant material. The application has been amended since it was first submitted. The main change focused on a change in heights at the junction of East Street with Queensway with no overall reduction in the quantum of development proposed. This change was requested by officers

2.16 The planning application is supported by an Environmental Statement in order that the significance of the impact of the development, particularly upon the built and below ground heritage, can be properly considered. The application suggests that work could commence in the Autumn of 2017, assuming that permission is granted, and would take 24 months to complete. Once completed the scheme will be privately managed by the applicants

3.0 **Relevant Planning Legislation, Policy & Guidance**

3.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 explains that in considering whether to grant permission for development that affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act adds the duty to consider whether or not new development 'preserves or enhances' the character of any conservation area to which it relates

3.2 On this point paragraph 132 of the National Planning Policy Framework (NPPF - 2012) adds that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. NPPF Paragraph 134 confirms that where less than substantial harm is caused to the designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This paragraph should be read in the context of the

response from Historic England to the application.

- 3.3 The NPPF came into force on 27th 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 Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (Amended 2015), the City of Southampton Core Strategy (Amended 2015) and the City Centre Action Plan (CCAP - March 2015). The most relevant policies to these proposals are set out at Appendix 2 to this report.
- 3.5 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. In this case the applicants have submitted a pre-estimator that confirms that a Building Research Establishment Environmental Assessment Method (BREEAM) rating of ‘Excellent’ can be achieved in line with current policy requirements, and the scheme could include a stand-alone Combined Heat and Power unit to assist in meeting these requirements.
- 3.6 Policy AP28 of the adopted CCAP states that retail-led mixed use redevelopment is promoted on the site to the east of Castle Way (corner of Bargate Street / Castle Way), Hanover Buildings and the Bargate Shopping Centre. Appropriate uses include retail (A1), food and drink and upper floor residential, hotel, commercial B1 (a) and (b), cultural and leisure uses. The Bargate Shopping Centre is identified as Primary Retail Frontage however flexibility will be shown to deliver retail or leisure uses next to the Town Walls.
- 3.7 It states that development will be supported where:
- 1) *The access to, views and setting of the Town Walls are improved by opening out the areas immediately surrounding the walls, introducing attractive pedestrian routes and uses with active frontages alongside them and improving legibility and linkages with other sections of the Town Walls;*
 - 2) *Proposed uses are in accordance with the retail policy on primary and secondary retail frontages;*
 - 3) *Active frontages are provided alongside main routes;*
 - 4) *Improved pedestrian links are created through the site;*
 - 5) *The Shopmobility facility is retained or provided in a similarly central location;*
 - 6) *Development fronting High Street provides a high quality entrance to the Bargate shopping centre and enhances the setting of the Bargate;*
 - 7) *The build edge around Bargate is realigned to follow the historic street pattern and development safeguards the opportunity for, or facilitates, a high-level bridge link. Development should seek to retain and incorporate the Art-Deco façade of the former Burtons building into any new development proposals;*
 - 8) *Development includes pedestrian links to the East Street shopping area along the line of the Town Walls and the redevelopment of the Eastern site includes a connection through from the High Street to Castle Way continuing the line of East Street; and,*
 - 9) *Development respects and enhances the setting of the Grade II* registered park.*
- 3.8 This policy should be afforded significant weight in the determination of this planning application.

3.9 The City Centre Urban Design Strategy (CCUDS - 2000) has been approved by the Council as supplementary planning guidance to the Local Plan and should be taken into account in the determination of this application. Key aims of the strategy are to enhance 'arrival' and movement through the city; to improve the visual quality and coherence of the city centre, and achieve a high quality environment for Southampton. The strategy seeks to develop the character area concept within the city centre and notes the importance of this site for achieving the wider vision

3.10 The Old Town Development Strategy (2004) established a number of design principles for the Old Town, including for instance,

- OTUDP1: No development will take place within four metres of any part of the existing original Town Walls, which themselves shall be floodlit and opened up to either side for all to access;
- OTUDP2: The Town Walls, not the new development, should dominate the townscape;
- OTUDP3: Where the Walls no longer survive, their route shall be reinterpreted; and,
- OTUDP10: Historic lanes and alleys will be reinstated, and narrow pedestrian-only routes created through blocks to improve permeability and provide attractive glimpsed views. These shall have narrow plots running off them.

3.11 The Strategy suggests development of 4 storeys is appropriate for this site stepping to 6 storeys along Hanover Buildings. Clearly the proposals exceed these suggested limits and the significance of the additional height, when set against the proposed betterment to the Walls, is discussed further in this report.

3.12 The City Centre Characterisation Appraisal (2009) identifies the City's varying character areas and provides further assessment of the existing character around the Bargate. It explains that 'the area slopes to the south and east and there is a dramatic level drop adjacent to the walls which is reflected in a more gentle slope down into the parks on Hanover Buildings. This area takes in the northern edge of the medieval walled town but extends northwards beyond the line of the wall reflecting the development of properties along the outer face of the wall in the area to the east of Bargate.

3.13 Grain

Surrounding and to the south of the Bargate, the street widens and the building line curves to create a space around the scheduled ancient monument. There is a fine to medium grain to the development around the Bargate. On travelling east along Hanover Buildings development of a similar grain and composition to that of the Bargate environs is seen. Building lines are continuous and regular with a strong consistency in conformity to the lines on all the street frontages.

3.14 Scale

This area displays a continuous rationale of built form distinct from that of Above Bar which is generally of a higher quality (particularly in material terms) but more varied in its scale. Due to its rebuilding in the immediate post-war era, there is a marked emphasis on conformity of parapet heights – generally three commercial storeys (or equivalent) in height. Some of the remnant pre-war buildings are taller. Parapets are dominant as most of the area consists of flat roof buildings. There is an additional storey added along Hanover Buildings but the variation in levels accommodates this height difference so the strong horizontal parapet line remains the same across the group running down Hanover Buildings

3.15 The Appraisal assists in giving a thorough written description of the site and its unique characteristics.

3.16 Heritage Assets

The principal built heritage assets are the Bargate and the town walls marking the northern extent of the medieval walled town with Bargate being the principal gateway to the old Town. The walled town of Southampton is a highly significant historic survival of the medieval period and defined, in part, later development of the town. The Bargate is illustrative of the scale, craftsmanship and social significance of the town's status in this period. The Bargate is well maintained and interpreted if seen somewhat isolated being totally detached from the town walls. The walls, especially to the east of the Bargate have a poor setting, but are in reasonable condition as a managed ruin. Their cultural value has been diminished by their poor setting and loss of context. The south side of the remnant wall facing Bargate Street is not well managed. The outstanding historical, evidential and aesthetic value of the walls and Bargate are reflected in their national designations as Scheduled Monuments and Grade I listings. The Bargate is the significant symbol of the city's medieval old town.'

4.0 **Relevant Planning History**

4.1 The Bargate Shopping Centre dates from the mid-late 1980s and was approved following a series of planning applications for similar development. The other sites that form the current application site pre-date the centre itself. The planning history for the existing Centre can be summarised as follows:

4.2 • *M06/1658 – Withdrawn 20.08.1986*

Construction of a 3 level shopping development integrating 1-2 York Buildings with link to East Bargate and York Buildings and multi-storey car park of 296 spaces

4.3 • *M05/1667 – Approved 19.06.1986 following Committee 7.11.1985*

Construction of a four level shopping development with link to East Bargate and York Buildings, with multi-storey car park (226 car parking spaces), refurbishment of 1/2 York Buildings and associated roadworks

4.4 • *M30/1672 – Approved 10.09.1986 following Committee 18.08.1986*

Construction of a 3 level shopping development with link to East Bargate and York Buildings with multi-storey car park and all associated road works

4.5 A number of related applications that are of little relevance to the current proposals followed, but the current planning application is the first since the Centre was constructed that proposes a comprehensive redevelopment.

4.6 The current application is supported by an Environmental Statement following a request for a Scoping Opinion earlier this year:

4.7 • *16/00511/SCO – No objection 29.04.2016*

Request for a scoping opinion under Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 prior to a planning application for the redevelopment of the site for a mix of uses, including residential, retail and leisure with associated works, car parking and public realm improvements. Works affecting the Bargate Monument and Town Walls.

4.8 In terms of relevant development(s) nearby the latest phase of West Quay has recently opened and proposed a mixed use development with significant scale in close proximity to the western edge of the Town Walls (LPA ref: 13/00464/OUT and 14/00668/REM).

4.9 Planning permission was also recently granted for the alterations of Capital House and adjoining land, including the Royal Oak Public House (LPA ref: 16/00196/FUL) and included 423 purpose built student bedspaces within a 4-5 storey building.

5.0 Consultation Responses and Notification Representations

5.1 In accordance with good practice the applicants carried out their own pre-application consultation exercise, including holding a public exhibition on site in October 2015 and May 2016.

5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken, which included notifying adjoining and nearby landowners (192 letters sent), placing a press advertisement (19.08.2016 and 26.08.2016) and erecting a site notice (19.08.2016). A re-consultation exercise has been undertaken (via a site notice 09.12.16) on the amendments to the application along East Street and any further responses will be reported to the meeting. At the time of writing the report **3 representations** have been received from surrounding businesses (2 in support and 1 opposed to the development). A summary of the comments received is given below

5.3 One letter of support comes from representatives of Debenhams. It identifies the benefits of the scheme to them as being:

- Improved linkages to their store welcomed;
- The high quality of design should attract a good mix of retailers;
- Supportive of the town wall enhancements;
- The residential uses will bring life to this part of the city;
- This scheme will act as a catalyst for future investment by Debenhams.

5.4 The letter of objection comes from representatives of Tiffany's at 81/83 Queensway. They have been trading at the site since 2001 and employ 15 people. Their lease expires in 2022 and they would wish to extend their lease, which would not be possible if the development proceeds.

Response

This is a matter for the objector and their landlord, rather than a 'planning' matter that should influence the determination of this planning application. The applicants have been made aware of the issue to enable a dialogue to commence/continue and it is hoped that a satisfactory outcome will prevail.

5.5 Consultation Response:

The following section summarises the comments made by those affected groups and consultees in response to the application:

5.6 SCC Highways – Objection to quantum/remote location of cycle parking

A detailed highway response to the application was provided by the Council's Highways Officer that raised no objection to the principle of development, but led to the submission of further commentary and amended plans in response to the following areas of concern:

5.7 • Strand Access

To be able to make this work some engineering or redesigning of the roundabout/junction will likely be required.

Response

Following a safety audit of The Strand the highway safety concerns have been addressed subject to the audit's suggested amendments to the island on the Hanover Buildings arm to the roundabout and the submission of satisfactory tracking diagrams being received. The above recommendation enables these additional plans to be provided ahead of planning permission being granted and an officer delegation is sought to resolve this point.

5.8

- **Queensway Access**

This access will need to be redesigned to make it work. One suggestion is to widen the footway on the Western side of Queensway in order to create a gentler turn for exiting lorries. The new right turn lane can be removed and the whole of Queensway could be narrowed to only one lane in each direction. This would help address the severance concerns of Queensway.

Response

Agreed. These amendments have been made and will be delivered through the s.106/s.278 highways works package.

5.9

- **Removal of taxi and other pay and display bays**

Will need to liaise with relevant parties in order to come to an acceptable solution. Parking services for the pay and display bays and traffic management for taxi bays. The likely solution would be to relocate these bays elsewhere. A possible location could be formed if the Queensway footway was to be widened as mentioned above.

Response

Agreed. These amendments can be secured through the s.106/s.278 highways works package.

5.10

- **Permitted public route**

It was agreed that the site would need a Section 106 to provide public access rights through the site. Exact extent would need to be agreed. As part of a public permitted route the footway would need to be constructed to an adoptable standard.

