

Planning and Rights of Way Panel

Tuesday, 10th January, 2017
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 and 4 - Civic Centre

This meeting is open to the public

Members

Councillor Denness (Chair)
Councillor Coombs (Vice-Chair)
Councillor Barnes-Andrews
Councillor Claisse
Councillor L Harris
Councillor Hecks
Councillor Mintoff

Contacts

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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

Public Representations

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Smoking policy – The Council operates a no-smoking policy in all civic buildings

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

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Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Southampton City Council's Priorities

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

Fire Procedure – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2016/17

2016	
7 June	13 September
21 June	4 October
12 July	25 October
2 August	15 November
23 August	6 December

2017	
10 January	25 April
31 January	
21 February	
14 March	
4 April	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 6 December 2016 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 16/01303/FUL - BARGATE CENTRE (Pages 9 - 108)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 16/01605/FUL - FORMER OASIS ANNEXE MAYFIELD, PORCHESTER ROAD, SOUTHAMPTON (Pages 109 - 138)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 16/01903/FUL - 9 BASSETT GREEN DRIVE (Pages 139 - 154)

Report of the Service Lead, Planning, Infrastructure and Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

8 PLANNING APPLICATION - 16/01698/FUL - EASY GYM, SHIRLEY ROAD

(Pages 155 - 162)

Report of the Service Lead, Planning, Infrastructure and Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

9 PLANNING AND RIGHTS OF WAY PROCEDURES

(Pages 163 - 170)

Report of the Service Director, Legal and Governance seeking to update the Panel's procedures.

Friday, 30 December 2016

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 6 DECEMBER 2016

Present: Councillors Denness (Chair), Barnes-Andrews, Claisse, L Harris, Hecks, Mintoff and Mrs Blatchford

Apologies: Councillors Coombs

49. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Coombs from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Mrs Blatchford to replace them for the purposes of this meeting.

50. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 15th November 2016 be approved and signed as a correct record.

51. **PLANNING APPLICATION -16/01778/MMA - FORMER PORTSWOOD BUS DEPOT**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Development to provide purpose built student residential accommodation (435 bedspaces) in three buildings of between 3-storeys and 6-storeys plus lower ground floor level with vehicle access from Belmont Road and associated landscaping (amendment to previous planning permission reference 15/01510/FUL - changes relate to the type of accommodation and changes to elevations).

Dr Buckle and Jerry Gillen (local residents/ objecting), Michele Steel (applicant), and Councillor Claisse (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a change to the wording of recommendation 2 that would grant approval for the application, subject to the completion of a new section 106 with the same heads of terms as Application 15/01510/FUL rather than pursue a deed of variation to the original. The Panel also requested that the Panel be mindful of whether any controls over internal storage/display within the window can be imposed to protect the Portswood Road visual aspect. In addition the Panel agreed that an Informative to be added to the decision notice regarding the need to comply with fire safety legislation.

Upon being put to the vote the officer recommendation to confirm the Habitat Regulation Assessment was carried unanimously. A further vote of the officer recommendation to delegate planning authority to the Service Lead; Planning, Infrastructure and Development was carried.

RECORDED VOTE to delegate authority to grant planning permission
FOR: Councillors Barnes-Andrews, Mrs Blatchford, Denness and Hecks
AGAINST: Councillors L Harris and Mintoff

RESOLVED:

- (i) That the Panel confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) That the Panel delegated authority to the Service Lead, Planning, Infrastructure and Development to grant planning permission subject to the completion of a section 106 agreement with the same heads of terms as application 15/01510/FUL.
- (iii) In the event that the legal agreement is not completed within 2 months of the Panel meeting the Service Lead, Planning, Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement
- (iv) That the Service Lead, Planning, Infrastructure and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary

NOTE: Councillor Claisse declared an interest and withdrew from the meeting.

52. **PLANNING APPLICATION - 16/01509/FUL - 8 WESTRIDGE ROAD**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Change of use from a 6-bedroom HMO (Class C4) to a 7-bedroom HMO

Adam Ford and Jerry Gillen (local residents/ objecting), Steve Lawrence (agent), and Councillor Claisse (ward councillor objecting) were present and, with the consent of the Chair, addressed the meeting.

The Panel sought clarification on the issuing of the Lawful Development Certificate based on the intention for use. To clarify the matter the Service Lead: Planning, Infrastructure and Development suggested that decision be deferred until the matter had been put to counsel to confirm whether the certificate was correctly issued and whether the certificate could be revoked if incorrectly issued.

Upon being put to the vote the amended Officer recommendation for the deferral approval of planning permission subject to the advice of counsel was approved unanimously.

RESOLVED that the decision on planning application 16/01509/FUL be deferred until the matter had been put to counsel to advise on:

- a. the lawful development certificate granted by the Council; and
- b. the Council's powers to revoke the certificate.

NOTE: Councillor Claisse declared an interest and withdrew from the meeting.

53. **PLANNING APPLICATION - 16/01122/FUL - 238 BURSLEDON ROAD**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Change of use from dwelling (Class C3) to a house in multiple occupation (HMO, Class C4) (retrospective)

Paul Hughes (local resident objecting), and Aaron Joseph (applicant) were present and with the consent of the Chair, addressed the meeting.

The Panel discussed the potential highways impacts of the development and the potential change to character of the area that establishing a House of Multiple Occupancy.

Upon being put to the vote the Officer recommendation for the approval of planning permission subject to conditions was lost. Councillor L Harris proposed a further motion to refuse the application, subject to the reasons set out below, was seconded by Councillor Blatchford carried unanimously.

RESOLVED that conditional planning permission be refused for the reasons set out below.

1. Character of area

The change of use of the property from a C3 family dwelling to a HMO, taking into account the context and character of the area, will result in an intensification in the use of the property, which by reason of the additional general activity, refuse generation, noise and disturbance would be to the detriment of the amenity of nearby residents, and is out of character with the context of the local neighbourhood. As such the proposal represents an over-intensive use of the site and is therefore contrary Policies SDP1 (i), SDP7 (v) and H4 (i) & (ii) of the City of Southampton Local Plan Review (amended 2015); and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and as supported by sections 1.1 & 4 of the Council's adopted Houses in Multiple Occupation Supplementary Planning Document (2015).

2. Highways impacts of development

The provision of a single on-site parking space is not sufficient to meet the needs of the development, being less than that maximum standard outlined in the Council's Houses in Multiple Occupation Supplementary Planning Document, and would likely exacerbate existing parking pressure in the surrounding area.

This is having regard to the more intensive occupation of the property; the low-accessibility nature of the site and; the parking pressure within the area, evident through existing levels of unauthorised parking on nearby highway verges (notwithstanding the results of the submitted car parking survey). As such, and in the absence of an opportunity to provide further on-site car parking without causing harm to highway safety, the proposal would result in additional overspill parking which would be harmful to the character and amenity of the surrounding area and residents. The proposal represents an over-intensive use of the site and is, therefore, contrary to Policies SPD1(i), SDP7(v) and H4(i)(ii) of the City of Southampton Local Plan Review (2015) and CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (2015), as supported by the provisions of the Councils Houses in Multiple Occupation Supplementary Planning Document (2016) and Parking Standards Supplementary Planning Document (2011).

54. **PLANNING APPLICATION - 15/01250/FUL - 106-113 ST MARY STREET**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of four additional storeys (above the ground floor retail units to be retained) to provide 74 residential units (21 studios, 34 x one bedroom flats, 17 x two bedroom flats and 2 x three bedroom flats) with associated facilities.

Upon being put to the vote the officer recommendation to delegate authority to the Service Lead – Infrastructure, Planning and Development to agree a deed of variation for the Section 106 agreement dated 10th December 2015 was carried.

RECORDED VOTE to grant authority to vary the Section 106

FOR: Councillors Barnes-Andrews, Claisse, Denness and Hecks

AGAINST: Councillor Mintoff

ABSTAINED: Councillors Mrs Blatchford and L Harris

RESOLVED to delegate authority to the Service Lead – Infrastructure, Planning and Development to complete a Deed of Variation to vary the Section 106 Agreement dated the 10th December 2015 in order to waive the Affordable Housing provision, on viability grounds, imposing the Council's standard viability review mechanism clause.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 10th January 2017 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	SH	DEL	15	16/01303/FUL Bargate Centre
6	AL	DEL	15	16/01605/FUL Former Oasis Annexe Mayfield, Porchester Road, Southampton
7	MP	CAP	5	16/01903/FUL 9 Bassett Green Drive
8	SB	CAP	5	16/01698/FUL Easy Gym, Shirley Road

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Delete as applicable:

SH – Stephen Harrison
AL – Anna Lee
MP – Mat Pidgeon
SB – Stuart Brooks

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 5

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 fastigiata 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 Fastigiata 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 Tellow'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 created which will help to improve accessibility within the city centre.
- 7.3
- 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.

Habitats Regulations Assessment (HRA)

Application reference:	16/01303/FUL	
Application address:	Bargate Shopping Centre and adjoining land In Queensway, East Street, Hanover Buildings and High Street Southampton SO14 1HF	
Application description:	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).	
HRA completion date:	20/12/2016	
HRA completed by:		
	Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk	Stephen Harrison Planning Projects Team Leader Southampton City Council stephen.harrison@southampton.gov.uk
Summary		
<p>The project being assessed is a mixed development that will lead to the provision of 152 flats (63 x one bedroom and 89 x two bedroom), student accommodation with a total of 451 bed spaces, retail, office and food and drink outlets. The development is located approximately 1.1km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 4.7km from the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is currently occupied by a shopping centre and multi-storey car park which will need to be demolished. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>		
Section 1 - details of the plan or project		
European sites potentially impacted	<ul style="list-style-type: none"> ▪ New Forest SAC 	

<p>by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> ▪ New Forest SPA ▪ New Forest Ramsar site ▪ Solent and Southampton Water (SPA) ▪ Solent and Southampton Water Ramsar Site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development consists of new residential, retail, office and student accommodation which is neither connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of the Bargate Shopping Centre site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>
<p>Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.</p>	
<p>Test 1: the likelihood of a significant effect</p> <ul style="list-style-type: none"> • This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations. 	
<p>The proposed development is located 1.1km to the west of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site whilst the New Forest SAC, SPA and Ramsar site are approximately 4.7km to the south.</p>	

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.

In their response to the consultation on this planning application, dated 19 August 2016 Natural England raised concerns about insufficient information being provided about potential impacts on the New Forest sites. No objection was raised in respect of the Solent European Marine sites provided a contribution is made to the Solent Recreation Mitigation Partnership (SRMP).

The following mitigation measures have been proposed as part of the development:

- 5% of the CIL contribution, which will be a minimum of £91,500, will be ring fenced for footpath improvements in the Shoreburs and Weston Greenways;
- A contribution of £24,570 towards the Solent Recreation Mitigation Partnership;
- 37 parking spaces for the private residential element of the development and no parking spaces for the student accommodation.
- Information on public transport plus pedestrian and cycle route maps will be provided.
- The development will incorporate 226 secure cycle parking spaces for students and 94 for the private apartments. There will be a further 64 spaces for the visitors and the retail units.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- A restrictive tenancy barring students from keeping dogs. Breaching this clause will result in termination of the tenancy.

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to the provision of 152 flats, student accommodation with a total of 451 bed spaces, retail, office and food and drink outlets approximately 1.1km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and 4.7km from the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site

The site is a former shopping centre and multi-storey car park. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the

proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152> .

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION PHASE EFFECTS

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

PERMANENT, OPERATIONAL EFFECTS.

New Forest SPA/Ramsar site

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

The application site is located 4.7km from the nearest part of the New Forest SPA and Ramsar site in terms of linear distance and as such, students resident in the proposed development would fall into the category of non-local day visitors.

Characteristics of visitors to the New Forest

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey

2005).

- Approximately 68% of visitors to UK National Parks are families.
(Source:www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs.

The proposed residential accommodation is divided into private flats (35% of bed spaces) and student flats (65% of bed spaces). The residents of the private flats with parking spaces could potentially fit the profile of typical visitors to the New Forest however, whilst students may fall within the first two of the above bullet points they are unlikely to have dogs or visit as part of a family group.

STUDENT ACCOMMODATION

Occurrence of students

The peak period for visitor numbers in the New Forest National Park is the summer, Sharp, J., Lowen, J. and Liley, D. (2008), which also coincides with the critical breeding period of woodlark, nightjar and Dartford Warbler which are features of interest of the New Forest SPA. Although students would be able to remain in occupation within their accommodation throughout the year (tenancies would be for a complete year) many, particularly undergraduates, will vacate their accommodation and return home over the summer period.

There is no direct evidence of the extent to which students contribute to visitor numbers to the New Forest National Park. However, the characteristics of typical visitors to the New Forest are consistent with an analysis of visitors to the North York Moors National Park in 2002 which showed that skilled manual workers, poor retired couples, young single parents and students were more likely to use the local Moorsbus Network but were poorly represented in surveys at car parks (Countryside Recreation News April 2002, "Missing Persons - who doesn't visit the people's parks". Bill Breaker).

It would therefore be reasonable to conclude that there are likely to be very low numbers of students visiting the New Forest, particularly during the sensitive summer period.

Car ownership and accessibility

Data gathered as part of the visitor survey undertaken by Footprint Ecology in 2008 clearly indicated that the majority of visitors travel to the New Forest by car. The proposed development will have 147 car parking spaces however, 110 of these will be reserved for the retail elements of the scheme. Leaving just 37 spaces for the private apartments and none for the student accommodation (Transport Assessment). In addition, the tenancy agreements for the student accommodation will include a restrictive clause barring students from bringing their own cars.

This would be enforced by termination of the letting agreement (see para 3.9.3 of the Transport Assessment, July 2016 submitted with the planning application). On this basis the student accommodation element of the development can reasonably be described as car free.

Car parking on the campuses of both universities is very limited. Solent Southampton University (SSU) does not have any on campus parking whilst the University of Southampton (UoS) is

seeking to further reduce levels of car use from the current 4.6% down to 4.2% by 2015 (UoS Travel Plan).

Students will therefore be expected to travel around Southampton on foot, bicycle and public transport. To support this the development will provide:

- Pedestrian route information, cycle route maps and public transport information;
- 226 secure cycle parking spaces;
- A restrictive tenancy barring students from bringing their own cars. Breaching this clause will result in termination of the tenancy.

The Transport Assessment, in insets 2.1 and 2.4, shows that the site benefits from its location in the city centre and is therefore highly accessible by public transport, bicycle and on foot. There are bus stops on two side of the development, Queensway and Hanover Buildings, providing access to the majority of routes within the city and with approximately 90 – 100 buses per hour. The site is therefore highly accessible to residing students whilst the nearby Portswood Road is both pedestrian and cycle friendly.

The high level of accessibility, restrictive tenancies and few parking spaces mean that it is very unlikely that the students will have access to cars.

Recreation options for students

Students at both universities have extensive opportunities to access sports and recreational facilities and are positively encouraged to make use of these. Details of the UoS facilities can be found at the following web address:

http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf . Solent University has two major sports centres in the city centre, extensive playing fields at Test Park Sportsground, Fitness Centres and access to a range of local sports clubs and recreational facilities (details available on SSU website <http://www.solent.ac.uk/sport/facilities/facilities-home.aspx>).

In addition, Southampton benefits from an extensive network of common land, green corridors, city and district parks and local green spaces, which provide opportunities for quiet recreation of the type available to visitors to the New Forest. In particular, the Central Parks are located across the road from the development whilst Southampton Common, a 125 hectare natural green space in the heart of the city, is accessible via quiet routes and dedicated cycle lanes from the application site. Just to the north of the Common lie the Outdoor Sports Centre, Southampton City Golf Course, and the Alpine Snow Centre which provide opportunities for organised and informal recreation activities. Outside the city centre are the Greenways, a series wooded stream corridors which connect a number of open spaces. The three most significant of these, Lordsdale, Shoreburs and Weston, are within easy cycling distance of the development site and provide extended opportunities for walking and connections into the wider countryside.

Inset 2.1 of the Transport Assessment (page 10) shows walking distances from the development site. Southampton Common lies within 15 minutes cycling distance north of the site and offers a wide range of opportunities for recreation and a healthy lifestyle. Mayflower Park is a 15 minute walk to the south west of the site and allows access to the River Test waterfront. The general accessibility of the site to a wide range of services gives residents the opportunity to walk on a regular basis.

The road network around the application site also encourages cycling. Inset 2.4 of the Transport Assessment (page 14), is an extract from the Southampton Cycle Map which demonstrates that carriageways adjacent to the site are quiet routes appropriate for cycling. These cycle routes link the development site with Southampton Common (15 min) and National Cycle Route 23 which passes through Southampton. It is reasonable to expect that students will make use of the many leisure activities and commercial centres of Southampton.

The availability of good quality and accessible open space described above, combined with sport and recreation facilities at both universities, reduces the likelihood that students would travel to the New Forest for recreational purposes.

Visiting the New Forest National Park using public transport

The linear distance to New Forest SPA/Ramsar site is approximately 4.7km however, by road the distance is somewhat longer. The shortest route, using the Hythe Ferry, is 7.6km whilst the closest section when travelling purely by road is approximately 11.3km. It is unlikely, therefore, that visits made on foot or by bicycle will a frequent occurrence.

Should students choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Direct travel from the development site is not possible. The first stage of a visit requires a journey to Southampton Central Station or the bus interchange in the city centre.

Travelling onward from Southampton city centre, the destinations for train and bus services are the urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

Table 1 Train services from Southampton Central to New Forest Locations

Destination	Service frequency (outside of peak hours)	Journey time
Ashurst	1 service per hour	10 mins
Beaulieu Road	6 services between 0900- 1800	14 mins
Lyndhurst	No service	
Brockenhurst	4 services per hour	16 mins
Lymington	2 services per hour (change at Brockenhurst)	20 mins
Burley	No service	

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed halls of residence the process is complicated and likely to be costly. It is therefore reasonable to conclude that there are only likely to be a very small number of visits as a consequence.

Dog ownership

The use of restrictive tenancies will prevent students from keeping dogs in the new development which removes a significant source of disturbance to the ground nesting birds.

PRIVATE RESIDENTIAL APARTMENTS

The private residential apartments benefit from a small amount of car parking, with just 24.3% of the flats having a parking space, it is therefore likely that the development will result in a small number of recreational visits to the New Forest. Each flat will be allocated a cycle space and the majority of the residents will therefore be in a similar situation to the students, relying upon walking and cycling to get around.

It is not feasible to ban the keeping of dogs however, it would be expected that the number of dogs would be lower than for a development with gardens. In addition, these dogs are likely to be smaller breeds that can be exercised easily in parks.

Mitigation

Although the likely frequency of recreational visits to the New Forest, arising from the proposed development, is low, there is still the risk of recreational impacts. Southampton City Council has therefore undertaken to use 5% of Community Infrastructure Levy (CIL) contributions to upgrade footpaths and infrastructure in the City's greenways. The greenways are a series of wooded stream valleys within Southampton's urban area which provide opportunities for walks in a semi-natural environment. Two of the greenways, Shoreburs and Weston, fall within the 5km cycle catchment area shown in Inset 2.3 of the Transport Assessment. Not only are these within easy cycling distance they can be accessed via quiet roads and National Cycle Route Number 2 directly from the development. The development will generate a minimum CIL contribution of least £1,830,000 which will result in £91,500 funds to pay for improvements within the two greenways.

Solent and Southampton Water SPA/Ramsar site

In 2008 the Council adopted the Solent Disturbance Mitigation Project in collaboration with other Councils within the Partnership for Urban South Hampshire in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA. This enables financial contributions to be made by developers to fund appropriate mitigation measures.

The private residential element of the development will result in a net increase in the population. There is therefore the risk that the development, in-combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. The likelihood of recreational impacts occurring is dependent upon the ability of the new residents to visit coastal locations.

The On-site Visitor Survey, undertaken as part of phase II of the Solent Disturbance and Mitigation Project's research, established that 50.5% of all the visitors to the coast arrived by car as compared to 46% visiting on foot. At Weston Shore, the closest section of accessible coast to the development, 62% arrived by car, 38% by foot and 0% by bicycle or bus. It would therefore be appropriate to charge the full SRMP contribution on the units with car parking, which amounts to 24.3% of the non-student accommodation. This is also the same proportion of the new households that could be expected to keep a dog according to the Pet Food

Manufacturers annual survey <http://www.pfma.org.uk/pet-population-2016>.

$$37 \quad \times \quad 176 \quad = \quad 37 \times 176 = \text{£}6512$$

For those visitors arriving by foot, the On-Site Visitor Study¹ recorded just 9% of visitors travelling more than 2km to reach the coast. The Bargate development is located 2.9km by road and is therefore likely to generate only a very limited number of foot visitors. Weston Shore is now easier to reach by bicycle following the opening of cycle lanes over the Itchen Bridge, even so, fewer than half of the residents could be expected to travel to the coast as the median cycling distance recorded was just 1.9km. It would therefore be appropriate to charge a 50% contribution on the car free units.

$$\frac{115}{5} \quad \times \quad \frac{176}{2} \quad = \quad 115 \times 88 = \text{£}10,120$$

The proposed student accommodation will result in a net increase in the population of the city and thus lead to significant impacts on the Solent and Southampton Water SPA. However, due to the characteristics of this type of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead². As such, it is considered that the level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing.

Assuming a typical 3 bedroomed house can accommodate 5 students, for the purposes of providing SPA mitigation, five study bedrooms will therefore be considered a unit of residential accommodation.

The calculation to establish the level of the mitigation package required is as follows:

$$\frac{S}{5} \quad \times \quad \frac{176}{2}$$

S = number of study bedrooms

$$\frac{451}{5} \quad \times \quad \frac{176}{2} \quad = \quad 90.2 \times 87 = \text{£}7937.6$$

It is considered that, subject to a level of mitigation, which has been calculated as a total of £24,570, being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

¹ Fearnley, H., Clarke, R. T. & Liley, D. (2010). The Solent Disturbance & Mitigation Project. Phase II - On-site visitor survey results from the Solent region. ©Solent Forum / Footprint Ecology.

² See paragraph 3.15 of the Solent Disturbance and Mitigation Project Phase II bird disturbance fieldwork

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

Conclusions

The following conclusions can be drawn from the evidence provided:

- Residents of the new accommodation will have only limited access to cars making travel

to the New Forest and many coastal locations difficult.

- The availability of a wide range of open spaces, including a number of semi-natural sites, within easy cycling reach of the development will reduce the need to travel to the New Forest
- Evidence suggests that low car and dog ownership amongst students contributes to the relatively low proportion of students in the make-up of visitor numbers to the New Forest.
- The private residential development may result in a low level of additional recreational activity in the New Forest arising from the apartments with a car parking space.
- The private residential development may result in a low level of additional recreational activity at the coast arising from the apartments with a car parking space and a small number of residents that are prepared to cycle to Weston Shore.

The following mitigation measures have been proposed as part of the development:

- 5% of the CIL contribution, which will be a minimum of £91,500, will be ring fenced for footpath improvements in the Shoreburs and Weston Greenways;
- A contribution of £24,570 towards the Solent Recreation Mitigation Partnership;
- Just 6% of the accommodation will have a parking space;
- Information on public transport plus pedestrian and cycle route maps will be provided.
- The development will incorporate 226 secure cycle parking spaces for students and 152 for the private apartments. There will be a further 74 spaces for the visitors and the retail units.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- A restrictive tenancy barring students from keeping dogs. Breaching this clause will result in termination of the tenancy.

As such, visitor pressure on European and other protected sites in the New Forest and the Solent European sites arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

European Site Qualifying Features

The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (Quercion *robori-petraeae* or *Ilici-Fagenion*) (primary reason for selection)
- *Asperulo-Fagetum* beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found

on the site, as are at least 65 British Red Data Book species of invertebrate.

- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal

woodland and rocky boulder reefs.

- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

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Application 16/01303/FUL
POLICY CONTEXT

APPENDIX 2

Core Strategy - (January 2010 – amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006 – amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space in New Residential Developments
CLT14	City Centre Night Time Zones and Hubs
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
REI7	Food and Drink Uses (Classes A3, A4 and A5)
TI2	Vehicular Access

MSA1 City Centre Design

City Centre Action Plan (March 2015)

- AP 5 Supporting existing retail areas
- AP 6 Extension of the Primary Shopping Area
- AP 7 Convenience retail
- AP 8 The Night time economy
- AP 9 Housing supply
- AP 12 Green infrastructure and open space
- AP 13 Public open space in new developments
- AP 14 Renewable or low carbon energy plants; and the District Energy Network
- AP 15 Flood resilience
- AP 16 Design
- AP 17 Tall buildings
- AP 18 Transport and movement
- AP 19 Streets and Spaces
- AP 28 Bargate sites Albion Place and Castle Way car parks

Supplementary Planning Guidance

- Residential Design Guide (Approved - September 2006)
- Planning Obligations (Adopted - August 2005 and amended November 2006)
- Parking Standards SPD (September 2011)
- Old Town Development Strategy (2004)
- City Centre Characterisation Appraisal (2009)

Other Relevant Guidance

- The National Planning Policy Framework 2012



SOUTH EAST OFFICE

Mr Stephen Harrison

Direct Dial: 01483 252015

Southampton City Council

Lower Ground Floor

Our ref: P00523434

Civic Centre

SOUTHAMPTON

SO14 7LS

22 September 2016

Dear Mr Harrison

Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015

BARGATE SHOPPING CENTRE, AND ADJOINING LAND IN QUEENSWAY, EAST STREET, HANOVER BUILDINGS, AND HIGH STREET, SOUTHAMPTON, SO14 1HF

Application No 16/01303/FUL

Thank you for your letter of 12 August 2016 notifying Historic England of the above application. We have undertaken pre-application discussions with the applicant regarding the potential impact to designated heritage assets from the proposed Bargate Shopping Centre re-development. We have now reviewed the information submitted by the applicant to support their planning application, and provide you with the following advice.