Response

The applicants have confirmed that they will accept a clause in the s1.06 legal agreement that maintains public access through their development. The applicants intend to maintain the 'permitted route' at their own cost and have designed it to a standard above that normally adopted by the Council, whilst utilising the guidance contained within the Council's Streetscape Manual. The applicants have some reservations regarding the use of bicycles through this new street, although colleagues in Transport Strategy have confirmed that this should be a requirement of the development. As such, the s.106 recommends that the route is kept open for both pedestrians and cyclists.

5.11

- **Student Intake Management Plan**

The Transport Assessment suggests that there will be minimal vehicular trips generated by the student element of the scheme. With no parking dedicated for the students, this would be the agreeable case. However, the main vehicular impact is during the start and end of terms or the initial moving in and moving out dates. Although infrequent and only applies to two peak times of the year, the level of vehicular trips can be intense and concentrated. Therefore as per our usual requirements with student schemes of a reasonable size, a management plan will form a condition so that the students would need to book their arrival dates and times and these should be staggered as much as possible to spread out the impact associated with students moving in and out. Also, as mentioned in the waste management section, additional management and facilities should be provided to address the 'end of year' waste which has been a common problem with historic sites.

Response

Agreed. A 'Student Intake Management Plan' can be secured through the s.106 legal agreement as set out above. A private refuse collection service is proposed.

5.12 • **Short stay visitor cycle parking**

It was agreed in principle that some visitor cycle parking spaces can be relocated off site in the local area – subject to suitable locations to be agreed with the cycle officer.

Response

Agreed. Additional off-site cycle storage can be secured through the s.106 legal agreement as set out above. Some 16 additional spaces (8 hoops) are required.

5.13 • **Public Car Park Charges**

A car park management plan would be required, which can be secured via the Section 106, which sets out management arrangements and also that the car park has a charging regime in line with Southampton City Council’s city centre car park charging regime.

Response

Agreed. The pricing of the public car parking can be secured through the s.106 legal agreement as set out above. The car park has been designed to utilise the existing basement of the former shopping centre. This space is constrained and has made it difficult to separate the 37 residential spaces from the public parking. This is not ideal but a condition is recommended to ensure that the residential spaces are provided in one block on the lower basement level, these spaces will be fitted with electronic bollards and the basement will be covered by CCTV with access to on-site management.

5.14 • **Cycle Parking - Objection**

More detail is required in order to assess the cycle parking provisions. It is not clear what some of the parking provision are in terms of design, purpose and build (e.g. units 1 and 2; and units 19 - 21). The distance and means of access to the cycle stores shown in the basement car park appear to be too remote for some of the units and is not conveniently located. In a city centre location and the low level of car parking provided for residents and students, cycle parking should be integral to the design in order to encourage the use of sustainable travel as much as possible. Meaning that the cycle store should be located in a practical and convenient place and should be fully enclosed and secure etc

5.15 The cycle stores shown in the basement appear to be exposed to members of public. They should each or all be separately enclosed and secure so that only the intended users can access the cycle stores. More detail about the manufacturers space requirements for these double stack racks are required in order to determine if there is sufficient space especially with the headroom and aisle widths to operate them. For example, the common brand of double stack racks requires 2.7m headroom and a 1.7m aisle width which would pose a problem for this site.

5.16 As it stands, the cycle parking facilities needs to be improved and provided at each block rather than one communal store where some students (for example above units 17&18 and Site E) will be remote from them. There are also issues of whether residents or students from a different block would have access to the other blocks entrances in order to access the stairs to the cycle stores.

5.17 The following breakdown in accordance with the Parking SPD would be:

Use	Long Stay	Short Stay
A1 Retail	1 space per 200sq.m	1 space per 100sq.m
A3 Restaurant	1 space per 200sq.m	1 space per 100sq.m
Students	50% of bedrooms	-
Private Residential	1 space per unit	1 space per 10 units

5.18 *Note:*

The applicants are proposing 14 spaces for Site A (24 flats), 80 spaces for the residential sites E and F (128 flats) and 226 spaces for Sites B-D comprising 451 student bedrooms. In terms of short stay parking to serve the non-residential uses a total of 64 spaces are proposed with 48 on site and the remainder secured for off-site provision through the s.106 legal agreement.

5.19 • **Shared Access – No objection following amended plans**

Finally, in addition to the safety concerns, the proposed arrangement of sharing the vehicular ramp is not the most attractive for cyclists to use and, therefore, it is considered that the design does not prioritise cyclists and sustainable travel before cars and private modes of transport. With an apparent simple solution to a new build scheme of increasing the size of the lift shown to serve the basement (with no apparent site constraint relating to this matter) we would still raise an objection in regards to the cycle arrangement until an alternative access can be provided for cyclists.

5.20 **Response**

Each of the six sites proposed have access to cycle parking. The quantum is below the standards set out above. The applicants wall mounted solution private to each flat has been rejected by officers. Cycle storage is pepper-potted across the development and the concerns raised by highway colleagues regarding the shared ramp are supported. The above recommendation requires that amended plans showing a larger lift are submitted before planning permission is granted and this resolves this safety concerns raised. The applicants are agreeable to this change. The recommendation is that a reduced cycle parking offer is acceptable when taken in the context of the whole scheme, and its significant benefits to the heritage offer and associated regeneration benefits. A planning condition is, nevertheless, suggested to secure further details of the cycle storage.

5.21 **SCC Design – No objection following amendments**

This scheme overall will make a major contribution to the life and activity of the city centre and is to be welcomed. Initially the Design Officer raised four concerns that have an impact on the fundamental proposals:

- The public realm proposed for the Bargate is woefully inadequate as this will be the first point of arrival for the vast majority of the people entering the new retail street. An improved public realm and improvements to the setting of the Bargate/Town Walls according to the public consultation was the most important benefit of the scheme from the consultation responses (95%) The interpretation of the Wall to the Bargate is to my mind inadequate, as the idea of the artwork lighting columns marking the height of the wall seems to have disappeared from the plans, although it is shown in the D&AS.

5.22 **Response**

The Bargate, and the associated public realm, are excluded from the red line of this planning application meaning that the development will need to make off-site contributions in order to improve the area immediately adjacent to the scheme. Following the adoption of CIL by the authority in September 2013 the provision of 'public realm' shifted from being a site specific s.106 obligation imposed upon a developer to an obligatory infrastructure requirement secured through CIL. Whilst the scheme has reported viability issues it will, nevertheless, make a significant contribution towards CIL (currently valued at between £1.8 and 2.2 million) and the Council could decide to allocate these monies to enhance the Bargate, the public realm and its setting. A specific interpretation and public art strategy will supplement this payment and seek to secure additional benefits

from the scheme through the s.106 process.

5.23 *In response to the applicant's commentary on this issue the Design Officer comments further that he 'likes the idea of using glass and the options that gives for creative lighting, the key thing is that the artworks have to be substantial and consistent enough in scale to give a 3d illusion of the former presence of a wall where it is missing and most particularly the connection to the Bargate'. Further details will be secured with the above recommendation*

5.24 • The architectural approach particularly to the upper floors is far too homogeneous within the Old Town where greater variability of material for the upper floors is required. I think the illustration on pages 38 and 39 of the D&AS admirably demonstrates this point. It all looks the same, where actually variety is what is required. The DAP identified it best by saying it needs to look like "a retail 'high' street not a shopping mall."

5.25 **Response**

Whilst amendments have been made through the process to the design of the scheme it is still considered that further work is needed, particularly to the two storey shopfronts that could, if built as shown, detract from the walls themselves (see Old Town Strategy Policy OTUDP2). The applicants have suggested that a planning condition could be used to secure more variety to these shopfronts. The use of a common architectural language with brick for the old town was suggested by the Design Advisory Panel and will assist in addressing this concern.

5.26 • The building to the corner of East Street/Queensway is a floor too high. We have to be consistent with the approach that we have taken with other developers on East Street, namely that the building on the south side corner represents the maximum height we would want to see onto East Street. As soon as the building reaches the back of buildings on East Street I have no problem with the height rising to that shown. The obvious transition would be at the junction of the darker and lighter element of the façade to Queensway shown on page 45 of the D&AS.

5.27 **Response**

The suggested amendment has been made and the Queensway junction with East Street has been designed as a five storey elevation, stepping to seven as the block moves northwards towards the parks. We have re-notified of this change.

5.28 • York Street appears now to be a very narrow 'lane' rather than a street with a blank façade presented to those approaching from East Street. I'm also unsure as to whether someone viewing from East Street could see through to the trees in the park which is something we discussed at the early stages of the project. I think it is important that a glazed entrance foyer is created to this corner rather than a solid blank wall to encourage people to use this important pedestrian connection.

5.29 **Response**

Agreed. A planning condition is recommended to ensure that the staircase along York Buildings is glazed. The applicants are agreeable to this change.

5.30 **SCC Heritage – No objection subject to conditions**

The application site is located within an area of high archaeological sensitivity, adjacent to the Town Walls and the Bargate, and located partially within the medieval town. There are a number of heritage assets that will be affected by the proposals, and it is vital that the impact of the development is properly understood in order that it can be quantified and managed.

5.31 The Townscape Visual Impact Assessment submitted with the application is inadequate, and does not appear to have been carried out in compliance with the Guidelines for Landscape and Visual Impact Assessment (third edition), published by the Landscape Institute and the Institute of Environmental Management and Assessment.

5.32 It is disappointing that the landscaping proposals do not seek to address and connect to the Bargate, which in my view is essential in order that the visual connection between the Bargate and the missing elements of the Town Walls can be properly understood. Providing this connection would be a significant factor in mitigating the impact of the development.

5.33 There are currently seven street trees proposed, located to the south of the Town Walls. While I would prefer that these were replaced with something less intrusive, they may be acceptable (with the exception of the proposed tree adjacent to Polymond Tower) subject to careful choice of species and careful management to ensure that they do not grow to a size that would compete with the walls.

5.34 The landscaping will provide an opportunity to interpret the history and archaeology of the site through design and public art. A public art strategy should be produced post-consent setting out how this will be achieved.

5.35 Details of the proposed M&E equipment will need to be submitted on revised elevations to show how these will impact on views. It would appear from the information submitted that the mechanical ventilation units could add another half-storey to the height of the buildings, and this should be considered in the LVIA, as well as any proposals to mask them

5.36 Kiosks D and E are not supported. At two storeys high they will be over dominant and will be harmful to the setting of both the Town Walls and Polymond Tower. Reduced height kiosks may be acceptable subject to design details

5.37 While the site has already been subject to extensive archaeological excavation, it is clear that there will be a requirement for further targeted excavations, particularly around Sites A; D (part); E and F. It will also be necessary to consider what impact additional services will have on the archaeological remains, and a service and groundworks plan will need to be submitted prior to works on site starting

5.38 The development proposals will provide the opportunity to open up the area to the south of the Town Walls, and through landscaping and interpretation to reconnect the walls to the Bargate. This provides a unique opportunity to open up the Town Walls and provide a significantly enhanced setting, as well as providing an opportunity for interpretation through sympathetic landscaping and public art. However, the issue of height, and the impact that this will have is still to be properly addressed, and while the new setting for the walls will provide substantial mitigation, the full impact of the proposals is yet to be understood.