Summary

The development site lies within the north-east quarter of the medieval walled town of Southampton. The proposal area includes part of the Old Town North Conservation Area, and abuts the grade I listed and scheduled monuments of the Bargate and Town Wall north east section.



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We raise concerns regarding the height of buildings that form residential components of the proposed buildings, and also think that there are specific aspects of the application that require further development, including (not exclusively) landscaping of the area surrounding Polymond Tower which forms part of the Town Wall, and the linking of the Bargate and north east section of the walls.

We conclude that the development is harmful to designated heritage assets, but 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. 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 shown to clearly outweigh the harm.

If the proposed height/quantum of development partly relates to the loss of value through the creation of the public realm which will benefit the adjacent scheduled monuments, a financial appraisal of the scheme will be critical in demonstrating the issue of viability. Should the appraisal demonstrate that the delivery of this scheme is dependent upon the amount of development proposed we would consider the proposal acceptable in heritage terms as the overall heritage benefits would outweigh the harm to heritage assets which would arise from the height of the new development. Equally should the viability report show that the scheme could be viable with less development we would recommend refusal as the harm to the heritage assets would not be justified and therefore the scheme would not comply with the requirements of the NPPF.

Historic England Advice

Significance and Impacts

Southampton Old Town

The development site lies within the north-east quarter of the medieval walled town of Southampton. Most of the medieval town is designated as conservation area (divided into Old Town North, Old Town West and Old Town South). The town of Southampton developed in this location from the Norman period. The town walls were extended and the fortifications enhanced throughout the 13th and 14th centuries and by 1381 the whole town was enclosed by walls. The Medieval street pattern is still evident within the town with the High Street being the principal route from north (The Bargate) to south (the Water Gate). A grid of narrow streets extended from the High Street to the walls. The Norman Castle occupied the north-west quarter of the town and to the south-west were the quays, wharfs and warehouses associated with the port activity of the waterfront. Significant Medieval remains survive within these areas as above and below ground archaeology. The extensive stretch of town walls is the outstanding feature of the old town conservation areas.



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The scale of development within the old town, generally 2-4 storeys, remained consistent throughout the 18th and 19th centuries as the town continued to develop and evolve (including a brief period as a spa town at the end of the 18th century). Buildings survive from the post Medieval period and therefore the historic character of the conservation areas is varied. Unfortunately the town was badly bombed during the Second World War and this led to hasty redevelopment in the post-war period which was of indifferent architectural quality. As a consequence some areas of the old walled town were considered to be of insufficient historic and architectural interest to merit inclusion within a conservation area. Nevertheless, as much of the area is designated as conservation area and other sections of wall are designated as scheduled monuments, it is appropriate to consider the walled town as a whole as a heritage asset, albeit not all of it designated.

The proposed height of this development means that there is potential for it to have a wider impact across the old town and for it to appear in key views of the Bargate or along the Town Walls, for example. This potential for impact further afield was identified in discussions with the applicant at the pre application stage and they were asked to explore this aspect of the scheme and provided the necessary material for this issue to be assessed. Unfortunately, despite this potential wider impact being raised the Heritage Statement does not address this aspect of the proposal. A Landscape and Visual Impact Assessment has been submitted with the proposal; this study addresses visual impact across the wider area but it is a pity that the findings of the LVIA were not integrated into the Heritage Statement to fully assess the impact on the *significance* of the conservation areas.

The theoretical zone of visual influence assessed in the LVIA encompasses the whole of the old walled town. A number of short, medium and long distance views have been assessed and the potential impact on these views depicted and described. Unfortunately the visual evidence is provided as the comparison of a 'before' photograph and an 'after' image which is a computer generated image. These images are not directly comparable which makes a detailed understanding of the visual impact of the development difficult. However, for the purposes of assessing the wider impact of the development across the walled town, the LVIA is of some assistance. Appreciation of impact can only be partially examined through fixed viewpoints so we have also visited the site to get a more general impression of potential impact.

Our conclusion is that this proposal would be evident in some views across the conservation areas of the old walled town (the more direct impact on the setting of the Bargate and the Town Walls is assessed separately). It would appear as a relatively minor but additional intrusion of modern development in the historic streetscape (see View 5 for example). Clearly the taller parts of the proposed development are those which are evident further afield. However, the built-up nature of the town, the general lack of long views within the walls and the already greatly altered townscape means



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that there would only be a minor adverse impact on the general character and appearance of the conservation areas. The main concern, however, is the contribution this development would make to the current general heightening of development in and around the old town (view 20 illustrates this) which results in either the loss of the scale and character of historic development within the old town (but outside of the conservation area) or a marked differential between the scale of development within the conservation area and that outside.

Old Town North Conservation Area

This proposal would result in the loss of the East Bargate Building which 'embraces' the Bargate and creates a public space on its east side. Built in the 1930's in a restrained neo Georgian style these buildings are not statutorily listed but are on the Southampton City Council 'local list' and they represent an important phase of city centre redevelopment between the wars when the use of the car was a prominent consideration in town planning. However, these buildings, although not unattractive have limited architectural interest, and they sever the visual link between the Bargate and the surviving north-east section of medieval Town Wall. This loss of connection undermines the significance of the Bargate, the scheduled north-east portion of wall and the circuit of the Town Wall as a whole.

Within the development site is another locally listed building which makes a positive contribution to the variety of architectural style and building date in the street scene and which is integral to the character of the conservation area. This is the former Burton building which has a simple art deco style frontage. This building would be retained and this is welcomed. In the same row as the Burton building (but outside of this site) is a grade II listed building (no. 6 High Street). This is a mid-19th century three-storey, three bay building with a stuccoed facade and sash windows. This development would have no impact on the significance of this building.

Central Parks Registered Park and Garden

Near to the development site, to the north-east, are the Southampton central parks, which are registered grade II*. These parks (the linked chain of West Park, East Park, Palmerston Park, Houndwell and Hoglands) have a rich time depth having been formed out of the former medieval open fields (Lammass Lands). However, their principal significance lies in the fact that they are an early example of municipal parks and were laid out in the late 1850's and early 1860's to provide important public green space in the heart of the developing city. The setting of the parks is urban and there are no key views of historic significance out of or into the park which would be affected by development on this site. Although the taller sections of the development would be visible from the park, and certainly the new development on the north end of the Queen's Way would be visible along Palmerston Road, this is not considered to be out of context and would not have an adverse impact on the significance of the registered park.



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Bargate and Town Wall north east (dual designated Scheduled Monuments and Listed Grade I Buildings)

The Bargate dates from c.1180, with alterations and restorations of c.1290, 18th and 19th centuries. It was built as a town gateway with Guildhall at first floor level. The Bargate originally formed a continuous element of the Town Walls, but was separated by breaches cut in the 1930's to allow traffic movement. The Bargate is deemed to be one of the finest town gateways in England and this is recognized in its Grade I and scheduled status. Collectively with the Town Walls it tells the story of the construction, evolution, and status of the Medieval old town, and it has great communal and aesthetic value as an iconic symbol of Southampton. The evidential value of the Town Walls and Bargate are also high, as their fabric holds information regarding construction techniques and materials of medieval and later phases of alteration. The north eastern element of the Town Wall to the east of Bargate is a significant section of wall due to the presence of three tower turrets, with Polymond Tower marking the corner point where the walls turned southwards. Consequently the wall here has great historical value in demonstrating the extent and scale of the medieval town.

One of our overriding concerns with the development during our discussions with the applicant has been the heights and massing of the proposed buildings in relation to the adjacent designated heritage assets of the Bargate and Town Wall north east, as the construction of tall buildings in close proximity to these monuments has the potential to cause harm through development within their setting. We acknowledge the height of buildings B and C within the Town Walls has dropped considerably from the initial proposal and this is welcomed. Despite this drop in height the new residential accommodation which sits above the retail units of buildings B and C would still be highly visible, as would the taller block on site D immediately outside the old town. It would be most visible when viewed in relation to the Town Wall when approaching the outside of the walls from the north and when moving east towards the north east section of the wall. The proposed building on site A is also a large building that would rise above the height of the Town Wall, though its height has been modified to ensure it is less dominant in relation to the Bargate.

Our own site visits, the general site sections, and the views analysis provided by the applicant, indicate the accommodation blocks B, C and D would be seen rising significantly above the wall when approaching from the north. There would also be clear visibility of the blocks when standing at the Bargate and approaching the walls from the west, or in the case of block A when approaching from both east and west along the line of the walls. It is our view that this is harmful to the adjacent heritage assets as it disrupts the aesthetic appreciation and historical understanding of the Town Walls and Bargate, which were designed to be impressive and dominant structures within their wider surroundings.

We recognise that the current setting of the north east part of the Town Walls is currently severely compromised by the disruption of its relationship with the Bargate



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caused by East Bargate Building, the presence of the Bargate Shopping Centre which is built in very close proximity to the south side of the wall and which looms above it, and the facing of service areas towards the wall.

When seen in close proximity to the wall and from within the newly proposed pedestrian garden street to the south of the wall, the design of the residential blocks stepping back from the retail level of B, C and D would ensure that the effect of taller buildings from this area would be minimised and that they would not loom disproportionately over the Town Wall at this point. The harm resulting from a tall building when in the immediate vicinity of the scheduled north east section of wall would therefore be significantly lower than when approaching the area from the north or west.

The proposals also aim to create new areas of garden street and café terraces along the south face of the Town Wall, which would provide better environs for the Town Walls and Bargate so that the adjacent monuments could be enjoyed and appreciated.

Additional specific comments on the application detail

Linking the Town Wall and Bargate

We think that the interpretation of the wall line between the Bargate and disconnected north-east part of the Town Wall is an essential part of the proposed scheme, and agree that this could be achieved through a combination of different landscaping changes. Lighting in particular would be an interesting way to create this link, but providing interpretation during daylight hours when lighting may be less obvious would be important. The current landscaping proposals follow the line of the wall but are low to the ground in the form of surface treatment and benches, and we suggest there may be scope to additionally interpret the wall line at a higher level through the addition of vertical features of lighting, art, sculpture, or street furniture.

Polymond Tower environs including proposed kiosks D and E

In our pre-application advice to the applicant we raised concerns regarding the introduction of double-storey kiosks to the east of Polymond Tower, along with points for consideration regarding landscaping in its immediate environs, but the applicant does not seem to have responded to these concerns in their planning proposals. This area of the Town Wall is significant as the Polymond Tower is aesthetically impressive, and the turning of the wall at this point demonstrates the design and sense of enclosure of the medieval town as created by the walls. It is currently poorly presented with a modern red brick wall and gate (both in poor structural condition) abutting the tower, an electric substation offset to one side, and the bins and service venting from buildings to the north of the wall, encroaching on any visitor experience of the north side of the wall and of Polymond Tower. Development proposals should seek to enhance this space by removing the brick wall and gate, and if possible re-locating the small substation away from the Tower. The proposed new enclosed space created with a gate against the tower and a new stretch of wall would be similar to the existing





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and would be detrimental to the aesthetic appreciation of the tower, whilst also creating the impression of a continuing east-west wall line on the outside of the enclosed town, which has never been the case. A more open garden area around the tower (rather than an enclosed courtyard), with boundaries set further north towards the existing buildings would create a sense of space around the tower where it could be appreciated 'in the round'.

Boundary treatments here may be best represented in materials that contrast with the stonework of the wall to avoid the impression of any continuing wall lines. They could be creative, for example using similar materials such as the laser cut metal screening proposed for balconies on building A, or drawing out other elements of the wider landscaping scheme. It is our view therefore that further consideration is required regarding how to landscape the area around Polymond Tower.

Your council may also wish to address the issues of service bin storage and the large extraction vent that currently faces onto the north side of Polymond Tower, removal of which is not proposed in the current scheme. It creates noise and odour which would not create suitable environs for relaxing and appreciating the wall and tower in any proposed new garden space.

In our early discussions with the applicant we understood that two small kiosks to the east of Polymond Tower were planned, and that in urban design terms these would help to mask the Hanover buildings and provide frontage to Queensway. The proposed double height of these kiosks (D and E) makes them large structures, and as such they are detrimental to the significance of the tower as a dominant feature of the Town Wall. Single-storey structures only would be justified in this location.

Proposed Kiosks A, B and C

In our discussions with the applicant we acknowledged that small kiosks would enhance the space between the Town Wall and new buildings to the south, by breaking up a large linear space and creating dwell areas. The 'lightness' of these kiosks through glazing would be one of the ways that they would enhance rather than impact negatively upon the Town Wall. The design drawings for kiosks B and C indicate a significant quantity of stone cladding, which although chosen to compliment the stone of the Town Wall, has the potential to create a more substantial and 'heavy' structure. If the cladding could be reduced and glazing increased we suggest this would lessen the visual impact of the kiosk structures in relation to the scheduled walls. We understand however that storage and refuse disposal areas may need to be incorporated within the footprint of the kiosks and need screening, to ensure there would be no large service bins etc. in the area surrounding the kiosks, dwell spaces, or Town Walls.

The lightness of kiosks also relies on having open outdoor spaces, and it is our view that enclosing the outdoor areas with railings, barriers, or signage, would again create





a more intrusive building rather than the light touch kiosks described during initial discussions.

Advertising signage on retail site B

The supporting design material indicates that on the site B retail frontages (Town Wall St and Squares) there would be a double-height frontage, with glazed entranceways on the lower half, and large images appropriate to the retailer (for example fashion images) above the entrances on the upper half. It is our view that this is inappropriate for retail spaces facing the scheduled walls, and has the potential to impact the adjacent monuments, by creating a cluttered and busy design in their setting rather than a streamlined frontage that will enhance the setting of the older elements surrounding the new buildings. We understood the proposed retail units would have double-height frontages, but that these would be glazed fully or faced in a suitable material and palette, and recommend consideration is given to how these may be designed to better enhance and react to the adjacent scheduled monuments.

Link bridges

The opening of the space between blocks C and D along the line of the former north-south part of the Town Wall, and along York Buildings route, is a clear benefit of the scheme, ensuring more of the town wall configuration and historic York Buildings route can be recognised and appreciated. At pre-application stage the proposed links between the buildings were to be light and glazed, but in the design drawings (general arrangement plans) there is an indication that the link crossing York route may be larger or bulkier. We recommend that your council clarifies the design of the links and ensures the proposals demonstrate they are light structures, to ensure that the permeability of the site, and enhanced setting and experience of the Town Walls, would not be compromised.

Site A building design

We think the detailing of the proposed balconies on building A, with their laser cut metal frontages, are creative and interesting, but have concerns over how these spaces might look once in use and occupied with the trappings of modern life. It is clear from observing other balcony areas in Southampton that they often gradually become cluttered with paraphernalia such as children's toys, push bikes, washing, and unkempt plants. All of these would detract greatly from the aesthetic appreciation and significance of the Bargate, Town Wall and Conservation Areas collectively, and your council may wish to consider removal of balconies on the elevations that face the Bargate and Town Wall.

Scheduled Monument Consent

Because there are significant proposed landscaping works that abut the scheduled Town Wall north east section and the Bargate, we note that Scheduled Monument Consent (SMC) would be required for the proposals; this is decided by the Secretary of State for DCMS, as advised and administered by Historic England. The design and





implementation of such works would require careful consideration, and any SMC application would need to be supported with detailed design and construction drawings, and method statements. SMC would also be required for any protection measures such as boxing or shuttering, which may be needed during demolition or construction works. It would also be necessary to obtain SMC for any repair or conservation works to the Town Wall or Bargate (such as vegetation clearance or mortar repairs). We would be pleased to advise further on the requirements and process for SMC if required.

Heritage Benefits of the proposals

We acknowledge that the proposed development could deliver significant heritage benefits through improvement in the immediate environs of the north east area of the Town Wall and Bargate, particularly when experienced from within the walled town. This would primarily be achieved through demolition of the existing shopping centre buildings which are detrimental to the current appreciation of the Town Wall, and through an improved public realm which better reflects and tells the story of the medieval town, and which creates a distinctive sense of place. Retention of the former Burton Building would assist in demonstrating the evolution of the old town area during the 20th century.

The proposals show heritage benefits would also be achieved by opening up the eastern Wall line between buildings C and D enabling better connectivity and understanding of the walled town circuit. The creation of better definition of the line of missing elements of the Town Wall between the north east section of walls and Bargate, and the opening of the historic York Buildings route would also clearly be of benefit, enabling people to follow historic routeways through the space created. The setting-back of the new development from the Town Wall, and creation of open space and landscape garden areas to the south of the walls and around Polymond Tower, would be a significant element of the proposed scheme that would allow the public to better appreciate and enjoy a section of the wall which has been hidden away in an unattractive and unwelcoming back yard area. The kiosks and garden areas could provide the chance for people to dwell by the walls and appreciate the role they have played in defining the evolving old town. Collectively these changes could enhance the aesthetic and communal value of the scheduled monuments, compared to how they are understood and appreciated at present.

It is clear that the Bargate and Town Walls would become a focal point for this area of Southampton if the development proposals go ahead. People would be enjoying the space around, and interacting with, the heritage assets in this area in a way that is not currently possible, particularly with respect to the north east Town Wall. The Bargate has recently undergone a series of conservation works to prevent water ingress from the roof and allow the saturated walls to gradually dry out. There will however be a need for further repairs to the gate in due course. The north east section of the Town Wall is currently in need of maintenance, with Buddleia and other woody growth taking





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root along the top of the wall, presumably in voids that have soil build up and require re-pointing. In order for the wall and its towers to provide a strong backdrop for any new landscaping and design in this area, conservation works will be required. Securing such repairs would be essential for preserving the evidential, historical, and aesthetic value of the monuments, and your council will need to consider how this could be achieved as part of, or in relation to, the proposed scheme.

In our pre-application discussions with the applicant the provision of heritage interpretation panels was discussed for key areas of the development site, for example the location of the former north-south wall between blocks C and D. We cannot see this included in the application proposals, but consider that the implementation of interpretation panels or similar would be a positive addition to the scheme, and encourage this element to be explored further by your local authority.

We also note that there is an opportunity for heritage benefit to be delivered through the further investigation and publication of previous archaeological excavation works on the Bargate site, and this could be undertaken in conjunction with any new post-excavation and publication work required for the proposed scheme.

Policy and Historic England position

National Policy

The application affects a range of designated heritage assets including three conservation areas, and grade I listed buildings that are also scheduled monuments. With regard to the conservation areas there is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas (s.72, 1990 Act) and this must be taken into account by your authority when making its decision. As the application also affects designated scheduled monuments/grade I listed buildings the statutory requirement to have special regard to the desirability of preserving these assets, their setting and any features of special interest (ss.16, 62, 1990 Act) must be taken into account by your authority when making its decision.

Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). 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. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be - grade I listed buildings and scheduled monuments are of the highest graded nationally designated heritage assets. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para.132 NPPF). The onus is therefore on your



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authority to rigorously test the necessity of any harmful works.

Your authority should also aim to achieve sustainable development, seeking economic, social and environmental gains jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions (para.8 NPPF). Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment (para.9 NPPF). Your authority should therefore also seek to ensure proposals avoid or minimise harm to the significance of designated heritage assets.

Your authority should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para.139 NPPF).

If a proposal cannot be amended to avoid all harm, then if the proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para.132, NPPF).

Local Policy

The height of this development is especially pertinent because the adopted policy position of the local planning authority, as set out in the *Southampton City Centre Urban Design Strategy* and the *Southampton Old Town Development Strategy*, is that building heights in the old town should be generally kept down. We endorse this intention as it seeks to reinforce the Medieval townscape character and respect the setting of the town walls. The issue of building height is especially relevant on this site because of the close proximity of the Town Walls. In the Old Town Development Strategy building heights of 3-5 storeys are advocated but in the north east area of the old town, which includes this site, 3-4 storeys are suggested as appropriate. A substantial building with a range of heights of up to 9 storeys is therefore clearly contrary to local planning policy.

Historic England Position

We have undertaken detailed pre-application discussion with the applicants to encourage them to minimise harm to designated heritage assets from the development proposals. We have carefully considered the information submitted for the planning application and conclude that the development is harmful to designated heritage assets, but acknowledge that it also provides an opportunity to deliver heritage benefits, particularly in relation to the dual-designated grade I listed buildings/scheduled monuments of the Town Wall north east and the Bargate.

We consider that on balance the greatly changed urban context of the old town means that the level of harm to the conservation areas arising from the height of the development is acceptable. The development would however contribute to the current





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general heightening of development in and around the old town which results in either the loss of the scale and character of historic development within the old town (but outside of the conservation area) or a marked differential between the scale of development within the conservation area and that outside.

The harm to the designated heritage assets of the Town Walls and Bargate would be much greater; though on balance we do not deem the proposals to cause substantial harm, we would judge the level of harm to be high. This is because we think that tall buildings in this area would disrupt the aesthetic appreciation and historical understanding of the Town Walls and Bargate, which were designed to be impressive and dominant structures within their wider surroundings. The harm to designated heritage assets arising from the height of this development must therefore 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 have to be shown to clearly outweigh the harm.

It is our understanding that the proposed height/quantum of development relates partly to the loss of value through the creation of the public realm, which would better respect the setting of the Town Wall and the Bargate. A financial appraisal of the scheme will therefore be critical in demonstrating the issue of viability. We note that a viability statement has been submitted as part of the planning application, and understand that it is the council's intention to appoint an independent specialist to undertake a review of the viability of the proposed scheme. We would like to see this review upon completion, and also offer our assistance in assessing the viability of the scheme, if required.

Recommendation

For the reasons given above, we urge you to address the above issues so as to further refine the proposed development scheme. We recognise that the proposed re-development of the Bargate Shopping Centre offers a great opportunity to deliver significant heritage and public benefits by improving the setting of the grade I listed buildings/scheduled monuments of the Town Wall north east and the Bargate, the settings of which are currently severely compromised, particularly that of the Town Wall.

If the applicant is able to demonstrate through their financial appraisal that the viability of the proposed scheme is dependent upon the amount of development proposed, we would consider the proposal acceptable in heritage terms as the overall heritage benefits would outweigh the harm to heritage assets which would arise from the height of the new development.

Equally should the viability report show that the scheme could be viable with less development, we would recommend refusal as the harm to the heritage assets originating from the height of the development would not be justified and therefore the



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scheme would not comply with the requirements of the NPPF.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

Yours sincerely

Rebecca Lambert

Inspector/Assistant Inspector of Ancient Monuments

E-mail: rebecca.lambert@HistoricEngland.org.uk



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Mr Stephen Harrison

Direct Dial: 01483 252015

Southampton City Council

Lower Ground Floor

Our ref: P00523434

Civic Centre

SOUTHAMPTON

SO14 7LS

30 November 2016

Dear Mr Harrison

**Arrangements for Handling Heritage Applications Direction 2015
& T&CP (Development Management Procedure) (England) Order 2015**

**BARGATE SHOPPING CENTRE, AND ADJOINING LAND IN QUEENSWAY, EAST
STREET, HANOVER BUILDINGS, AND HIGH STREET, SOUTHAMPTON, SO14
1HF**

Application No 16/01303/FUL

Thank you for your letter of 12 August 2016 notifying Historic England of the above application. We provide the following advice regarding the amendments provided by the applicant, as detailed in document 'Scheme amendments report' (GL Hearn, October 2016).

Historic England Advice

In our previous response to this application, dated 22nd September 2016, we provided advice to your local authority, and raised concerns regarding a number of elements of the proposed development scheme. We provide further comment on the key elements below.

Scale, height, and massing

The overall height and mass of the development is still of concern, with regard to how



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it will impact upon designated heritage assets in the immediate surrounding area.

The amended TVIA is, however, much improved and provides some helpful images which confirm our initial assessment that the proposal would cause a low level of harm to the character and appearance of the Old Town conservation areas by increasing the intrusion of modern development in views across the Old Town. We do not wish to amend our previous comments in this regard.

The TVIA provides a clearer view as to how the development will impact upon the dual designated assets of the Bargate and the Town Wall north east section. The TVIA shows that the development will clearly be visible in a number of views, most strikingly from the north of the walls looking south and along the length of the walls. As emphasised in our previous response, this is harmful to the adjacent heritage assets as it disrupts the aesthetic appreciation and historical understanding of the Town Walls and Bargate, which were designed to be impressive and dominant structures within their wider surroundings.

The TVIA shows that harm resulting from a tall building when in the immediate vicinity of the scheduled north east section of wall is, however, significantly lower than when approaching the area from the north or west, due to the stepping back from the retail level of the residential blocks B, C and D.

We note also, that the visible elements of accommodation blocks B, C and D, whilst taller, actually appear to be comparable to the height existing Bargate Shopping Centre buildings in views north of the walls, due to the additional set-back of the development from the wall. In this regard, the new development is harmful to the appreciation of the Town Wall, but can be said to create no additional level of harm than the existing building.

We acknowledge that the opening of links between the different buildings will also create a less blocky appearance than the current Bargate buildings, creating views north and south through the development.