5.39 Subject to the applicant providing the additional information set out above, the proposals can be supported

5.40 **Response**

Following these comments the applicants have provided a fully updated Landscape and Visual Impact Assessment, a commitment to an interpretation strategy and a contribution towards providing lift access to the Bargate. The kiosks have been amended and a storey taken out of the one nearest Polymond Tower. In response to these amendments the Council's Heritage Officer comments that 'archaeological issues have been dealt with in my previous response. I support the comments of the Design Group Leader, and will not repeat them here. The roof plant detail for Site A (north east of the Bargate) is missing. This is an especially sensitive location and we need a set of elevations showing the height of the proposed plant. While I am pleased to see that a link to the Bargate has been made in the landscaping proposals it appears that they are proposing the minimum necessary, and I would prefer to see more detail and a bolder proposal. The applicant should note that Scheduled Monument Consent will be required for the proposed artworks in the towers. This will mean that full details of the proposed works will be required prior to submission of the SMC application. The amendments to Kiosk E are acceptable, however timber screening will not be appropriate. A contribution towards repairs / maintenance of the Town Walls should be secured via the Section 106 Agreement. The applicants will need to contact the Ancient Monuments Officer in order that an appropriate level of contribution can be established'. Officers would add that planning conditions can be used to control roof top plant and the applicants have already confirmed that no plant will be necessary for Site A adjacent to the Bargate, which will lessen the impact on the setting of this important Grade I listed building.

5.41 **Design Advisory Panel (DAP) – Advice offered at Pre-application stage** **Response**

The DAP received two pre-application presentations from the applicants as the scheme evolved, and previously advised of the need for a clear design distinction to be created between buildings within the Old Town and those outside. The DAP repeated the concerns raised by the Council's own design and heritage officers, which assisted officers in negotiating for amendments to the scheme including a reduction in the height and external appearance of Site A from 5 to 4 storeys, a change to the materiality of the blocks within and outside of the old town, the creation of small open spaces adjacent to the walls to encourage additional dwell time, alterations to the manner in which York Buildings and the line of the Town Walls heading south from Polymond Tower are articulated and opened up, but ultimately to secure a reduction in height across the development that officers (and Historic England) can now support. The DAP were pleased to see the developing proposals for the public realm and felt that the contrast between an active retail route and a quieter Wall's route works well, with the contrasting levels west of York Street providing a strong variety of visual experiences. The use of soft planting to reference the former York Gardens is considered to be a positive design principle. In addition, the DAP commented that the development will sit on a desire line route between the new Watermark development and Debenhams further encouraging good footfall. The DAP support the approach to lighting of the Town Walls and the wider public realm as an important feature for the success of any retail destination, and also the approach to the use of differently textured Purbeck defining the Wall and retail route through the development within the Old Town. Finally, the DAP reiterated its strong support for the evolving proposals and the potential to deliver positive change to both the retail offer of the city centre and the interpretation and greater

awareness of the Town Wall.

5.42 **SCC Tree Officer – Objection**

The CBA report completely fails to make any mention of the fact that the proposed building line will be in contact with the existing crown spread and the three retained fastigiate oaks have not been accounted for within the application. The existing trees on site are well established in the landscape and are thriving in an environment which is largely difficult for trees to become established in. The claim that these trees can be safely retained (Paragraph 21.2) is, I believe, incorrect. These trees should be retained in order to provide important softening to the street scene.

5.43 The proposed building line is not acceptable due to the close proximity to these three established, important landscape assets. The space for development which this proposal offers these trees is significantly less than the current situation and would appear to show the proposed building frontage touching the canopy of the trees. For this objection to be removed the building frontage should remain in the same location as the current structure and no closer to the trees whatsoever. This is deemed reasonable as the current structure and the retained trees have a good juxtaposition which allows for a healthy tree and clearance from buildings. All three of these trees have been surveyed on 14/09/16 and were found to be in good structural and physiological health.

5.45 There is a disappointingly low number of trees proposed. In particular the open plaza area to the western end of the plot between the Bargate and the ramps has the potential to be another Guildhall Square: hot and harsh and people will not want to linger. Even one or two large trees would add welcome shade and cooling to a vast paved area.

5.46 Detail on soil volume and anchorage systems is required – each tree will need 10-12 cubic metres or 8-10 if planted in a trench rather than a pit (shared soil volumes). Detail on pit drainage required as well – though this may simply be through the gravel at the bottom.

5.47 **Response**

The applicant's arboricultural specialists suggest that the 3 existing Fastigiate Oak trees, next to the Bargate, can be retained despite the proposed building line coming closer to them than existing. The Council's Tree Officer disagrees and suggests that even if the trees survived the demolition and construction phases there would then be a pressure for works to these trees in close proximity to residential windows. This is a weakness of the proposal that is discussed in more detail in the 'Planning Considerations' section of this report. The comments regarding the replacement planting are noted, but the submitted scheme has been chosen in consultation with the Council's Design and Heritage Officers and the larger tree species suggested may impact upon the walls themselves and have, therefore, been deliberately resisted. A landscaping plan can be secured through the attached planning condition.

5.48 **SCC Ecologist – No objection subject to conditions**

The existing buildings and their immediate surroundings have low biodiversity value. Redevelopment of the site is therefore unlikely to lead to direct significant adverse impacts on biodiversity.

5.49 The black redstart survey did not record any breeding birds however, as black redstart is principally a winter resident this is not surprising. There are unofficial records (www.goingbirding.co.uk/hants/birdnews) dating from January 2015 of this species using the roof of the Bargate Centre. As black redstart is both a Schedule 1 and a red list species I would expect the development to include

mitigation in the form of replacement habitat e.g. an extensive brown roof. I am satisfied with the other mitigation and enhancement suggested in the Black Redstart Survey report.

- 5.50 No active bat roosts were found on the site however, a potential roost was identified in an adjacent building. The development will not therefore have any direct impacts on bats however, mitigation will be required to ensure that the potential roost is not disturbed. I am satisfied with the mitigation and enhancement measures detailed in the Bat Dusk Emergence and Dawn Return to Roost Surveys Report
- 5.51 I would expect the mitigation and enhancement measures detailed in the various surveys to be pulled together into an Ecological Mitigation and Enhancement Plan which should be secured with a condition
- 5.52 As the scheme includes a residential element, measures to address recreational impacts on the New Forest, plus payment of the Solent Recreation Mitigation Project (SRMP) contribution, will be required. A statement to inform a Habitats Regulations Assessment has been provided however, it currently lacks detail on:
- The precise number of car parking spaces available to the new residential units;
 - The number of people expected to be occupying the new residential units and hence the number of visits to the New Forest that could be generated;
 - What alternative recreational provision will be provided; and
 - The financial contribution that will be provided to secure delivery of the alternative recreational provision.
- 5.53 **SCC Training & Employment** - An Employment and Skills Plan Obligation will be required within the S106 Agreement for this site
- 5.54 **SCC Sustainability – No objection subject to conditions**
The student accommodation and retail have been designed to achieve BREEAM Excellent, in line with policy. The residential units will meet the policy requirements for energy and water. They will also follow the principles of BRE's emerging Home Quality Mark. The scheme will include plant space for an energy centre for the preferred energy solution of gas boilers and CHP (combined heat and power) unit providing a decentralised heat network. This will reduce carbon emissions by 17.8%, exceeding the need to offset at least 15% of predicted CO₂ through low carbon energy or renewable sources. It is stated that this is subject to commercial viability so a condition is recommended to secure the carbon savings through low carbon or renewable energy sources but provide flexibility on the final solution. Along with energy efficient design and addition photovoltaic panels this should deliver an overall 20.7% reduction over building regulations emission rates. The BREEAM pre-assessment shows 9/12 credits in Ene01 (reduction of energy use and carbon emissions). 5/12 is the minimum needed for Excellent and 8/12 is an Outstanding level so this is very welcome. It is proposed in this report that future connections will be allowed to enable the system to export heat to any proposed district heating scheme. At this stage it is anticipated that the electricity generated by the CHP unit will be expected to be exported to the grid. Alternatively this could be used on site but this option would require further detailed design to allow integration.
- 5.55 Green roofs are proposed above the kiosk units (includes native wildflowers and grasses), which improves the Green Space Factor (policy AP12) by 0.01. The pass score is set at 0.1 so the feasibility of additional green infrastructure should be explored, for example on the roofs of the main buildings or the above the retail units where they are wider than the residential above. Also all of the surfaces are shown as impermeable, is it feasible to incorporate a greater percentage of permeable paving? It is recommended that this is resolved prior to approval, in order that loading factors are incorporated into the detailed design,

however a condition is suggested if the case officer is minded to approve the application.

5.56 **Response**

The application includes green roof systems to the proposed kiosks and the applicant has suggested that, in relation to the request for additional provision, 'opportunities for green roofs, additional greenspace or green infrastructure are severely limited within this site. The landscaping has been designed to incorporate the highest possible level of greenery throughout the development, particularly focusing on the new route alongside the Town Walls, creating a garden street character for the new public realm. Requirements for roof top plant, and also the viability of the scheme, have limited the further consideration for green roofs'.

5.57 **SCC Housing – No objection subject to 53 affordable units**

In terms of the proposed 152 new (non-student) dwellings, Policy CS15 of the Core Strategy requires 35% of these new units ie 53 units (rounded down) to be provided as affordable housing. However, both the actual number and mode of provision has yet to be agreed.

Response

The scheme's viability, with this level of affordable housing provision, has been questioned and tested by an independent expert. Further details are provided later in this report.

5.58 **SCC Floodrisk Officer – No objection subject to conditions**

The proposed surface water drainage strategy for the site is outlined in the Flood Risk Assessment (FRA), which includes limiting the peak runoff rate to greenfield runoff rate through the provision of attenuation in the form of green roofs, blue roofs, permeable paving and below ground geocellular attenuation tanks. There should be no increase in volume of runoff due to the largely equivalent existing and proposed impermeable surfaces on the site (slight increase in landscaped area is proposed for the development compared to existing). The proposed drainage strategy is subject to confirmation of ground conditions through further ground investigation work.

5.59 The principles of the proposed surface water drainage strategy are acceptable but the following details will be required:

- Clarification on the proposed design and layout with the geocellular storage not being used for free flow and not connecting outfall 1 to the nearest existing manhole (ExSWMH 0655)
- Detailed design of the drainage system and the different proposed components
- Requirements for the long term operation of SuDS including flood risk within the development (exceedance & flow paths), construction & structural integrity of the proposed system and its maintenance.

5.60 If the case officer is minded to approve the application it is recommended that conditions are applied to secure this detail.

5.61 **SCC Environmental Health – No objection subject to conditions**

I have further comments on this application and the following conditions are recommended:

- The methods of piling are discussed, including noise levels and vibration, but the method is not decided at this stage, needing the input of a construction company, so the conditions need to be left in place for the successful company to provide this information.
- Good information is provided at this stage but details of the demolition

companies methods will need to be agreed.

- It is proposed within the report to design noise levels in accordance with para 2.88 of the local plan.
- Table NVB24 details the windows that will require additional work, so the application could be conditioned to achieve the standards in this table.
- It is proposed that the residential ventilation should be discharged out of the fabric of the building, which should be acceptable. Ventilation to the commercial properties cannot be determined until it is known who will be the final occupier, so the condition is required prior to operation.
- There is residential within 10 metres of part of this site. Any out of normal hours work needs to be identified and discussed prior to the final condition being agreed.
- Good information is already provided, but the final details from the contractor are required before demolition and construction starts.
- Any lighting should be in compliance with the standard in 3.1 of the ES CIE technical report for obtrusive lighting.
- To minimise the air quality impacts, the proposals in 7.5.103 of Vol1 of the ES should be conditioned.

5.62 **SCC Contaminated Land Officer – No objection subject to conditions**

This department considers the proposed land use as being sensitive to the effects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;

- Depot (on site)
- Brewery (on site)

These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. To facilitate this conditions are recommended.

5.63 **SCC Community Infrastructure Levy (CIL) Officer – No Objection**

The development is CIL liable as there is a net gain of residential units and creates over 100 sq.m of. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the new units and at £43 per sq. m (to be indexed) on the A1-A5 use floorspace . If any existing floorspace is to be used as deductible floorspace (apportioned between the proposed uses) the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development

5.64 **Historic England – No objection as the harm is outweighed**

Historic England have been involved from the outset and have assisted officers, and the applicants, in moving this scheme forward to a favourable recommendation. As part of the planning application process Historic England commented once following validation, and then again following the receipt of further amendments. Both responses are set out in full for the Panel's assistance at **Appendix 3 and 4** of this report.