Linking the Town Wall and Bargate

We think that the interpretation of the wall line between the Bargate and disconnected north-east part of the Town Wall is an essential part of the proposed scheme. The document titled 'Reflecting the Line of the Old Town Wall' provides general images of lighting and sculptural effects, but does not provide a definite scheme which can be approved. We think the use of glass and lighting is a creative idea for re-linking the designated heritage assets, in addition to surface treatment, benches, street furniture and other art. We strongly recommend that your council secures a high quality scheme at an early stage, or by a condition placed on any consent, and that Historic England are given the opportunity to comment on proposals for a final scheme as this is a vital part of the interpretation of the Town Walls and Bargate.



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Polymond Tower environs including proposed kiosks D and E

In our previous response we raised concerns regarding the introduction of double-storey kiosks to the east of Polymond Tower, along with points for consideration regarding landscaping in its immediate environs.

The amended design drawings indicate the applicant has lowered the height of the kiosk closest to Polymond Tower to a single storey with roof terrace. We are supportive of this change, but think that the kiosks would better reflect the dominance of Polymond Tower if they were both single storey structures.

It is still our view that Polymond Tower would be best presented within a more open garden area around the tower (rather than an enclosed courtyard), with boundaries set further north towards the existing buildings that would create a sense of space around the tower where it could be appreciated 'in the round'. We do however note that our comments regarding the boundary treatment for this area have been translated into the new design drawings, and would suggest that the option for laser cut metal screening would create a more sensitive response to the Tower than a timber screening.

We also note that a bin store area for the kiosks has been included adjacent to the electric substation, and suggest that this be placed in a more discrete location further from the Tower.

Policy

We draw your particular attention to the following aspects of the National Planning Policy Framework:

Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF).

Your authority should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para.139 NPPF).

If a proposal cannot be amended to avoid all harm, then if the proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para.132, NPPF).

Recommendation

The above comments respond to the additional amended information submitted by the applicant. We do not wish to amend our previous comments on other aspects of the





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scheme that are not included within the amendments.

We conclude that the development is harmful to designated heritage assets, but 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.

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 shown to clearly outweigh the harm.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

Yours sincerely

Rebecca Lambert
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Private and Confidential

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Our Reference: TW/160886
Your Reference: 16/01303/FUL

Please ask for : Tony Williams
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Date : 30 November 2016

Dear Simon

**DRAFT REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT
PROPOSED SCHEME: Bargate Shopping Centre and adjoining land in Queensway,
East Street, Hanover Buildings and High Street, Southampton**

I refer to our fee quote dated 14 September 2016 and your email dated 22 September 2016 confirming your formal instructions to carry out a viability assessment in respect of the above proposed development. You forwarded to us the developer's assessment to review and we have had discussions with GL Hearn. We have now undertaken our own research and assessment and would report as follows:

Background:

I understand that this viability assessment is required following a planning application and the contention of the applicant that at the policy level of section 106 contributions and 35% affordable housing the scheme is not viable.

From your brief I understand that you wish us to review the development scheme ref 16/01303/FUL - 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.

GL Hearn conclude that the scheme is not viable with any affordable housing or policy level of contributions but have included the following:

- CIL of £1,830,000
- Section 106 of £500,000 including the preservation of the historic town walls
- Section 278 works of £350,000

However we are advised that the following planning obligations are required:

- a) Affordable Housing – 35%
- b) Highway/Transport – £TBC
- c) CIL – £2,196,435
- d) SDMP - £15,664
- e) Employment and Skills - £69,372

The site includes the Bargate Centre and multi storey car park located in the city centre together with adjoining sites and buildings in Queensway, East Bargate and High St. The proposed scheme is a comprehensive mixed use scheme including retail, student accommodation and residential.

The Scheme:

We have been provided with the assessment undertaken by GL Hearn (GLH) on behalf of the developer which lists the floor areas etc. For the purpose of this assessment we assume the areas provided are correct and have assessed the scheme as proposed without affordable housing at this stage as follows:

Block A		Average		
House Type	Number	Floor Area	Total Floor Area	Total Floor Area
3 Levels		Sq m	Sq m	Sq ft
Unit				
1 & 2 Bed Flats	24	55.17	1,324	14,247
Total	24		1,324	14,247

Block E		Average		
House Type	Number	Floor Area	Total Floor Area	Total Floor Area
8 Levels		Sq m	Sq m	Sq ft
Unit				
1 & 2 Bed Flats	48	62.92	3,020	35,512
Total	48		3,020	35,512

Block F		Average		
House Type	Number	Floor Area	Total Floor Area	Total Floor Area
5 Levels		Sq m	Sq m	Sq ft
Unit				
1 & 2 Bed Flats	80	53.75	4,300	46,283
Total	80		4,300	46,283

Residential	Number	Average Floor Area	Total Floor Area	Total Floor Area
Summary		Sq m	Sq m	Sq ft
Block A	24	55.17	1,324	14,247
Block E	48	62.92	3,020	35,512
Block F	80	53.75	4,300	46,283
Total	152		8,644	93,042

Student Accommodation	Number	Average Floor Area	Total Floor Area	Total Floor Area
Summary		Sq m	Sq m	Sq ft
Block B	251	24.15	6,062	65,247
Block C	72	21.65	1,559	16,786
Block D	128	21.15	2,707	29,138
Total	451		10,328	111,171

Commercial	Number	Average Floor Area	Total Floor Area	Total Floor Area
Summary		Sq m	Sq m	Sq ft
Retail	21	256.38	5,384	57,953
Mezzanines	5	136.4	682	7,341
Kiosks	5	66.0	330	3,552
Total	31		10,328	111,171

Viability Assessment:

This report deals with each major input into the viability assessment of the scheme. This assessment has been undertaken following our own research into both current sales values and current costs. We have used figures put forward by GL Hearn on behalf of the applicant if we believe them to be reasonable.

I have used a bespoke excel based toolkit with cash flow to assess the scheme which is attached as Appendix 1 whilst GL Hearn have used an Argus Appraisal plus cash flow.

We would summarise our assessment of the Scheme as follows:

1) Development Value -

a) Private Residential:

GLH have based their sales values on the research of recent sales and asking prices of new build 1 and 2 bed apartments in the city centre and have adopted an average of £290 per sq ft (£3,122 per sq m).

We have undertaken our own research taking into account sales at Oxford Heights, Guildhall Apartments, Empress Heights etc and conclude that £3,122 per sq m is reasonable in the current market.

We have adopted a total residential GDV of £26,981,828 which is only marginally different to £26,982,180 adopted by GLH.

b) Affordable Housing:

At this stage no affordable housing has been included although policy is 35%.

However, were we to include affordable housing, we would assess a value of 45% of market value for social rented units, 55% of market value for affordable rented units and 65% of market value for shared ownership units.

c) Ground Rents:

On the basis that the private residential units will be sold on a long leasehold basis we have assumed an average ground rent of £250 per unit per annum capitalised at a yield of 5.5% less purchasers costs which agrees with the basis adopted by GLH.

The total value of the ground rents is assessed at £653,033 after purchaser's costs.

d) Student Accommodation:

GLH have been provided with the advice by the applicant's student accommodation advisers GVA.

They have adopted a rental of £145 per week for standard rooms up to £180 per week for studios. They have assumed occupancy levels of 97% with management costs of approx 25%. Based on the advice from GVA they have adopted a yield of 6.25% with a total value of £36,055,000 less purchaser's costs.

We have undertaken our own independent research of student values in the city and rentals range from £122 per week to £155 per week for standard rooms and £155 to £190 per week for studios and the rentals adopted by GLH are therefore not unreasonable.

Occupancy rates and management costs are also not unreasonable taking into account our research.

In respect of yields although we have not been advised whether the development will be leased out, whether there will be a nomination agreement or let to students directly the yield adopted is an average for prime regional locations across the different lease types which is not unreasonable.

The total value that we have adopted for the student accommodation is £36,055,088 less purchaser's costs.

e) Retail units and car parking:

GLH have been provided with research into both rentals and yield in Southampton City Centre undertaken by the applicant's retail advisors GCW.

The values adopted for the retail units equate to a rental of £37 per sq ft (£398 per sq m) for the retail units, £15 per sq ft (£161 per sq m) for the mezzanine units and £37 per sq ft and 326 per sq ft for the kiosk units

depending on size. In addition they have adopted a yield of 6% with a total value of £35,059,971 before purchaser's costs. In addition GLH have adopted a net rental of £600 per space for the 102 space car park at a yield of 7%.

We have undertaken our own research into both rental values and yields and are of the opinion that the rates and yield adopted by GLH are not unreasonable for both the retail units and car park and we have adopted a value of £35,039,820.

f) Gross Development Value (GDV):

On the basis of the proposed scheme with no affordable housing our total GDV is £95,045,764 after purchaser's costs.

This compares to the GDV proposed by GL Hearn of £95,030,604 after purchaser's costs.

2) Development Costs -

a) Build Cost:

GLH have been provided with budget construction costings prepared by the applicants cost consultants, Projex Building Solutions, and the total cost is estimated at £61,330,000. This figure includes a 5% construction contingency and also includes Public Realm, Incoming services and demolition.

Our internal QS have reviewed the cost plan provided and estimates the total build cost at £59,121,764 excluding any contingency which compares to the applicants cost of £58,402,202 excluding contingency (calculated by our QS).

Our QS cost plan is attached as appendix 2.

The overall base build costs excluding contingency are approx 1% different.

GL Hearn	DVS
£58,402,202	£59,121,202

b) Abnormals (included in total cost):

The applicant has included the following abnormals compared to those assessed by our QS:

Abnormals	GLH Cost	DVS Cost
Basement Car Parking	£4,266,580	£4,601,955
Demolition	£2,500,000	£2,090,620
Total	£6,766,580	£6,692,575

c) Build Contingency:

GLH have included a 5% contingency on the total build cost. This is on top of the 5% contingency included in the cost plan. GLH have suggested that they have included both a client contingency of 5% and a construction contingency of 5%.

I am of the opinion that this is double counting and I have just included 5% of build cost as a reasonable contingency.

d) Professional Fees:

GLH have included professional fees at 8% which is at the lower end of our range of 7.5% to 12.5% for this type of scheme but is agreed.

In addition GLH have included an additional £900,000 as miscellaneous fees which we understand covers an insurance policy although little detail has to date been provided. We have included this item but further discussions are required.

e) Section 106 Costs / CIL:

GLH have included the following figures:

- CIL - £1,830,000
- Section 106 - £500,000
- Section 278 highway works - £350,000
- Total of £2,680,000

We have been provided with the following figures by the Council which we have included:

- CIL - £2,196,435
- Highway/Transport – To be confirmed
- SDMP – £15,664
- Employment and Skills - £69,372
- Provisional total of £2,281,471 excluding highways/transport

f) Sale and Marketing fees:

GLH have adopted the following fees:

- Agent letting fee – 15% (Joint Agents)
- Legal letting fee – 5%
- Commercial/ Student Agent Sale fee – 1%
- Residential Sale agent and marketing fees – 3%
- Legal sale fee – 0.5%

These rates adopted by GLH are industry standards and are agreed as reasonable for this type of scheme.

g) Finance costs:

We have adopted an inclusive debit finance rate of 6.5% and credit rate of 2% to include for bank arrangement fees etc which we have agreed on other similar schemes.

GLH have included a debit rate of 7% and a credit rate of 1%. However due to the negative land value shown by the Argus appraisal it is difficult to compare the total sums.

h) Developers Profit:

For mixed use schemes we would normally adopt a profit level of between 15% and 20% of GDV. In this instance we have accepted the applicant's view that a 20% profit across the residential and retail units adequately reflects the risks surrounding this scheme.

However GLH have also adopted 20% on the student accommodation. It is still a little unclear how this will be operated but in line with similar schemes we have adopted 15% of GDV on the student accommodation.

i) Development Programme:

The following programme has been adopted as reasonable:

- Lead In – 9 months
- Build Period of 24 months
- Residential Sales are achieved over a period of 15 months from PC at an average of 10 units per month
- Ground rents sold on completion of scheme
- Commercial Sales achieved 1 month after PC
- Student Accommodation sold 1 months after PC

The above is in line with the applicant's cash flow.

j) Land Value:

Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the market value of the site (Benchmark) taking account of The RICS Guidance note, Financial viability in planning, 1st edition.

The applicant has provided a Benchmark Land Value of £9,294,000

This includes for the following:

- 1) Properties surrounding the Bargate Centre - £6,595,000
20% Premium uplift - £1,319,000
Total £7,914,000
- 2) The Bargate Shopping Centre
Although the centre is vacant GLH have assessed its valued based on a refurbishment - £1,380,000

We have reviewed all the evidence provided and undertaken our own research as to rental values and yields for these types of properties in the city and are of the view that the base values adopted are not unreasonable.