- 5.65 In summary, following the receipt of amended plans, Historic England conclude that ‘the development is harmful to designated heritage assets, but we acknowledge that it also provides an opportunity to deliver heritage benefits, particularly in relation to the grade I listed buildings/scheduled monuments of the Town Wall north east and the Bargate.
- 5.66 As indicated in our previous response, the harm identified relates specifically to the height of the proposed development, and this harm must be clearly and convincingly justified to satisfy the expectations of the National Planning Policy Framework, and both the heritage and other public benefits from the development are shown to clearly outweigh the harm’.
- 5.67 **Natural England – Objection**
- Internationally and nationally designated sites
- The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’). The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as Solent and Southampton Water Ramsar site and also notified at a national level as Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI).
- 5.68 The application site is also in close proximity to the New Forest SPA, SAC, Ramsar and SSSI sites
- 5.69 In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.
- New Forest sites - Objection - Further information required
- 5.70 Natural England notes that the applicant has provided a ‘Statement to Inform’ a HRA to allow you, as competent Authority, to screen the proposal to check for the likelihood of significant effects. Their assessment concludes that your authority is able to rule out the likelihood of significant effects arising from the proposal. On the basis of information provided, it is the advice of Natural England that it is not possible to conclude that the proposal is unlikely to result in significant effects on the European sites in question.
- 5.71 Natural England advises that the ‘Statement to Inform’ currently does not provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. Where there is a likelihood of significant effects, or there are uncertainties, a competent authority should undertake Appropriate Assessment, in order to assess the implications of the proposal in view of the conservation objectives for the European wildlife site(s) in question.
- Solent and Southampton Water SPA/Ramsar - No objection subject to contributions
- 5.72 This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Southampton City Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from

recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

5.73 Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

- Protected species

We have not assessed this application and associated documents for impacts on protected species.

5.74 **Response**

The objection from Natural England is noted, and relates to the impacts that additional residential accommodation will have on the Special Protection Areas of the New Forest and Solent Waters. The objection relates to the likelihood that the development will create additional trips to these sensitive areas. The attached Habitats Regulations Assessment considers the issue and concludes that the proposed impacts can be mitigated satisfactorily through the s.106 contributions towards the SDMP and with the ring-fencing of CIL monies towards local Suitable Accessible Natural Green Space (SANGS) that would offer a suitable alternative to the New Forest. This objection is discussed further in the 'Planning Considerations' section of this report but officers consider that the objection has been addressed by the attached Habitats Regulations Assessment and that the development can proceed.

5.75 **Highways England – No objection**

5.76 **Hampshire Constabulary – No objection following amended plans**

The Police have no objection in principle to this application and are pleased that the applicant has consulted with them regarding the design of the development in terms of reducing the potential for crime and disorder. As a result, they have been provided with a report listing concerns regarding physical security, lighting, hard and soft landscaping, public art, CCTV, secure cycle provision for staff and car parking and have been given recommendations to mitigate associated risks

5.77 In line with NPPF guidance we would have expected to see specific references to 'Designing Out Crime' within the Design and Access Statement, however, the lack of any comment (other than height of tree canopies and shrubs) means we are unable to determine to what degree they intend to address Police concerns. Therefore, before any planning decision is made, it is requested that the applicant provides further details of their intentions and demonstrate a commitment to addressing these issues.

5.78 **Response**

Following these initial comments Hampshire Constabulary have commented further and their final remarks, following amendments to the scheme, are that they are 'pleased to see these proposed changes, they should go some way to improving the situation. I still have safety concerns that cyclists will have to share entry and egress route through the car park but I understand that highways are satisfied, therefore, the Police will not object to the application on these grounds'. These final concerns can be overcome with the provision of a larger lift suitable for cyclist use

5.79 **Southern Water – No objection subject to planning conditions and informatives being added to the planning permission.** Southern Water advise that they cannot currently accommodate the needs of this application without the development providing additional local infrastructure. Their response goes on to explain how this infrastructure can be provided.

5.80 **Southampton Airport – No objection**

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore, have no objection to this proposal

5.81 **Hampshire Chamber of Commerce – Support**

The applicants have worked closely with SCC and Historic England to understand the constraints and opportunities of this city centre site. The set back of residential levels from the lower retail shop fronts, and the additional area of public space provided by the developers, will contribute to a more open perspective for the rejuvenated city walls and add value to this prominent and historic quarter in the city centre... projects like the Bargate Quarter will encourage investment in more high spec. office space and more independent style shopping to complement our larger shopping centres. The Bargate Quarter is clearly an investment in the city for the long term, which will also reconnect to its past. We are also pleased to hear that Debenhams is considered to be the anchor store for this new city quarter with walkways linking through it and out to the rest of the city. The Chamber has been supporting this scheme since the first consultation just over a year ago and we are impressed with the proposals now put forward which have our support.

5.82 **City of Southampton Society (CoSS) – Concerns Raised**

5.83

- CoSS very much welcomes the concept of significantly improving this area of the City Centre. By bringing together, with quality shops and accommodation, both the Above Bar/West Quay and Debenhams will greatly enhance the city landscape and status;

5.84

- However, this Society is still desperately frustrated that Southampton City Council does not include Hanover Buildings in the scheme. Waiting for another developer to step in and leaving out the shops in Hanover Buildings is a short-sighted approach and puts in jeopardy the success of the re-vamped Bargate Centre.

5.85 **Response**

The application has been submitted by the landowner and developer and not the City Council. The scheme proposes a comprehensive solution that takes in land within the applicant's control, but excludes Hanover Buildings which is in separate ownerships. The planning merits of this scheme need to be considered and, whilst a scheme with a greater footprint is always possible, this should not prejudice the determination of the current application that the applicants are advising is deliverable despite viability concerns raised later in this report.

5.86

- We consider visual and physical access to the site from Houndwell Park essential to achieve the viability of this proposal. The section of the Medieval Walls from the Bargate to Polymond Tower should be the focal point of the development.

5.87

- The disgusting state of the area behind the shops in Hanover Buildings has to be seen to be believed! The north side of these walls is extremely unattractive with rubbish in bins and lying loose everywhere. The walls need to be freed up from both sides.

5.88 **Response**

Agreed. There are no proposals to alter the land to the northern side of the walls

and officers feel that this is a weakness of the current scheme. The scheme's viability has been independently tested and the s.106 cannot support additional contributions to York Walk, the service yard serving the rear of Hanover Buildings or the northern side of the Town Walls. The Council could direct CIL to these areas should this become a priority

- 5.89
- John Polymond was Mayor of Southampton eight times between 1369 and 1392, overseeing the completion of the restored Town Walls following the "French" raid of 1338. Polymond Tower, therefore, should be the iconic centre of the new development, not hidden away.

5.90 **Response**

Agreed. Significant work has been undertaken to design a scheme that opens up the Town Walls, including Polymond Tower

- 5.91
- This proposal must be bold enough to serve shoppers, residents, students and park users alike. Attracting shoppers once again to East Street, Debenhams and Telson's new Bargate Arcade can be achieved with the right quality of shops, accommodation for families and students, and possibly with car parks charging less than those at West Quay, i.e. a financial incentive for citizens and visitors to discover the Bargate Quarter.

5.92 **Response**

The s.106 legal agreement will seek to prevent the public car parking charging less than the Council's own city centre car parks, but it is not for the planning system to dictate how this proposed parking should relate in price to a competitors pricing strategy and the market should then prevail.

- 5.93
- The residential blocks in this scheme should not exceed six storeys in height. This will then comply with the City Council's policy for the "Old Town" and that near the Central Parks, as noted in the City Centre Action Plan (2014).

5.94 **Response**

The proposed buildings are taller than 6 storeys and further discussion on the proposed built form is given in the Planning Considerations section of this report.

- 5.95
- CoSS acknowledges the preservation of the façade of the Art Deco building in East Bargate (Jongleurs) and suggests that a plaque commemorating the use of this building by the American Army Red Cross between 1943 and 1945 should be placed there. It would be of great interest to the families of the two million GIs who passed through Southampton after D Day.

5.96 **Response**

This suggestion could be picked up through the interpretation strategy that forms part of the above s.106, and has been shared with the applicants for information.

- 5.97
- We are concerned about the five kiosks. They could make the place look messy and maybe create more rubbish if disposables are used. Also the kiosks will shorten the views up/down the "spine" and generally distract one's attention from the Town Walls.

- 5.98
- The possibility of Section 106 or CIL money for a bridge or external lift to access the first floor of the Bargate remains our hope

5.99 **Response**

These two points are picked up later in this report. The kiosks have been reduced in size since submission and are now an acceptable addition to the new pedestrian walkway. A litter management strategy could be secured with a planning condition. The applicants have offered to make a contribution towards a new lift serving the Bargate and this could be funded either through the s.106 or CIL depending upon the scheme's viability and how the Council wishes to prioritise the CIL contributions from this development.

- 5.100
- The new Bargate Centre needs an attractive and visible "entrance" to entice people to visit. The absence in the proposals of any leisure/amusement facility again risks low footfall.

5.101 **Response**

CCAP Policy AP28 does not specifically require a leisure use but, nevertheless, the scheme offers a good mix of commercial and residential uses, opens up the Town Walls and provides improved access to Debenhams meaning that the scheme should attract good levels of footfall throughout the day and evening.

- 5.102
- The bottom will one day fall out of the student accommodation market. All planned student facilities should be built to a standard to enable them later to be converted into family accommodation.

5.103 **Response**

The recommendation seeks to control the occupation of the student flats through the s.106 and the Council, therefore, maintains control over future occupations where it may decide that further works would be required to create attractive living environments for non-students in the future

- 5.104
- Finally, we are concerned that the criteria you use in assessing this project should comply with the emerging "Local Plan", even though it is yet to be finalised and published.

5.105 **Response**

The emerging local plan should be afforded only very limited weight in the determination of this application as it has not been scrutinised through the full process and has only made it to an 'Issues and Options' stage. The draft Plan encourages the redevelopment of the Bargate Centre.

5.106 **Hampshire Gardens Trust – Concern Raised**

- 5.107
- The proposed residential use will have a resultant pressure on the adjacent parks and open spaces. There is also concern at the impact upon the adjacent parks of the 9 storey building proposed. Such a building will exceed the height of most of the adjacent buildings to the south of the parks.

5.108 **Response**

The perceived impacts of placing residential uses adjacent to the existing parks are noted, but inevitable if the City Centre is to continue to grow and meet current housing needs. The quantum of development is needed to ensure a deliverable scheme and the development will be making a significant contribution towards the Community Infrastructure Levy (CIL) with a percentage of that funding ringfenced for open space provision and maintenance. The issue of building heights is discussed in the Planning Considerations of this report, although the Panel will note that Local Plan Policy SDP9 encourages tall(er) buildings of more than 5 storeys in locations that adjoin the city centre parks. This policy has been in place since 2006 and supports the principle of tall buildings as proposed.

5.109 **Southampton Common and Parks Protection Society (SCAPPS) - Objection**

- 5.110 SCAPPS welcomes the underlying intention of restoring the space adjacent to the Town Walls as an attractive and usable public space but has reservations and concerns because submitted proposals do not achieve policy aims.
- 5.111 The policy intention of the City Centre Action Plan is to strengthen links (visual and pedestrian routes) between the main shopping spine and the Central Parks and to use development opportunities to improve the setting of the Parks. SCAPPS therefore objects to the unambitious proposals for the York Buildings link north to Houndwell Park; it's left as a gloomy passageway with no improvement proposed to the crossing of Hanover Buildings. It should be improved in the same way as the proposed approach to and crossing of Queensway. SCAPPS objects to lack of proposals to complete the pedestrian link through to Houndwell & Hoglands Parks at the Queensway/Strand/Hanover Buildings corner.
- 5.112 SCAPPS is aware of protracted negotiations over height of buildings but considers the 9 storey building proposed on the Hanover Buildings/Queensway corner will be undesirably obtrusive in views from within the Parks. The Heritage Statement (4.10) includes the indictment that although the Central Parks are of great significance historically and as a community amenity asset, poor development control decisions have resulted in a degradation of their setting, hence the weak argument that one more tall building intruding in views from within the Parks won't matter. SCAPPS believes it does matter, that the character of the Central Parks is being progressively eroded as more and more buildings are permitted that intrude in views from within the Parks
- 5.113 SCAPPS has considerable concern that although the application site includes some highway (York Buildings, part of Strand) it inexplicably excludes other highway where significant 'tidying-up' of street surface, rear access, bin and other storage is desperately needed. Proposals should be included, either as part of the application or as section 106 commitments, to achieve a major environmental improvement in Park Walk on the north side of Town Walls (and rear of buildings fronting Hanover Buildings) and in Strand (and rear access/servicing of properties fronting East Street).
- 5.114 SCAPPS objects to increased and potentially damaging over-use of the Central Parks. We have found no reference in the submitted information about impact on the Parks from increased usage consequent on the proposed development. The large numbers of proposed student-residents will use the adjacent Park for informal kick-about games. No doubt the developer will argue that CIL payments should be used to fund work needed to increase the resilience of the Parks to increased usage. SCAPPS continues to argue that this is a misuse of CIL funds which should be used for improvements for the benefit of the community as a whole, not to fund work made necessary as a direct consequence of the proposed development. The application should be accompanied by an undertaking to contribute to preparation of plans for and provision of improved facilities for kick-about recreation (eg a multi-use games area).
- 5.115 SCAPPS has been consistently frustrated by the City Council's failure to prepare a design brief or environmental/public-realm improvement plan for the links from the shopping spine to the Parks and for the roads fronting the Parks -- Hanover Buildings, Vincent's Walk, Poundtree Road, Sussex Road. Need for such proposals was accepted by the City Council at the City Centre Action Plan EiP but nothing has been done because of lack of resources. Assistance, funding or professional skills, should be sought from developers of Bargate & Vincent's Walk to get this important work moving - without a plan, nothing will be achieved, with a plan, sensible contribution can be expected as developments come

forward fronting and affecting the setting of the Parks.

Response

SCAPPS objections are picked up in the following section of this report.

6.0 Planning Consideration Key Issues

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

1. Principle of Development and Regeneration Issues;
2. Design and Impact on Heritage;
3. Highway Safety, Access and Parking;
4. Residential Amenity (Existing and Proposed);
5. Trees;
6. Environmental Impact and Mitigation; and,
7. Affordable Housing and Viability.

6.2 Principle of Development & Regeneration Issues

6.2.1 The redevelopment the Bargate Shopping Centre with a mixed-use development is an aspiration for the city and is identified in the adopted City Centre Action Plan, together with adjoining land, under Policy AP28 (as set out in full above) for a major mixed-use scheme. This planning application proposes a development that is in accordance with these policy aims, and design aspirations, and is fully supported in principle.

6.2.2 The provision of replacement retail and new restaurant floorspace is consistent with national and local planning policies towards sites within the City Centre, and particularly CCAP Policy AP5, which includes this site in its assessment of likely retail delivery. An estimate of 4,875sq.m of floorspace is given in the CCAP. The scale of retail floorspace proposed is appropriate to the Primary Shopping Area within the City Centre, which is at the top of the local retail hierarchy as confirmed by LDF Core Strategy Policy CS3. The expectation is that new development should make a positive contribution to the 'viability and vitality' of the centre, promote and enhance its attractiveness and respect historic street patterns. A sequential approach to site selection and retail impact assessment are not required in this case. A range and mix of retail units is anticipated, as well as enhanced restaurant and café facilities which will complement and enhance the existing 'shopping offer' of the City Centre. The current application proposes less retail floorspace than was the case for the previous shopping centre, which provided almost 20,000sq.m, reflecting a move towards a more mixed-use offer including additional restaurants with the introduction of residential uses above ground floor. The application proposes a midnight close for the A3 uses and this is compliant with the CCAP Policy AP8 (which would also support a 1am extension).

6.2.3 In respect of residential uses the LDF Core Strategy Policy CS4 confirms the need for additional housing across the city, and explains that an additional 16,300 homes will be provided to the end of the current plan period to 2026. CCAP Policy AP9 suggests approximately 5,450 dwellings will be built in the city centre between 2008 and 2026. The current application proposes 152 new 1 and 2 bed flats to assist in meeting this need. The Central Parks are within easy walking distance and future occupiers of the building will have the advantage of good access to the commercial facilities of the city centre, although the development does not include any 3+ bed family units due to viability constraints and the applicant's need to increase density to assist in the delivery of the scheme.

6.2.4 The Environmental Statement (ES) suggests that increased levels of proposed expenditure would be expected to occur as a result of the increased residential

population of the development. For example, according to a 2013 report on Family Spending (published by the Office for National Statistics in 2013) the average total weekly household expenditure on basic consumables per week was £147.90. Therefore, it is possible that the 152 flats could generate in the region of £1,100,000 of direct expenditure on goods per annum. It is envisaged that a significant proportion of this would be spent locally and would, therefore, be a benefit to the local economy, as jobs would be supported and maintained.

- 6.2.5 In addition, Policy CS16 of the Core Strategy confirms that 'in response to concern about the concentration of student accommodation within parts of the city, the Council will work in partnership with universities and developers to assist in the provision of suitable, affordable accommodation for students to relieve the pressure on housing markets'. This policy confirms the Council's dual approach of delivering purpose built student accommodation whilst simultaneously managing the conversion of existing family housing to HMOs to relieve the pressure on local markets. Since the application also proposes purpose-built accommodation for students, it would be consistent with this approach. In addition to this, 'saved' Local Plan Policy H13 supports the delivery of student accommodation in locations accessible to the universities and where there is an identified need. The planning application draws on previous submissions to evidence need. The location of the site, within the city centre and close to the Solent University, with excellent public transport links to the University of Southampton's Highfield campus is appropriate for a significant level of student accommodation as is proposed.
- 6.2.6 In order to establish the benefits of the student accommodation, in terms of additional local expenditure, the ES provides figures supplied by the National Union of Students (NUS) in September 2013, which stated that across the UK students spend on average £9,204 per annum on items and services such as personal items, household goods, food, travel and leisure. Assuming that the uptake of the 451 student bedrooms is 100% (as predicted) the ES suggests that this could mean an additional £4 million (excluding rents and tuition fees) of spending in Southampton per annum for the life of the project.
- 6.2.7 The regeneration benefits of this development are considerable especially in the current economic circumstances. A number of employment generating uses are proposed, albeit mainly in the retail sector, although the scheme will also require on-site management and security in addition to the creation of jobs to support the student housing. The applicant predicts that the scheme could generate up to 280 jobs. The inclusion of an Employment and Training Management Plan, as part of the Section 106 agreement, would help to include opportunities for unemployed local people during both the construction and operational phases. Furthermore, the creation of a high quality public realm, and the opening up of the Town Walls thereby creating a unique retail destination, would have wider benefits to the city centre. According to the Council's Local Transport Plan (LTP) Implementation Plan and Streets and Spaces Framework it is anticipated that the city generates £5 of private inward investment for every £1 spent on its public realm. The applicant's high design aspirations for the scheme, and associated public realm and CIL contribution (if allocated), would continue to raise the architectural standard for other future developments in the city.
- 6.2.8 In terms of the proposed Section 106 agreement, it is recognised that the development is a high cost scheme and the applicant is proposing to make direct provision of public realm and open space improvements whilst attempting to also meet all of the standard contributions set out in the Council's Planning Obligations SPD. In terms of affordable housing, there will be no provision and the scheme's overall viability is discussed later in this report.

- 6.2.9 The principle of this mixed use development is acceptable and the application accords with the policies set out above. The residential accommodation does, however, raise the issue of potential 'recreational disturbance' to the Special Protection Areas (SPAs) of the Solent Waters and the New Forest. The response from Natural England to this issue is dealt with in the Habitat's Regulation Assessment (HRA) at **Appendix 1** to this report
- 6.3 Design & Impact on Heritage
- 6.3.1 Policy AP16 (Design) of the CCAP supports the site's allocation under Policy AP28 for a major mixed-use development and is supportive of applications that '*strengthen the unique distinctiveness of the city's heritage*'. The Panel's attention is drawn to the comments made by the Council's design and heritage officers as supported by our DAP and Historic England's full response at **Appendix 3**. Whilst there is some concern raised as to the height of the development these advisors conclude that any harm is mitigated by a deliverable scheme that removes the existing shopping centre and opens up genuine access to the Town Walls. The height of the development has been reduced from the 16 storeys originally proposed. The introduction of a tall(er) building on the site of the British Heart Foundation building on Queensway is consistent with Local Plan Policy SDP9 and CCAP Policy AP17, and enables the overall height to be reduced within the old town.
- 6.3.2 The planning submission and supporting documents are very thorough and there is sufficient information to understand and assess the level of design quality. A detailed (updated) Landscape Visual Impact Assessment (LVIA) now supports the application and will form part of the presentation to Panel. The images provided show the impact of the building on key views and indicate an interesting and innovative series of buildings. Given the size of the development, and the impact on the setting of the Town Walls, the need to ensure design quality is crucial. The applicants engaged in our pre-application service, and also involved Historic England from the start of the process, which has led to the support of officers and this key consultee.
- 6.3.3 Site A sits within the setting of the Bargate and has been redesigned to respect the materiality and height of this important monument. A reduction in height to 4 storeys also offers subservience. The siting of sites B, C and D some 15 metres from the Town Walls will minimise their impact, and the creation of the new public realm adjacent to this important heritage asset represents a significant improvement in design and heritage terms that offset the harm caused by the additional height employed to achieve a deliverable scheme. Sites E and F sit outside of the Town Walls, but nevertheless impact upon the setting of the listed parks (Site F to a lesser extent than Site E). Again, design modifications have been employed to lessen the impact of these blocks on the tighter street pattern of East Street, whilst the development fronting Queensway responds well to the proportions set by Debenhams. A reduction in the width of the Queensway carriageway will also improve the environment for pedestrians in this part of the city.
- 6.3.4 The creation of the new public realm to the south of the Town Walls fulfils a long standing policy requirement of the Council. It would be the focal point of the development, fronted by active retail/restaurant uses. This new street is intended to be an accessible and inclusive destination for all user groups and a significant public realm attraction for the wider city centre. It is considered that the hard-surfaced landscaping, interspersed with trees and the smaller kiosk buildings, will provide an appropriate setting for the Town Walls. Illumination of the Town Walls is a key element of the proposed lighting strategy and can be secured through the landscaping and interpretation requirements of the

recommended permission. As the proposal is a multi-level scheme with external terraces at ground and upper levels (particularly utilising the roofspace of the kiosks) new and important local views of the Town Walls will be introduced which will allow greater public appreciation of one of the City's main heritage assets

6.3.5 This application has been assessed as acceptable against local and national design and heritage policy and guidance, particularly Local Plan Policy MSA1, and is considered to meet the requirements, as set out above of sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and fulfils the obligations placed upon it by NPPF Paragraph 134 where the harm caused by the additional height has been weighed against the public benefits of the proposal, including securing its optimum viable use. Following the removal of the existing shopping centre building the new development offers significant improvements to the city centre's current townscape and vitality.