However in addition to the base values GLH have added a premium of 20% on the surrounding properties as an incentive for the owner to sell. We are

unclear as to the current ownership position of these properties and at this stage have not included any incentive above the market value of these commercial properties. However this needs to be discussed further with GLH. We have adopted a benchmark land value at this stage of £7,975,000

Overall assessment and Recommendations:

GL Hearn have assessed the all private 152 unit residential scheme, ground rents, student accommodation of 451 beds, 31 retail units and a 102 space car park and concluded that it is not viable since it shows a negative land value of approx £4,500,000. The assessment includes for CIL/106 of £2,680,000.

We have also assessed the scheme as detailed above and our appraisal included as appendix 1 shows a nominal land value of £110,000 and is not viable against our benchmark land value in its current form.

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.

General Information:

Conflict of Interest

Prior to undertaking this viability assessment, conflict of interest checks were carried out in accordance with the requirements of the RICS standards. I can confirm that we have not had any previous involvement with this site and that I am not aware of any conflicts of interest that affect my ability to provide impartial viability advice to the Council.

Restrictions on Disclosure and Publication

This report is provided for the use of the Council and their professional advisers only in connection with planning issues surrounding the above development proposal. It is not to be used or relied upon by any third party for any purposes whatsoever. The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made. No liability whatsoever to any third party is accepted.

This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

Validity

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

I trust this report provides the information that is required however please do not hesitate to contact me if you have any queries and I would welcome the opportunity of discussing this with you in greater detail.

Yours sincerely

Tony Williams MRICS
Registered Valuer
Head of Viability (Technical)
DVS

Appendix 1 – Proposed Scheme Appraisal
Appendix 2 – QS Assessment

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Agenda Item 6

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

Application address: Former Oasis Annexe Mayfield, Porchester Road, Southampton			
Proposed development: Redevelopment of the site. Demolition of existing building and construction of 15 x two-storey houses (10 x three bed and 5 x four bed), a part two-story part three-storey block of 35 apartments (9 x one bed and 26 x two bed) with associated parking and formation of public open space.			
Application number	16/01605/FUL	Application type	FULL
Case officer	Anna Lee	Public speaking time	15 minutes
Last date for determination:	Major - 28.02.2017 (Extension of Time Agreement)	Ward	Woolston
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Blatchford Cllr Hammond Cllr Payne

Applicant: Radian	Agent: HGP Architects
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Recommendation Summary	Delegate to Service Lead, Planning, Infrastructure and Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including parking pressure, highway safety, impact on neighbouring amenity, design and character have been considered and are not judged to have sufficient weight to justify a refusal of the application for the reasons given in the report to the Planning and Rights of Way Panel on 10th January 2017, and where applicable conditions have been applied in order to satisfy these matters. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). "Saved" Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, HE6, H1, H2, H3, and H7 of the City of Southampton Local Plan Review (March 2015) and as supported by the adopted Residential Design Guide SPD (2006) and policies - CS4, CS5, CS6, CS11, CS13, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (March 2015)

Appendix attached			
1	Development Plan Policies	3	Plans for 14/00101/R3OL
2	Plans for 14/00101/R3OL	4	Site Plan

Recommendation in Full

1. Delegate to the Service Lead, Planning, Infrastructure and Development to grant planning permission, subject to the planning conditions recommended at the end of this report and to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions and/or s.278 works towards site-specific transport contributions for highway improvements in the vicinity of the site (including local footpaths) with any associated Traffic Regulation Orders, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015), and with the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer.
 - iii. Provision of affordable housing, in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015), and with the adopted SPD relating to Planning Obligations (September 2013).
 - iv. Financial contributions towards an employment and skills delivery of agreed actions by the Council identified within the Employment & Skills Plan and the submission of an employment and skills plan in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vi. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - vii. Financial contributions to tree replacement off-site and the submission of a tree replacement plan.

In the event that the legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, the Service Lead, Planning, Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
2. That the Service Lead, Planning, Infrastructure and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above, then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1.0 The site and its context

- 1.1 The site lies on the corner of Porchester Road, Station Road and Portsmouth Road and has historically been occupied by a school for the last 80 years (both primary and, lately, secondary). The site is no longer in use as a school, but has recently been used by the Council as a storage area for building materials (LPA ref: 13/01915/FUL). The site lies within a predominately residential area, though with some commercial units on Station Road.
- 1.2 The existing buildings on site are imposing and are in a perimeter block formation, which is three storey along Porchester Road. On the main frontage (Station Road and Portsmouth Road) the height increases by half a metre to 6.5m to eaves height. However, one building adjacent is 9m to eaves and the corner block on Porchester Road is 12m high. Access to the site is via Porchester Road, where the internal part of the site is currently laid out for parking and a school playground.
- 1.3 There are a number of trees within the site and a group of mixed deciduous trees form a Tree Preservation Order (TPO) within the south-western corner of the site. A single TPO has been placed on a large London Plane fronting Porchester Road. The desire to successfully retain these protected trees has rightly constrained and informed the proposed redevelopment of the site.

2.0 Proposal

- 2.1 This application is a full application similar to the approved outline application granted in 2015. The outline scheme sought the provision of 40 residential units comprising of 17 no. 1-bed units with one parking space each,, 10 no. 2-bed units with one car parking space each, 10 no. 3-bed units with two car parking spaces each and three no. 4-bed units with either one parking space and a garage or two parking spaces.
- 2.2 This application seeks to provide 50 units with, once again, a mix of flats and houses, comprising 10 no 3-bed houses, 5 no 4-bed houses, 9 no 1-bed flats and 26 no 2-bed flats. Each of the 4-bed houses has one garage and one parking space. Three of the 3-bed houses have two parking spaces (a garage and parking space or two spaces) and two of the 3-bed houses have one space in front of the property. There are 44 parking spaces plus 4 visitor parking spaces for the other 40 units, of which all but five (which are three bed houses) are one or two bed flats. The outline scheme provided 53 parking spaces while this current proposal provides 66 spaces.
- 2.3 The layout of the scheme is similar to the outline albeit an additional 10 units are proposed, and there is a change to the mix of units. The overall site density is 65 dwellings per hectare (dph) in an area where guidance suggests 50 to 100 dph is appropriate in principle. The approved outline scheme sought a density of 53 dph.
- 2.4 The majority of the proposed development is designed within a perimeter block with dwelling houses fronting Porchester Road and some dwelling houses located internally within the central area. The flatted units front Portsmouth Road, Station Road and Porchester Road. Pedestrian access through the site is provided via two footpaths from Porchester Road to the south west corner of the site and from Porchester Road straight down to the south of the site. The dwelling houses are two storey in height and the flatted development is split into blocks from A - D (A is along Portsmouth Road, B lies on Station Road, C is located on the corner and D is sited within Porchester Road). All the blocks bar block D (which is two-storey) are three-storey in height.

2.5 Vehicular access to the site is via Porchester Road, but the access has been designed to reduce the impact on the TPO'd Plane tree. The properties fronting Porchester Road have driveways accessed from the road, but the rest of the units' parking and vehicular access is via the access way, as two central parking areas are provided within the site. These are located behind the retained trees along Portsmouth Road (25 spaces), and within an "entrance square", which lies adjacent to public open space to the rear of the properties facing onto Station road and Porchester Road (23 spaces, including 4 for visitors). Both parking areas are clearly open to surveillance.

2.6 The application site lies within an area which has good public transport links and the scheme put forward provides a mix of unit sizes ideal for this accessible location.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2015) and the City of Southampton Core Strategy (March 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

3.3 The National Planning Policy Framework (NPPF) came into force on 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

4.0 Relevant Planning History

4.1 **00/00402/FUL** **Conditionally Approved**
20.06.2000
Construction of new school buildings

4.2 **13/01915/FUL** **Conditionally Approved**
05.02.2014
Change of use of the building from a Training Centre to storage of builders' materials (Class B8)

4.3 **14/00101/R3OL** **Conditionally Approved**
14.07.2015
Redevelopment of the site, demolition of the existing buildings and erection of two, two and half and three-storey buildings to provide 40 dwellings (17 x one-bedroom, 10 x two-bedroom, 10 x three-bedroom and 3 x four-bedroom) with associated parking and vehicular access from Porchester Road (Outline application seeking approval for access, layout and scale).

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, erecting a site notice (11.10.2016) and by placing an advert in the paper (21.10.2016). At the time of writing the report, **26 objections** from surrounding residents (plus two objections from ward councillors) have been

received. The following is a summary of the points raised:

5.2 Concern regarding access, parking and transport problems that would arise from the increase in dwellings. In particular, with respect to lack of parking and overspill onto Porchester Road.

Response

The Council's Highways Development Management team have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. Parking has been proposed to provide at least one for one (with 2 spaces for many of the larger units) and in this accessible location this is acceptable. The scheme complies with the Council's parking standards for this location, so there is no justifiable reason for refusal on these grounds.

5.3 Impact on highway and congestion

Response

No objection has been raised on highway safety grounds. All residential development has an impact on the highway network, and so a highway safety improvement package is being sought as part of the S106 legal agreement to help mitigate any potential highway safety issues.

5.4 There is concern over the scale/ height of the buildings in relation to neighbouring properties and loss of light

Response

The proposed height of the dwelling houses along Porchester Road is 4.7m to eaves and 8.7m to ridge. With respect to the flats, the highest part of the building is 13.6m at ridge height but, on average, the ridge height is 11.7m, due to the proposed articulation of the blocks. The existing buildings on site range in height from 6m (eaves) through to 12m at the junction of Station Road and Porchester Road. The existing neighbouring houses have a higher eaves and are approximately 9m in height, so they are taller than the proposed dwelling houses. The proposed dwelling adjacent to 118 Porchester Road, and in the North-West corner of the site complies with the 45 degree rule. The redevelopment of the site results in a betterment to the existing situation where there are two-storey buildings close to the shared boundary with this property.

5.5 Loss of the school

Response

The loss of the school was assessed, and accepted, during the previous outline application and therefore the principle of the redevelopment for housing has been accepted. The Council's education department stated that the school was no longer needed and that future school growth can be accommodated using existing (and planned) capacity, despite the increase in population in Woolston following the implementation of the CQ development.

5.6 Overdevelopment

Response

The scheme provides a density of 65 dph and therefore the proposal is in line with policy, as 50 – 100 dph is accepted in principle within this location.

5.7 Concern over noise

Response

All residential properties have the potential to generate noise. However, the Council's Environmental Health team has not objected on these grounds and the delivery of housing should not be held up due to concerns that some

residents may be unneighbourly. The planning system should plan for reasonable behaviour. Planning conditions can be used to minimise disturbance during the construction phase.

Consultation Responses

5.8 SCC Highways – No objection

5.8.1 No objection is raised to this proposal subject to conditions relating to cycle storage, refuse storage, details of the construction of the roads and footpaths and parking courts. The parking areas shall be completed, marked out and made available for use prior to occupation of the development and the extent of adoption of the highway to be agreed. The footway surrounding the site shall be a minimum of 2m wide and shall be subject to reconstruction under a Section 278 agreement where vehicle dropped crossings are to be installed. The design of the proposed access onto Porchester Road and its associated sight lines are to be agreed prior to commencement of development.

5.8.2 Therefore, the proposed development is acceptable in principle, subject to securing the matters above and the refuse management details for the site, in terms of a waste management plan. Conditions securing the construction of the Eurobins storage and restricting refuse bins being left out only on collection day only are requested. A communal refuse area has been provided which will aid refuse collection and a waste management plan will secure its provision. The provision of refuse storage should include a glass recycling pod for the whole site, a condition is suggested to secure this.

5.8.3 Double yellow lines should be provided to aid highway safety by restricting parking along the Porchester Road frontage, in order to safeguard the passing area around the pinch point and also along the highway in front of Block C, so that refuse vehicles can access the bin store. There should also be a dropped kerb to safely transfer the Eurobins on and off the carriageway.

5.9 SCC Housing – No objection

As the scheme comprises 50 dwellings in total, the affordable housing requirement from the proposed development is 35%. The affordable housing for this level of development is therefore 18 dwellings. The S106 agreement will ensure that the affordable dwellings are provided.

5.10 SCC Trees – No objection

5.10.1 Several trees on the site are protected by The Southampton (Former Oasis Annexe Mayfield) Tree Preservation Order 2014 and, as such, they are considered to be a material consideration to this application. The information that has been submitted to support this application is lacking in arboricultural detail, and therefore further information will be required via conditions. Conditions should be secured to provide details that show the trees to be retained, provide an arboricultural method statement and an arboricultural impact assessment. A condition is proposed to ensure both protection of trees and their roots during construction. Further to these, a detailed landscaping plan and information with regard to subsequent maintenance and replacement, as necessary will be required to be submitted.