6.4 Highway Safety, Access & Parking

6.4.1 A Transport Assessment (TA) has been submitted as part of the Environmental Statement and the Council's highways officers largely accept the findings, particularly given the significant reduction in retailing following the demolition of the existing centre.

6.4.2 There has been ongoing dialogue with the applicants throughout the application process and many of the initial concerns, particularly in respect of site access, have been addressed as explained above. In terms of site access the proposed works to the Queensway will reduce the carriageway width and create a new principal access point for all car borne trips, and a substantial amount of the development's servicing needs will also take place from this new access; as will the existing requirements of the East Street retailers. Site specific transport improvements, including alterations to Queensway, can mitigate any adverse impact on the highway network and can be secured through the Section 106 agreement. Subject to the receipt of an amended plan to improve the alterations to The Strand, as recommended by the applicant's safety audit and required by the above officer delegation, there are no highway safety concerns regarding site access to this development.

6.4.3 In terms of car parking the CCAP explains that the managed provision of parking is important to attract new development to the city centre; to encourage a switch to walking, cycling and public transport in a highly accessible city centre location; and to minimise land take thus creating high quality urban places. Paragraph 4.194 adds that *'there is already a sufficient capacity of car park spaces in the city centre. Therefore, the aim is to maintain the existing overall level of car parking rather than to increase it. However there will be a need for some targeted additional car parking, particularly to encourage and directly associated with office development'*. In this case the existing shopping centre provided for 236 spaces associated with the retail offer. The current proposals replace the retail floorspace with a mixed-use scheme and includes a significant amount of 'car free' student accommodation. As a consequence the applicants propose to utilise the existing basement floorspace for parking and can accommodate 147 spaces, including 9 disabled spaces. The non-residential uses will be served by 110 spaces over 2 levels leaving 37 spaces for the 152 flats. The applicants have committed in their ES (paragraph 7.5.103) to electric car charging points. The Panel will note that the proposed public parking is supplemented by some 6,000 additional public spaces within easy access of the site, notably at West Quay.

6.4.4 Whilst the residential provision is clearly less than 1 space per flat it is fully compliant with the Council's adopted maximum standards and can be supported in the city centre where residents do not need to own a car. Paragraph 4.198 of

the CCAP acknowledges that *'city centre living is likely to encourage some people not to own a car'* and the most recent Census (2011) advises that 43.6% of households in the Bargate Ward do not have access to a car, with 43.1% having access to 1 car only. In this instance there will be restrictions on residents securing permits in city centre controlled parking zones and occupants will, therefore, base their decision to purchase/occupy on the knowledge that parking to serve the development is restricted.

- 6.4.5 The basement car park itself has attracted objection, initially, from Hampshire Constabulary. Officers, and the Constabulary, have suggested that ideally the residential and commercial parking would be separated and secured to avoid potential conflicts. The applicants have advised that any reduction to the commercial parking to compensate for the levels of residential parking, or to satisfy these concerns, may affect the viability of the scheme even further. In response to these concerns the applicants have confirmed that the residential spaces can be blocked together in the lower basement. These spaces will be clearly marked as residential and will be fitted with electronic bollards to prevent stray parking. This commitment, whilst not ideal, is acceptable and has satisfied officer's concerns and those of the Constabulary.
- 6.4.6 Similarly, the use of the basement for cycle parking has also raised concerns, given that residential cycle parking will be located within the public car park. The applicants have confirmed that the spaces will be secured and CCTV will extend to the basement with on-site management in place to ensure a strong deterrent to bicycle theft. The highways officer raises no objection to the basement cycle parking providing the lift between the ground floor and the two basement levels is increased in footprint to fit a bicycle. Without this change cyclists need to enter and exit the cycle parking by the ramp serving the main vehicular access point to the basement (at a gradient of 1:10). This, again, is not ideal and may result in conflicts between cyclists and car users. The above delegation seeks the Panel's support for an amended plan to resolve this outstanding issue.
- 6.4.7 Elsewhere the proposed provision of cycle parking falls below those standards of the Development Plan (set out above). Site A will utilise an existing basement. Officers have sought an increased provision of 'Sheffield' stands for this site. The student accommodation has a large cycle store in the basement, as do all residents that do not want to use the basement of Site A or the external store serving site's E and F. The applicant's suggestion of having wall mounted cycle hooks in the private flats has been rejected by officers meaning that a reduced standard is necessary to enable the development to proceed. In terms of total provision 14 spaces are proposed for Site A (24 flats), 80 spaces for the residential sites E and F (128 flats), albeit residents in block E will need to use the store to the rear of Site F, and 226 spaces are allocated for Sites B-D comprising 451 student bedrooms. These spaces can be secured with the attached planning condition, but will mean that residents will not necessarily have convenient access to a cycle parking space.
- 6.4.8 In terms of pedestrian and cycle accessibility across the development, the difference in levels between the Old Town/Bargate area of the city and Queensway is a significant challenge for this development. It has, however, been handled well by a graded pedestrian link thereby removing the need for steps throughout the scheme. This design solution makes the development more inclusive than is currently the case. New pedestrian routes through the scheme would significantly enhance the public realm in this part of the city.
- 6.4.9 Finally, the above recommendation requires the stopping up of existing public highway. Principally this involves The Strand service road that will be severed by the proposed pedestrian link, but also includes parts of the site that would be

needed to facilitate an enlarged building footprint (particularly for sites A, adjacent to where Mettricks is currently located, and E where the British Heart Foundation unit is located) and to enable some external seating to serve the restaurant uses. The highways officer has raised no objection to the proposed change but has requested that the applicant funds a Traffic Regulation Order to resolve the technical details of this change and the associated works to parking and the carriageway along Queensway. This forms part of the above s.106 legal agreement.

6.5 Residential Amenity (Existing & Proposed)

6.5.1 The immediate surroundings of the application site are predominantly commercial in character and the proposed large scale mixed use development would be compatible with that character. The residential neighbours immediately adjoining are those living above commercial uses in the city centre, particularly above the neighbouring High Street neighbours and above the Hanover Buildings commercial uses, and these neighbours would inevitably be more affected by the significant changes which will result from this scheme. These neighbours have been notified in writing of the application and no objections have been received.

6.5.2 The Environmental Statement (section 7.12) includes a daylight/sunlight assessment, which demonstrates that the development largely complies with the national guidance. This is not to say that the development will have no impact but that the reduction in daylight will be largely within the permissible allowance of the guidance. The development includes outdoor terraces to the restaurant uses as well as the multi-use events capacity of the plaza area. These are important areas for the vitality and viability of the scheme but conditions will be required to manage and control the hours of use.

6.5.3 As for the proposed residential uses there are no single aspect north facing flats proposed as part of the private residential offer in Sites A, E and F, and where possible dual aspect has been provided to improve the quality of this accommodation. The student accommodation has, however, been designed to frame the new pedestrian route resulting in bedrooms largely with either a northerly or southerly aspect. Where possible these residents will have access to a dual aspect communal space enabling improved access to sunlight and daylight. This relationship is, however, mitigated by the transient nature of such occupants and the outlook offered from this flats across the Town Walls and towards the Bargate itself. The siting of the taller elements of the proposals away from existing residents removes any privacy issues and results in shadow falling over the new pedestrian routes and commercial floorspace rather than any residential neighbours. The shadowing effect is further mitigated by the separation distances proposed meaning that the new walkway will benefit from morning and afternoon sun.

6.5.4 The application has been assessed as satisfying the requirements of Local Plan Review Policy SDP1(i) which seeks to protect existing amenity.

6.6 Trees

6.6.1 There is currently a lack of green infrastructure supporting the application site, which is dominated by the former shopping centre itself. There are, however, 3 existing Fastigate Oaks on the outer periphery of the scheme between East Bargate and the monument. The arboricultural advice from the Council and the applicant differ (as set out above) and there is a risk that these oaks will suffer from the proposed change to the footprint of Site A, which brings development closer to these trees. The Council's Tree Officer has objected on this basis. Officers are keen to see development take place without harm being caused to these trees. The applicant's consultant has responded by confirming that 'Trees

1 and 3 are 2.5m away from the build line of the proposed new build, this would in our view appear to be more than an acceptable distance for built form and tree canopies to co-exist. The canopy of Tree 2 is approximately 1.0m away from the build line and as highlighted above, examples within the city of trees and canopies in close proximity coexisting are available in the city and would, in the time that I have known of these, appear to coexist happy with little on going management required. The only differing factor in the examples that I know of without too much research is that the trees stand on the same land as the development and not on Council owned land’.

6.6.2 The applicants consultant suggests that *‘the planting of trees within a city centre landscape is not difficult if the right species of tree is planted and that adequate soil volume and aftercare to establish the tree is allowed for, which in the case of the three Fastigate Oaks would appear to be the case. The trees are shown for retention and within the report submitted as part of the planning application, protection measures are proposed. IF planning consent is granted, then a suitable condition can be implemented to secure a detailed method statement on how these trees will be protected. The project is aware of the importance the tree team has placed on these trees and as part of the tender package, the importance of the protection of these trees will be passed on so that the appointed contractor will be aware of and work accordingly to retain the trees’.* There remains, nevertheless, a risk that these trees will suffer as a consequence of the development being approved. By way of mitigation additional tree planting has been secured alongside the public realm improvements of the new pedestrian route and the kiosks that do not have external seating will have green roof solutions installed. On balance, therefore, it is recommended that the additional planting can be taken as suitable mitigation, and conditions should be imposed to attempt secure the safety of these trees during the construction phase. The Council maintains control should it receive future requests for pruning from affected residents in the event that these trees do survive the build process.

6.7 Environmental Impact & Mitigation

6.7.1 The Environmental Statement (ES) accompanying the application has been the subject of full public consultation with the relevant national organisations, and other third parties, and is taken into account in assessing the application and preparing this report. Overall, the development would not have an adverse environmental effect subject to the imposition of appropriate conditions. The ES includes sections on air quality, noise and vibration. The air quality assessment identified that the application site lies outside an Air Quality Management Area. The assessment concluded that although the effect of the proposed development during the construction could be minor/moderate adverse, this will be offset through agreed construction traffic routes with SCC. There will be no significant effect in compliance with Local Plan Policy SDP15. The noise and vibration assessment concludes that any potential noise effects from the development can be suitably controlled.

6.7.2 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:

i) Solent & Southampton Water SPA

6.7.3 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 £176 (per unit with reductions applicable for student accommodation and car free city centre flats) has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity.

6.7.4 i) New Forest SPA

The New Forest is designated as a SPA and Natural England have raised concerns that new residents will put pressure on the Forest for recreational activity. To mitigate this the application relies upon the significant CIL contribution that will support the application and the Council's commitment that at least 5% of all CIL monies will be ring-fenced to support the improvement of 'Suitable Accessible Natural Green Space' (SANGS) in Southampton

6.7.5 The Panel's attention is drawn to **Appendix 1** of this report, and the Habitats Regulation Assessment provided, which is necessary as part of this determination process before the Council, as the 'competent authority' under the Habitats Regulations, can give approval to the project. The Habitats Regulation Assessment concludes that there will be no adverse effects on the European sites (Solent Waters and New Forest). It is recommended that the Panel endorse this conclusion to allow the planning application to be decided. Providing the planning obligations are secured (as discussed above) this application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.7.6 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted 'Developer Contributions' Supplementary Planning Document. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application as summarised within the above recommendation. The package is restricted by the ongoing viability issues of the scheme and, whilst officers are keen to negotiate for an improved package, the advice is that the scheme remains fragile in terms of delivery

6.7.7 Nevertheless SCAPPS have raised a concern that the scheme fails to make sufficient commitment to mitigating against the impact that 451 student bedrooms will have on the City's parks and that the space to the rear of Hanover Buildings requires further work. These remarks are not without merit and have been discussed with the applicants. In response, the Council has committed a percentage of all CIL contributions towards public open space improvements across the City and, in this respect, this application has addressed its own impacts. The recommendations set out above seeks Panel support to seek approval from the Capital Board that the CIL contribution from this development is reinvested into the vicinity of this site, possibly following a bid to the Heritage Lottery Fund.

6.8 Affordable Housing & Viability

6.8.1 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. No affordable housing is

required from specialist providers, such as student housing. The S.106 legal agreement would include a restriction that occupiers of the student flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).

6.8.2

In terms of the 152 private flats there is an expectation that 53 flats (35%) will be provided on site. Policy CS15 suggests that *'the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)*. The applicants have submitted a detailed viability appraisal of their scheme. It concludes that nil affordable housing can be supported by this scheme. This is a weakness of the scheme but has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at **Appendix 4**. Whilst there remain a couple of points that require further

6.8.3

analysis, and a verbal update can be given at the Panel meeting, it notes that GL Hearn have submitted that the scheme is not viable since it shows a negative land value of approximately £4,500,000. The GL Hearn assessment includes for a combined CIL/106 contribution of £2,680,000.

6.8.4

DVS have also assessed the scheme as detailed above and their appraisal also concludes that the scheme is not viable, albeit to a lesser amount, against their benchmark land value in its current form.

The DVS report concludes that *'although both parties agree that the scheme is not viable there are still a number of differences as follows:*

- *Contingency – We have adopted 5% whilst GLH have included a total of 10%*
- *Finance – We have adopted 6.5%/2% whilst GLH have used 7%/1%*
- *Profit – We have adopted 15% on the Student accommodation whilst GLH have used 20%*
- *Benchmark Land Value – We have adopted £7,975,000 whilst GLH have used £9,294,000.*

In addition we still have queries in respect of the miscellaneous costs of £900,000. Clearly at the present time both parties are showing the scheme as unviable to varying degrees, but due to the figures shown we above must question the deliverability and sustainability of the scheme in its current form'.

6.8.5

In response to this final point the applicants have stated that *'although the scheme may not be "technically viable" at today's date we are content to take the risk that there may well be some growth values in the future, we are also conscious there is also a risk that values may fall in this time period. With our experience of delivering city centre regeneration schemes this is a risk we are willing to accept. Due to the long term nature of development, our intention is to retain the development for the longer term, principally because we believe the growth potential, particularly once the development is occupied and established is significantly greater than holding onto the existing properties in their current form as the existing properties are secondary and highly management intensive.*

6.8.6

Additionally although the GLH appraisal shows a negative land value and DVS appraisal a nominal land value, there is still a developer's profit being assumed. This assumes that as developers we will be selling the development upon completion and that the level of profit is acceptable. We wish to regenerate this part of Southampton and develop an asset which we intend to hold as an investment for many years to come. We propose to develop the site to protect the long term income and potential of the site. As a private development

company we will consider working on lower than the appraised initial profit margins as we intend to retain the scheme. This means that we are looking at the revenue stream as well as the capital appreciation over a longer time period than the analysis provides. We however need to carry out the appraisal to explain the reasons why affordable housing is not a viable option on this site’.

- 6.8.7 It is recommended that the DVS report is accepted and the Council supports the delivery of this project on the basis of the current viability (ie. With nil affordable housing). Further discussion is needed regarding the contingency of £900,000 and the above delegation allows for this. Alternatively, the Panel may decide that it would be better to wait for the economic conditions to improve and seek affordable housing when a fully policy compliant viable scheme is achievable. Clearly the risk with this approach is that the site may remain vacant.

7.0 Summary

- 7.1 The opportunities for the city presented by this planning application are considerable. The existing shopping centre currently lies vacant and represents a missed opportunity in fully appreciating the importance of the Town Walls. The redevelopment of this site has long been recognised as a key element in the regeneration of the city centre and the proposals, potentially, represent an exciting change to this part of the city. The application proposes a comprehensive mixed use development which will significantly contribute to the status, offer and attractiveness of the city centre as a retail and leisure destination. The proposal is consistent with the longstanding policy framework, including Policy AP28 from the CCAP, and will deliver significant public realm.
- 7.2 The application has been the subject of extensive discussions with Council officers, and amendments have been made to overcome earlier concerns/objections. The development will create a new ‘sense of place’ around the new pedestrian route, where formal and informal events could be held. This will provide a focus that allows the Town Walls to create a dramatic setting for the development. An attractive and inclusive pedestrian environment will be
- 7.3 created which will help to improve accessibility within the city centre.
- 7.4 The proposed buildings are large and assertive and much will depend on the applicant’s continued commitment to design quality through the build process. The development will open up additional views and experiences of the Town Walls and it is considered that the setting of the walls and the character and appearance of the adjoining conservation area would not be adversely affected due, principally, to the benefits accrued by removing the existing shopping centre and opening up the separation distances. These accrued benefits outweigh the loss of 3 Fastigate Oak trees (potentially), the lack of affordable housing, and the marginal shortfall in cycle parking to serve the development.
- 7.5 The issue of ‘recreational disturbance’ associated with the residential accommodation has been addressed in the Habitats Regulation Assessment attached to this report. The mitigation measures can be secured through the Section 106 agreement and there is an opportunity to direct a significant CIL contribution back into the development to further ensure a quality scheme and wider public realm are realised.

8.0 Conclusion

- 8.1 It is recommended that the Planning Panel confirm the Habitats Regulations

Assessment, and then conclude that planning permission should be granted subject to the receipt of amended plans and the completion of a Section 106 legal agreement.

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(a), 4(b), 4(d), 4(g), 4(r), 4(ll), 4(uu), 4(vv), 6(a), 6(b) and 7(a).

SH for 10/01/2017 PROW Panel

PLANNING CONDITIONS to include:

1.Full Permission Timing Condition

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

Reason:

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

2.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.

Note to Applicant: The off-site highway works shown on the approved plans have been superseded.

3.Phasing

Notwithstanding the details shown on plan ref: 15121/0325/P-00 a detailed phasing plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition or construction works associated with this planning permission. The development shall be carried out in accordance with the agreed phasing plan, as may be subsequently amended, updated and agreed in writing by the Local Planning Authority. The phasing plan shall provide details of the sequence for completing the development and shall ensure that no demolition works to the existing Bargate Shopping Centre shall be carried out until a contract for carrying out the first substantial construction phase has been formally agreed.

None of the buildings hereby approved, with the exception of Site A, shall be occupied or otherwise brought into operational use until the approved works for the following:

- a) Off-site works to the Queensway including the new access point into the site;
- b) Amended off-site works to The Strand;
- c) The associated service yard and turning space;
- d) The car parking contained within the basements;
- e) The pedestrian link from East Bargate to Queensway; and
- f) Any works to finish the exposed side elevations to those buildings on Queensway affected by the above works and retained thereafter ahead of the next phase

have been substantially completed as specified in this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the development is carried out comprehensively in accordance with the application, to ensure that demolition works do not result in harm to the visual character of the Old Town North Conservation Area and to ensure a high quality public realm and pedestrian environment is created in accordance with the City Centre Action Plan Policy

AP28.

4. Demolition and Construction Environment Management Plan

Prior to the commencement of any development a written Demolition and Construction Environment Management Plan in respect of any development phase identified by the above phasing conditions – notwithstanding the details already presented within the Environmental Statement Volume 2 - 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. Details of the following shall also be provided for each phase of the development:

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor's cabins/office;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary;
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- g) A scheme for recycling waste resulting from the construction programme;
- h) Measures for the cleaning of wheels and the under chassis of lorries leaving the site;
- i) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- j) Confirmation that the hours of construction listed in the condition below will be adhered to;
- k) Measures to protect the Town Walls from damage potentially caused during the demolition and construction phases;
- l) Measures to protect the existing façade, that is to be retained above Unit 3, from damage potentially caused during the demolition and construction phases ;
- m) The methods of supervision to ensure that workers have knowledge of the method statement.

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 and ensure that the demolition and construction phase is properly managed in terms of highway safety, whilst ensuring that local heritage assets are not damaged as a consequence of this development.

5. Hours of work for Demolition / Clearance / Construction

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 17:00 hours (9.00am to 5.00pm)

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.

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery.

Reason

To protect the amenities of the occupiers of existing nearby residential properties as agreed by the Council's Environmental Health Officer

6. Protection of nesting birds

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason:

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

7. Land Contamination investigation and remediation

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

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - 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.

Archaeology

8. Use of uncontaminated soils and fill (Performance)

Only 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.

9.Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

10.Archaeological evaluation

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

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

11.Archaeological evaluation work programme

The developer shall 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.

12.Archaeological investigation (further works)

The Developer shall 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.

13.Archaeological work programme (further works)

The developer shall 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.

14. Archaeological damage-assessment

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.

15. Piling Methodology

Prior to any piling operations being undertaken 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. The development shall progress in accordance with the agreed details.

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, particularly in respect of residential amenity and the integrity of the scheduled ancient monuments that form part of the site and its setting.

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.

16. External Materials

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works within a development phase shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary for that development phase, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows with reveal of at least 100mm, doors, balcony details (including the fret-cut designs), rainwater goods, screening to the retained sub-station, the external appearance of the bridge links serving the student residential uses, the 5 approved kiosks, and the roof of the proposed buildings (including the lift over runs and associated structures that formed an amendment to the original planning submission). It is the Local Planning Authority's practice to review all such materials on site. Development shall be implemented only in accordance with the agreed details.

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 when read against the important local heritage assets.

17. Privacy Screens – Units E and F

Further details of the means for reducing direct inter-looking between the southern elevation of Site E and the northern elevation (all floors) of Site F shall be submitted to and agreed in writing by the Local Planning Authority prior to any above ground construction commencing on these approved buildings. The agreed mitigation shall be installed prior to the first occupation of the affected flats and retained thereafter.

Reason:

In the interests of residential amenity as the amended plans still appear to offer direct inter-looking between flats at a distance of only 7.5 metres.

18. Glazed Link – York Buildings Staircore

The southern elevation behind commercial unit 10 within Site B, serving the approved staircore, shall be fitted with opaque glazing rather than a solid wall in accordance with plans that shall have been agreed in writing with the Local Planning Authority prior to any above ground construction associated with Site B. The glazing shall be retained as specified.

Reason:

In the interests of visual amenity and improved surveillance towards the service yard

19. Building Heights & Roof Plant – Restrictions to Site A

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority.

Notwithstanding the information submitted with the amended plans details of all roof plant, and the measures to be taken to soundproof such equipment and/or enclosure shall be submitted to and approved by the Local Planning Authority prior to either its installation or the occupation of each of the buildings to which the plant relates (whichever is sooner). The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation.

There shall be no additional roof plant added above the height of the approved parapet level for Site A.

The development shall be implemented in accordance with the agreed details. The machinery and plant shall not be used until the approved soundproofing measures have been implemented in accordance with the agreed details.

REASON:

To ensure that the impact of the development in relation to the natural features and historic context of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity and to protect the setting of the Bargate monument.

20. External Ventilation & Extraction Details

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

REASON:

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

of the building hereby approved, or its historic setting, and to accord with the Environmental Statement.

21. Glazing- Soundproofing from external noise

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation is required to provide the necessary sound insulation to enable achievement of the internal noise levels stated within BS 8233: 2014, as follows:

Living Rooms - 35 dB Daytime (LAeq,16hr)

Bedrooms - 35 dB Daytime (LAeq,16hr) and 30 dB Night-Time (LAeq,8hr).

The above specified 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.

22. Car Parking - Detail

The parking spaces for a minimum of 147 vehicles, including 9 disabled spaces, shall be marked out in accordance with the approved plans prior to the first occupation or operational use of the development hereby approved. These spaces shall not be made available for residents of the purpose built student accommodation and shall be retained as approved. A minimum of 5 spaces shall be fitted and retained with an electric car charging point for use by residents, their visitors and the wider public.