5.10.2 The landscaping plan shows the location of replacement trees, but the planting density does not meet the requirement of a two for one replacement. The landscaping plan shows that a total of 17 trees will be removed and a total of 23 will be planted, therefore there will be a requirement for an additional 10 trees. There is limited space available on site and further planting within the developable area would have a detrimental impact to the development of the

plotted trees. On this basis, the replacement ten trees required will be located elsewhere within the city, this provision is to be secured via the S106 agreement.

5.11 SCC Flooding Team – No objection

5.11.1 Subject to a condition requiring a drainage system. The proposed drainage strategy for the redevelopment proposals for this site is reliant solely on a positive drainage system which does not include any form of SuDS. This proposed drainage strategy is not acceptable and therefore a condition is required to secure a better drainage scheme.

5.11.2 Further information on the surface details of car parks and other open areas should be submitted and approved by the flooding team, to demonstrate that the increase in surface water run-off is limited, if not reduced from the present levels, by the use of permeable materials.

5.12 SCC Sustainability Team – No objection Subject to the imposition of conditions securing energy and water restriction.

5.13 SCC Environmental Health (Pollution & Safety) – No objection subject to conditions securing, a construction environment management plan, no bonfires (not secured as can be dealt with under separate legislation) demolition suppression and working hours.

5.14 SCC Historic Environment – No objection.

5.14.1 The site lies within Area 16 of the Local Areas of Archaeological Potential (Rest of Southampton). An archaeological watching brief was undertaken in 2001 on the construction of the new extension (due to be demolished under these proposals). Evidence from the watching brief suggests the presence of minor roman occupation, and the possibility that the site was part of the infield system of a small High Medieval settlement. This settlement may have only lasted a few years, and may have been deserted as a result of the Black Death in the 14th century.

5.14.2 If planning permission is granted an archaeological evaluation should be commissioned for the site as secured by conditions. Part of the site comprises the original Infant school building. The building, while not Listed or Locally Listed, is an important part of the street scene and makes a valuable contribution to the character of the street and the local area. It would be preferable if the façade of this locally valued building at least could be retained. In the event that consent is granted to demolish the building, it should be recorded to an appropriate standard, to be secured by the condition suggested. Officer Response – Whilst officers agree with these sentiments the buildings are not listed and there is no control to prevent the loss of these buildings. Furthermore, the loss of the buildings façade was accepted at the outline stage

5.15 SCC Design – No objection

Request a condition to secure a stronger/biodiverse approach to the whole landscaping of the site to provide soft planting to reduce the appearance of hard landscaping.

5.16 SCC Environmental Health (Contaminated Land): No objection

No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.

5.17 Southern Water – No objection subject to an informative requiring connection

to the public sewerage system.

5.18 **City of Southampton Society – Objection**

- 5.18.1 This application should be rejected on the grounds of overdevelopment. A revised application would provide for fewer properties and take into consideration the area's already congested roads. To encourage the use of public transport, there is the opportunity to provide a bus lay-by at /near the current bus stop in Portsmouth Road and adjacent to the New Footpath as illustrated in the plans.

Officer Comment - The proposal complies with policy in terms of density for the area and no highway objection has been raised. A S106 legal agreement is required and will seek a package of highway measures, which would include means of encouraging use of public transport.

6.0 **Planning Consideration Key Issues**

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

- Principle of development;
- Design and amenity;
- Highway Safety and Parking;
- Landscaping and tree protection;
- Development Mitigation

6.2 Principle of Development

The principle of development is acceptable as the site has not been a school for some time, and the redevelopment for housing has been previously accepted under the recent outline planning permission. Therefore, the proposal complies with policy CS11 of core strategy.

- 6.2.1 The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The city has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the city between 2006 and 2026 for the city to address its own requirements. The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable housing development, the use of previously developed land and therefore the principle of the proposal is generally supported, if it is agreed that it meets design and environmental policies.
- 6.2.2 Policy CS5 seeks to ensure that development within medium accessibility areas have a density of between 50 and 100 dph. Therefore, the proposed density of 65dph is acceptable. The development would create additional housing stock for Southampton (with affordable units) as well as bringing the vacant site back into use whilst providing a mixed housing offer. Trees are proposed along the frontage as well as the retention of the large plane tree thereby maintaining and enhancing part of the road's existing character. The requirement for additional tree planting cannot be met under the present layout, and planting elsewhere in the City would be necessary (and secured through the s.106 legal agreement).
- 6.2.3 The proposal provides a range of accommodation types and would therefore contribute to the creation of a mixed and balanced community. The proposal is therefore considered to accord with the provisions of policy CS16 of the Core Strategy as the proposal provides family housing. In addition, the principle of making more efficient use of previously developed land to provide residential

development is acceptable. Furthermore, the proposal provides 18 affordable units. These 18 units with the addition of four extra units will be for affordable rent and shared ownership. The remaining 28 units will be constructed for private sale and market rent. This number meets policy requirements, but would need to be secured and enforced through a legal agreement.

6.2.4 The surrounding area is, with the exception of the existing buildings on site, predominantly residential and characterised by two storey dwelling houses. The most appropriate use of this previously developed site is considered to be residential housing, of a similar scale and type as that within the immediate area as supported by the approval of the previous outline application.

6.2.5 This objective is met, as the new units close to existing houses would be two-storey, with the three-storey units being focussed on the eastern part of the site, where the additional height would contribute positively to the street scene.

6.3 Design and amenity

The proposed development would make efficient use of previously developed land whilst retaining its spacious and verdant character. This is achieved largely through the plot sizes proposed, the separation of the proposed buildings from the site boundaries and the retention of the mature screening to the southern west boundary of the site. The provision of car parking spaces in front of some of the dwellings and for the rest of the units within two central areas ensures the development would not appear to be dominated by hard standing when viewed from public vantage points. The splitting up of car parking areas reduces the appearance of hardstanding and enables more landscaping strips to soften the scheme. The perimeter block form of development is welcomed as it provides frontages to both Station road, Porchester Road and Portsmouth Road. The materials chosen for the development are red brick with grey tiles to match materials found in the surrounding area.

6.3.1 The flatted block fronting Station Road which turns the corner into Porchester Road, addresses the corner and would be three storey in height and then reduces down to a two storey height. The three storey height continues along Station Road to the end of the block on Portsmouth Road. The height increase is considered to be appropriate given the separation distance of buildings from boundaries, the distance from neighbouring properties and given the height of the existing buildings on site which establish height on this junction and Station Road as a whole. The highest part would be 1.6m taller than the existing building form along Porchester Road and Station Road. However, this height is only provided on a few elements, due to the articulation of the development on Station Road and part of Porchester Road. The development is broken up into two distinct parts; one block of flats fronting Station Road and Portsmouth Road, and two rows of houses. The houses are linked attached or semi-detached fronting Porchester Road and are terraced or semi-detached with one detached dwelling internally within the site. In design terms, the development is acceptable, as it provides a form of development that would be in keeping with the area in terms of height, bulk and materials chosen.

6.3.2 In terms of amenity, all the units proposed meet the privacy distance set out in the Council's adopted Residential Design Guide (RDG) between adjacent properties in terms of the relationship between the side elevation and rear elevation at Portsmouth Road. The distance between the side elevation of 113 Portsmouth Road and the nearest property is 12.5m, which complies with the required standards for gable to gable relationships. There is no adopted privacy distance

for front – front relationships, as seen on Porchester Road and Station Road, as privacy is already compromised by the roads. There are no windows on the side of 118 Porchester Road and the 45 degree rule is met with respect to the rear windows of the existing property. With regard to the privacy between the units within the site, the privacy distance between the two rows of houses is 21m at the shortest distance so therefore complying with RDG guidance. The distance between the internal dwellings and Porchester Road is approximately 33 metres and therefore the proposal complies with the RDG guidance of 21m.

6.3.3 Officers raised concern that inter-looking could occur within the scheme between the flat units on Station Road and Porchester Road on the corner, but the scheme has been altered to provide oriel windows to prevent direct overlooking. The rest of the units meet the privacy distances. The distance between the flats on the Portsmouth Road and the end house of the central row is 13.6m, but there are no front to front privacy distances set out in the guidance. Overall, the scheme provides a development that would not detrimentally harm neighbouring properties in terms of outlook, privacy and loss of light.

6.3.4 The central area within the perimeter block will be utilised for both parking and amenity space for the flats. The area provided would be private and usable, and landscaped areas would separate the parking from the amenity space. In terms of residential amenities for potential occupiers of the dwelling units, an appropriate provision of useable garden space has been set out for each dwelling unit. The area of private amenity space for the houses complies with the guidance set out in the RDG. The central amenity space is 205 sq.m and therefore provides 6 sq.m of amenity space per unit. This calculation does not include the areas provided to the rear of units, which provide defensible space, nor does it include the areas of open space along the south and south-west boundary. It is noted that the privacy is short of the required 20sq.m, but as each unit has access to this large very usable area and as many of the flats are one bed, it is accepted in this case. Each dwelling house accommodates storage of its own refuse and cycles. In terms of the flatted development an area for refuse collection is shown on the site, as a refuse strategy has been provided. Furthermore, integral cycle and refuse stores are provided. However, the management of the refuse collection is not clear with regard to the collection and replacing of the Eurobins to the refuse storage areas so the management of this will be conditioned.

6.3.5 All habitable rooms have an acceptable outlook and adequate light, and similar rooms for the flatted elements have been stacked to reduce noise transfer. All flats have a lounge/diner, one or two bedrooms and one or two bathrooms. In addition, all units have access to the shared amenity space and cycle and refuse storage. All the dwellings have a kitchen/diner, lounge and toilet on the ground floor and three or four bedrooms and one or two bathrooms at first floor.

6.4 Highway Safety and Parking

The site is accessed from Porchester Road, an unclassified residential road fronted by mature housing, with few properties benefitting from off street parking. The site has two other road frontages, onto Station Road and Portsmouth Road, both classified highways carrying larger numbers of vehicles, and double yellow lines restricting parking on the site boundaries. The site is adjacent to the traffic signal controlled junction of Station Road, St Annes Road and Portsmouth Road, Portsmouth Road being a commuter route into the city via the Itchen toll bridge.

6.4.1 Parking provision is provided in accordance with the adopted Parking Standards

SPD. Some of the proposed dwellings take direct access from Porchester Road. The main site access is between the flatted blocks and the row of proposed dwellings fronting Porchester Road. All of the four bed dwellings and half of the three bed dwellings have private parking. The other 44 spaces (not including 4 visitor spaces) within the two parking court areas are to serve the 40 remaining properties. Out of the 66 parking spaces provided, 4 of the spaces would be set aside for visitors' parking, and will be marked out to try to reduce the impact of overspill parking onto Porchester Road.

6.4.2 The current school restriction road markings will be removed, and a traffic regulation order will be instigated to provide some parking restrictions locally, to ensure sight lines at the new junction are recognised. Within the site, the area for the refuse vehicle turning will remain unhindered by suitable marking.

6.4.3 The development provides for cycle parking for all the properties, and is located on a major bus corridor, adjacent to bus stops, and there are pedestrian facilities at the traffic signals on Portsmouth Road to aid pedestrians wishing to cross this road. Two footpaths are provided from the site directly onto Portsmouth Road to make walking routes more direct. The eastern cycle corridor is being introduced which runs adjacent to the site into the city, all of which means the site is sustainably located providing residents with alternative transport options to the car. Schools, shops and other facilities are all available within reasonable walking distance, via lit routes. Subject to the suggested conditions the layout is acceptable.

6.5 Landscaping & Trees

The site contains a large number of mature trees, most notably to its Southern boundary with Portsmouth Road and along Porchester Road where a TPO Plane Tree is located. Although insufficient information has been received to ensure the proposal will not result in development significantly encroaching on existing trees root protection zones, the Southampton City Council Trees Team is satisfied that development works can take place without harming the root protection areas of the retained trees. This can be secured by conditioning safeguarding and protection measures for the trees during development. The group TPO to the rear will not be harmed as the development is located a distance from these bar the introduction of the footpath. Therefore, subject to the conditions suggested the proposal is acceptable.

6.5.1 The site plan submitted shows a great deal of soft landscaping throughout the site and this is key to for a development of this size. Landscaping strips are proposed along the frontage of the flatted blocks and along Portsmouth Road as well as internally, adjacent to the car parking areas. The car parking areas are broken up to add interest and to reduce the impression of hardstanding. A landscaping condition is imposed to secure the provision of this as without soft landscaping the development would be stark. In addition to low level soft landscaping a number of trees have been added to soften the hard landscaping appearance. Subject to the conditions suggested by the Council's Tree Team the proposal will not result in any harm to the trees covered by the TPO.

6.6 Development Mitigation

As with all major development the application 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 Planning Obligations SPD (2013). 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. Significantly these measures would include 35% of the units being secured for affordable housing and

highway contributions to support improvements to the footway and junction at Pochester Road and Station Road. Also, footway improvements in the vicinity of the development, traffic regulation order and modification and improvement to the pedestrian crossing facilities at the traffic signals on Portsmouth Road with Station Road would be sought. In addition the scheme triggers the Community Infrastructure Levy (CIL).