A minimum of 37 car parking spaces shall be retained for residential use and these spaces shall be:

- located within the lower basement level in a single block;
- clearly marked as being private for residential use;
- monitored by 24 hour CCTV;
- fitted with electronic bollards that can be easily activated by the residential owner of the space (as agreed in writing with the applicant on 9th December 2016); and,
- restricted to a maximum of 1 space per dwelling.

The bollard system shall be maintained in good working order by the freehold owner of the development.

Reason:

In the interests of ensuring appropriate car parking is provided and to mitigate any conflict that may otherwise arise between residents and visitors to the associated parking, and to ensure compliance with the assessment made by the Environmental Statement.

23. Car Parking – Ventilation

Further details of how the basement car parks will be ventilated shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details). The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of public health and to support the details provided within the Environmental Statement at s.7.4.147.

24. Cycle Parking

The buildings hereby approved shall not be occupied until cycle parking facilities, including an enlarged lift suitable for use by cyclists linking the ground floor and basement levels, and means of securing access relating to that building for occupiers, employees 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 changing facilities for employees of the non-residential uses (including the student accommodation), details of ramped access to the basement cycle spaces in Site A, and plans of the cycle enclosure serving the residents of Sites E and F. Thereafter these cycle spaces 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.

Note to Applicant: These details should include 'Sheffield' style hoops or similar with an indication of which residents will have access to which spaces, and should be based on the numbers presented to the Planning and Rights of Way Panel on 10th January 2017.

25.Landscaping, lighting & means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of any site works (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, bollards, information panels, 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. Tree species, tree pit details and soil volumes;
- iv. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- v. details of microclimate mitigation required around the development to improve the experience of pedestrians in and around the development following the initial analysis contained within the Environmental Statement (s7.12 and the BMT Fluid Mechanics Study – 13th July 2016)
- vi. details of any proposed boundary treatment, including retaining walls and;
- vii. a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to occupation or first operational use of the building to which the works relate 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.

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

Reason:

To 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

26.Means of Enclosure – Permitted Development Removed

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

Reason:

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

27Satellite and antennae – Permitted Development Removed

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no satellite dishes or other antennae shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority either in response to this condition or through the submission of a planning application.

Reason:

To safeguard the open character and appearance of this location.

28.Lighting

A written lighting scheme, in line with the broad parameters and principles set out in the Hoare Lea 'Lighting Strategy', covering the external spaces across the development shall be submitted to and approved in writing by the Local Planning Authority prior to either the first occupation or operational use of the development or prior to the implementation of any external lighting scheme (whichever is soonest) and shall include:

- A lighting design strategy, with lighting affixed to the new buildings wherever practicable', providing details of the different forms of lighting to be installed;
- A lighting scheme for the Town Walls; and,
- light scatter diagrams with relevant contours in respect of each building within the development.

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, to assist with safety and security and the setting of the Town Walls.

Note to Applicant:

The 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.

29.Ecological Mitigation Statement

Prior to development commencing, including any site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with a programme that shall have been agreed in writing with the LPA before any demolition work or site clearance takes place.

Reason:

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

30.Tree Retention and Safeguarding

The 3 Fastigate Oaks on the East Bargate frontage to be retained (on the edge of the

application site), pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

31.No storage under tree canopy

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

Reason:

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

32.BREEAM Standards – Pre-Commencement

Within 3 months from the commencement of development of each block, written documentary evidence demonstrating that the associated student accommodation and retail units (excluding the kiosks) within that affected block will achieve at minimum '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).

33.BREEAM Standards - Certification

Within 6 months of any part of the student accommodation and retail units first becoming occupied, written documentary evidence proving that the student accommodation and retail units have achieved at minimum Excellent against the BREEAM Standard in the form of post construction report 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).

34.Energy & Water – Pre-commencement

Before the development of each residential building commences, written documentary evidence demonstrating that the residential development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day

internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

35. Energy & Water - Certification

Within 6 months of any part of the residential development first becoming occupied, written documentary evidence proving that the residential development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified 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).

36. Zero or Low Carbon Energy Sources

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO₂ emissions of at least 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. The development must incorporate means for future connection to the district heating system. Technologies that meet the agreed specifications must be installed and rendered fully operational for each phase prior to the first occupation of the relevant phase hereby granted consent, and shall be retained thereafter.

Reason:

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

37. Green Roof Feasibility Study

A specification shall be agreed in writing with the Local Planning Authority for the green roof to the kiosks B, C and E prior to the commencement of development on these kiosks. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the relevant kiosk to which it relates, unless an alternative timescale is agreed in writing with the Local Planning Authority. The green roof shall be 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.

38.Sustainable Drainage Systems

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority prior to the commencement of development on the affected building (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details). Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

Note to Applicant: Section 9.1 of the FRA refers to further flood resilience measures that have been proposed for the development - it is advised that these are incorporated into the response to this planning condition.

39.Foul and Surface Water Drainage

No development shall commence (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until details of the proposed means of foul and surface water sewerage disposal 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.

40.Sewers

No development shall commence until details of how the existing sewer and water infrastructure across the site shall be protected during that associated construction phase have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

Reason:

As further capacity is required to accommodate the proposed intensification of development and to protect existing infrastructure during the demolition/construction phase.

41.The Provision of Lifts

The passenger lifts serving the development, hereby approved, shall be installed prior to the first occupation of the building to which they relate, and shall thereafter be maintained in good working order during the lifetime of the development.

Reason:

In the interests of providing full access to the development.

42.Safety and Security

No development shall take place within such part of the site to which a phase relates, including the basement, (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until a scheme of safety and security measures for that phase/building including:

- i) CCTV coverage to all areas including the parking and service yards
- ii) concierge arrangements with 24 hour on-site management;
- iii) door types of the storage areas;
- iv) outer communal doorsets and the cluster flat access doorsets;
- v) ground floor windows;
- vi) audio/visual control through the communal access doors;
- vii) security of the car parking areas; and,
- viii) a lighting plan.

has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of each building to which the agreed works relate, and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of safety and security of all users of the development and as the basement provides access to residents and the public.

43.Operating Hours of Restaurant Use (A3) & Floorspace

The ground floor commercial floorspace hereby approved shall be restricted to A1 (retail) and/or A3 (restaurant) uses as applied for. The A3 restaurant uses, excluding the kiosks hereby approved, shall be limited to a total of 8 units across the development and 2,500sq.m.

All non-residential uses, including the kiosks, hereby approved shall not be open to the public outside the hours of 06:00 to midnight on any day. Any bar areas or takeaway facility associated with the approved uses shall remain 'ancillary' to the principal use.

The external seating areas associated with this development shall be restricted to those areas shown on plan ref: 15121 0327 P-00 (Seating Zones). Any associated external seating shall be agreed in writing with the Local Planning Authority prior to their first use. These details shall include the design of the tables, seating, umbrellas and associated paraphernalia etc.. The details shall be implemented only as agreed prior to each initial, and subsequent, occupation.

Reason:

To protect the amenities of adjoining and prospective residential occupiers, the vitality and viability of the city centre and to define the extent of the A3 commercial uses as required by CCAP Policy AP28 that seeks to ensure a retail led development is delivered whilst respecting the setting of the Town Walls.

44.Shopfront Design Strategy

Notwithstanding the plans hereby approved a 'Shopfront Design Strategy' for Units 4-10 shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development on Site B (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details). This Strategy shall provide further details of how these shopfronts will respond to the old town location and character, and provide added variety to

that currently shown within the planning submission. The agreed details shall be implemented prior to the occupation of ground floor units 4-10 of Site B and thereafter retained.

Reason:

In the interests of visual amenity and to protect the setting of heritage assets by increasing the variety across the development.

45. Signage Strategy

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

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the non residential uses hereby approved shall retain clear glazing on the ground and mezzanine floor along the length of the shop frontages hereby approved (without the installation of window vinyls or equivalent) unless otherwise agreed in writing with the Local Planning Authority upon submission of an application to either vary this condition, or secure Advertisement Consent.

Reason:

In the interests of visual amenity, natural surveillance, and to protect the setting of heritage assets by securing some uniformity in the signage of the development whilst not preventing a successful corporate branding.

46. Operational Management Plan

Prior to the first occupation of each building (Sites A-F) a management plan relating to how the buildings and their associated spaces, including the main pedestrian routes and the basement car parks, shall have been submitted to and approved in writing by the Local Planning Authority.

The management plan(s) shall include details of outdoor seating and associated facilities including litter bins and management, the management of special events and the policing of anti-social behaviour alongside the day to day operational requirements of the building. The management plan pursuant to the purpose built student housing will also confirm 24 hour on-site management with the provision and retention of the internal communal spaces shown on the approved plans.

The use of the development shall be carried out in accordance with this agreed management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure control over the management and operation of the development in the interests of the amenities of the area and the residents of the scheme.

47. Air Quality Mitigation

The development shall, unless otherwise agreed in writing by the Local Planning Authority, be carried out in accordance with the air quality mitigation measures recommended by the

Environmental Statement, namely:

- The provision of at least one Electric Vehicle (EV) “rapid charge” point per 10 residential dwellings and/or 1000m² of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made.
- Where a development generates significant additional traffic, provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety.
- All gas-fired boilers to meet a minimum standard of <40mgNO_x/kWh.
- All gas-fired CHP plant to meet a minimum emissions standard of:
 - Spark ignition engine: 250mgNO_x/Nm³
 - Compression ignition engine : 400mgNO_x/Nm³
 - Gas turbine: 50mgNO_x/Nm³.
- A presumption should be to use natural gas-fired installations. Where biomass is proposed within an urban area it is to meet minimum emissions standards of:
 - Solid biomass boiler: 275mgNO_x/Nm³ and 25mgPM/Nm³

Reason:

In the interests of improving air quality within the City and mitigating the scheme’s direct impacts in accordance with Local Plan Policy SDP15.

48. Façade Retention & Repair – Unit 3 Site B

No demolition works shall take place until a Façade Retention Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Statement should detail how the façade to Unit 3 Site B will be protected and retained during the demolition and construction phases, with further details of any repair works that will be needed. The development shall proceed in accordance with the agreed details with the repair works completed in full prior to the first occupation of Site B.

Reason:

To ensure that the façade is protected during the demolition phase and subsequently repaired in the interests of visual amenity and the setting of existing heritage assets.

49. Refuse & Recycling

Prior to the commencement of development (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) on each Site building (A-F), details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a commitment to a private refuse operator due to the current capacity proposed and further details of the proposed bailer/compactor (in terms of design, hours of use and noise mitigation). The storage shall be provided in accordance with the agreed details before the relevant Site is first occupied and shall thereafter be retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse bins shall be stored to the front of the development hereby approved.

Reason:

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

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

50. Servicing Management Plan

Prior to the commencement of development (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) on each Site building (A-F), details of how the non-residential uses will be serviced on a day to day basis shall be submitted to and approved in writing by the Local Planning Authority. The agreed Plan shall be in place before the relevant Site is first occupied and shall thereafter be implemented as approved.

Reason:

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

Informatives to include:

Note to Applicant - Scheduled Ancient Monument Consent required

You are advised that part of the development will require Scheduled Ancient Monument Consent and you should contact Historic England for further advice about obtaining the necessary approvals.

Note to Applicant - Community Infrastructure Liability (Approval)

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

Note to Applicant - Southern Water - Informative

The applicant is advised to note the comments from Southern Water (dated 6th September 2016) in relation to this application. In particular they advise that a formal application for connection to the public water supply and a formal agreement to provide the necessary sewerage infrastructure are required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire SO21 2SW - Tel. 0330 303 0119.