- 6.7.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £176 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 Summary

- 7.1 The principle of redevelopment of this site for housing is accepted, as approved under an outline application. The scheme has been designed around the site restrictions in terms of the TPOs on site. It also provides much need family housing and affordable units and is acceptable in parking and highways safety terms. The impact on neighbouring dwellings has been mitigated through the layout and proposed scale of dwellings. An appropriate residential environment to confirm with at least minimum standards has been provided. Therefore, the proposals are consistent with adopted local planning policies, subject to approval of detail and the achievement of objectives set out in the recommendation through the legal agreement.

8.0 Conclusion

- 8.1 As such, the application is recommended for approval, subject to securing the matters set out in the recommendations section of this report and the conditions set out below.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

ARL for 10/01/2017 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition [Performance]

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

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

02. Residential - Permitted Development Restriction [Performance]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

03. Sightlines specification [Pre-Commencement Condition]

Pedestrian two metre by two metres forward visibility sight lines (measured from the back edge of the footpath) shall be provided for each parking space before the use of any dwelling hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600mm above carriageway level within the sight line splays unless agreed otherwise in writing by the Local Planning Authority.

Reason: To provide safe access to the development and to prevent congestion on the highway.

04. Elevational changes [Pre-commencement condition]

Prior to the commencement of development details of amended elevations which incorporate integral refuse storage, to the front elevations of the dwelling houses fronting Porchester Road hereby approved shall be submitted to and be approved in writing by the Local Planning Authority. The integral refuse stores shall be constructed and retained as set out in the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity and as the submitted layout will result in bins being left of the frontage to the detriment of the wider streetscene.

05. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

Reason: To ensure the provision of adequate amenity space in association with the approved flats.

06. Refuse management plan [Pre-Commencement Condition]

Prior to the first occupation of the development a refuse management plan shall be submitted to and be agreed in writing by the Local Planning Authority which sets out refuse strategy for the movement of the euro refuse bins from the units to the collection point and back to the internal storage areas. The collection point should be within 10m of either the public highway or the route of the refuse vehicle. The approved refuse management plan shall be implemented and retain unless agreed otherwise by the Local Planning Authority.

Reason: In the interests of highway safety.

07. Tracking Diagram for Refuse vehicle [Pre-Commencement condition]

Prior to commencement a tracking diagram for the refuse vehicle (minimum length of 10.86m) shall to be submitted and to be agreed upon in writing by the Local Planning Authority. Tracking speed of vehicle to be at least 5mph. The approved scheme shall be laid out and retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure refuse can be collected adequately.

08. Turning Areas [Performance Condition]

The turning head as shown on the site plan (drawing no.15.112.SK101 Rev A) including the smaller turning head for unit 15, leading to its garage, must be kept clear at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

09. Glass Recycling [Pre-occupation condition]

Prior to occupation details for glass recycling facilities (one pod) for the whole site shall be submitted and agreed by the Local Planning Authority. The installation of the facilities shall be implemented and retained in accordance with the approved detail unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual and residential amenity

10. Euro Bin Storage [Performance]

The bin store shall be constructed of masonry under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.

Internal lighting to operate when doors are open, and a tap and wash down gully to be provided, with suitable falls to the floor. Internal doors/walls/pipework/tap/conduits to be suitably protected to avoid damage cause by bin movements.

The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard coded keypad detail.

The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.

A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

The site management must contact SCC refuse team 8 weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. E mail waste.management@southampton.gov.uk

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.

11. Cycle parking [Performance Condition]

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport.

12. Road Construction [Pre-Commencement]

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

1. A specification of the type of construction proposed for the roads, cycleways and footpaths (showing a minimum width round the site of 2m) including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
3. Should the developer not enter into a Section 38 Agreement there will be a requirement to provide details of a Management process which will maintain these areas in the future, and a bond will be required to support this process.

Reason: To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority.

13. Parking area [Pre occupation Condition]

The parking areas shown on the approved shall be laid out and ready for use prior to the first occupation of development unless agreed otherwise in writing by the Local Planning Authority. These parking spaces shall be retained during the lifetime of the development for use by residents and their visitors only.

Reason: To prevent off site highway safety issues.

14. Use of garage [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the

occupation of the dwelling house. At no time, shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation without first obtaining planning permission.

Reason: To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

15. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

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

- i. proposed finished ground levels; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (lighting columns etc.);
- ii. planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including low level boundary restrictions along the soft landscaped areas to prevent parking and;
- v. a landscape management scheme of all the landscaped areas within the site.

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

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

16. Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained 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.

17. No storage under tree canopy [Performance Condition]

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.

18. Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

19. Arboricultural Method Statement [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

20. Construction Management Plan [Pre-Commencement]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;

- (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
 - (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
 - (e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction;
 - (f) details of construction vehicles wheel cleaning;
 - (g) times of construction activities, to accord with the details submitted under Condition 34 and,
 - (h) details of how noise emanating from the site during construction will be mitigated.
- The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

21. Sustainable Drainage [Pre-Commencement Condition].

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. 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).

22. Surface / foul water drainage [Pre-commencement]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

23. Energy & Water [Pre-Commencement Condition]

Before the development commences (excluding any site set up or demolition works) written documentary evidence demonstrating that the 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).

24. Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the 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).

25. Demolition - Dust Suppression [Pre-Commencement Condition]

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

Reason: To protect the amenities of users of the surrounding area.

26. Land Contamination investigation and remediation [Pre-Commencement & Occupation]

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.

27. Use of uncontaminated soils and fill [Performance]

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.

28. 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.

29. Archaeological evaluation investigation [Pre-Commencement Condition]

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.

30. Archaeological evaluation work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

31. Archaeological investigation (further works) [Performance Condition]

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

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

32. Archaeological work programme (further works) [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

33. Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording 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 recording of a significant structure is initiated at an appropriate point in development procedure.

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

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

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

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

35. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority. The oriel windows shown on the amended plans shall be provided prior to first occupation of the associated flat and retained thereafter.

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

Note to Applicant

Public Sewerage system and water supply

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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.

S106 Legal Agreement

Please note that a Section 106 agreement is to be completed as part of the land sale transaction and should be read in conjunction with this planning consent. A full copy of the Section 106 Agreement will be available to view on Public Access via the Southampton City Council website, once completed.

Application 16/01605/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	CS22- Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated land
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Notes:

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All works to be carried out in accordance with the latest British Standards, Codes of Practice unless specifically directed otherwise in the specification.

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P3	29/7/14	Revised parking, unit numbers, landscaping and general updates	TP	CW
P2	1/4/14	Updated parking, paths, annotations, increased pavement widths	TP	CW
Rev	Date	Amendments	By	Chk

Drawing Status:

PLANNING



CAPITA
CAPITA Property Services
One Guildhall Square, Above Bar Street
Southampton, SO14 7FP
www.capita.co.uk

Client:

Southampton City Council

Project Title:

**Former Oasis Academy Mayfield
Porchester Road, Southampton**

Drawing Title:

Proposed Site Plan

Project No.:	Drawing No.:	Rev.:
CS/059055	AL03	Appendix 2
Date:	10/09/13	Scale: 1:500
By: KG	Checked: AG	Approved: EE
UPR Number: UPR_NO		



KEY

- TREES FOR REMOVAL
- PROPOSED NEW TREES
- EXISTING TREES
- AMENITY SPACE/ GRASS AREAS
- ROAD & PARKING AREAS
- FOOTPATHS
- GARAGE
- ENTRANCES TO FLATS
- THROUGH ROUTE FOR RESIDENTS
- PROPOSED RAISED PLANTER BED WITH SEAT
- CIRCULATION / BINS AND CYCLE STORE
- INTEGRAL BIN STORE
- GARDEN SHEDS
- VISITOR CYCLE PARKING

Accommodation schedule

Unit no.	Type	Area (m ²)	Storey	Parking
1	4 bed house	100	2½	1sp+garage
2	4 bed house	100	2½	2sp
3	4 bed house	100	2½	2sp
4	3 bed house	90	2½	2sp
5	3 bed house	90	2½	2sp
6	3 bed house	90	2½	2sp
7	3 bed house	90	2½	2sp
8	3 bed house	90	2½	2sp
9	3 bed house	90	2½	2sp
10	3 bed house	90	2½	2sp
11	3 bed house	90	2½	2sp
12	3 bed house	90	2½	2sp
13	3 bed house	90	2½	2sp
14-40	17x1bed	45	2&2½	1sp
	7x2bed	65	2&2½	1sp
	3x2bed	85	3	1sp

14 affordable units (35%) and 12 family homes (30%)
Amenity space required for flats: 540 m sq (20 m sq each flat)
495 m sq main ground level amenity; additional ground level amenity 460 m sq,
110 m sq balconies = 1065 m sq
2no. visitor parking spaces
40 dwellings



PROPOSED SITE PLAN 1:500 SCALE

Proposed heights

- 2.5 storey
- 3 storey
- 2 storey

PROPOSED STOREY HEIGHTS 1:1000 SCALE

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Notes:

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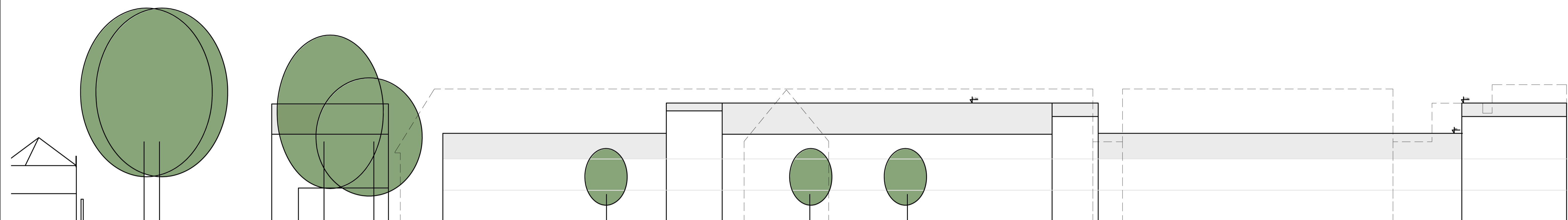
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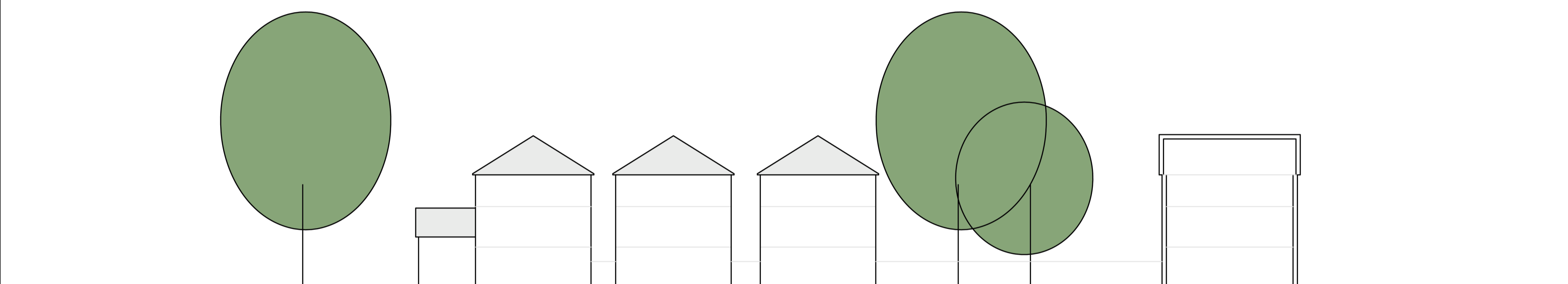
KEY

--- Approximate outline of existing buildings



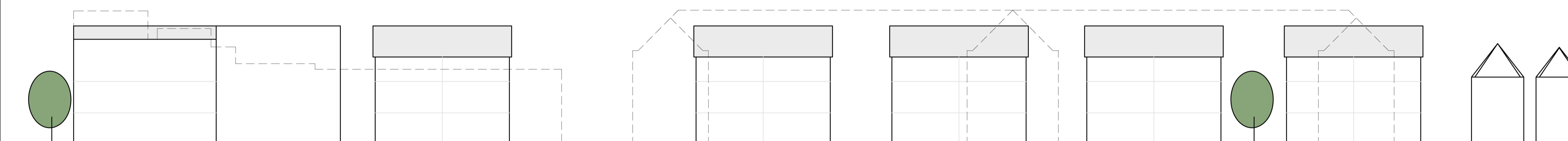
Existing houses on Portsmouth road Proposed houses within site Proposed flats along Portsmouth Road / Station Road

ELEVATION A-A



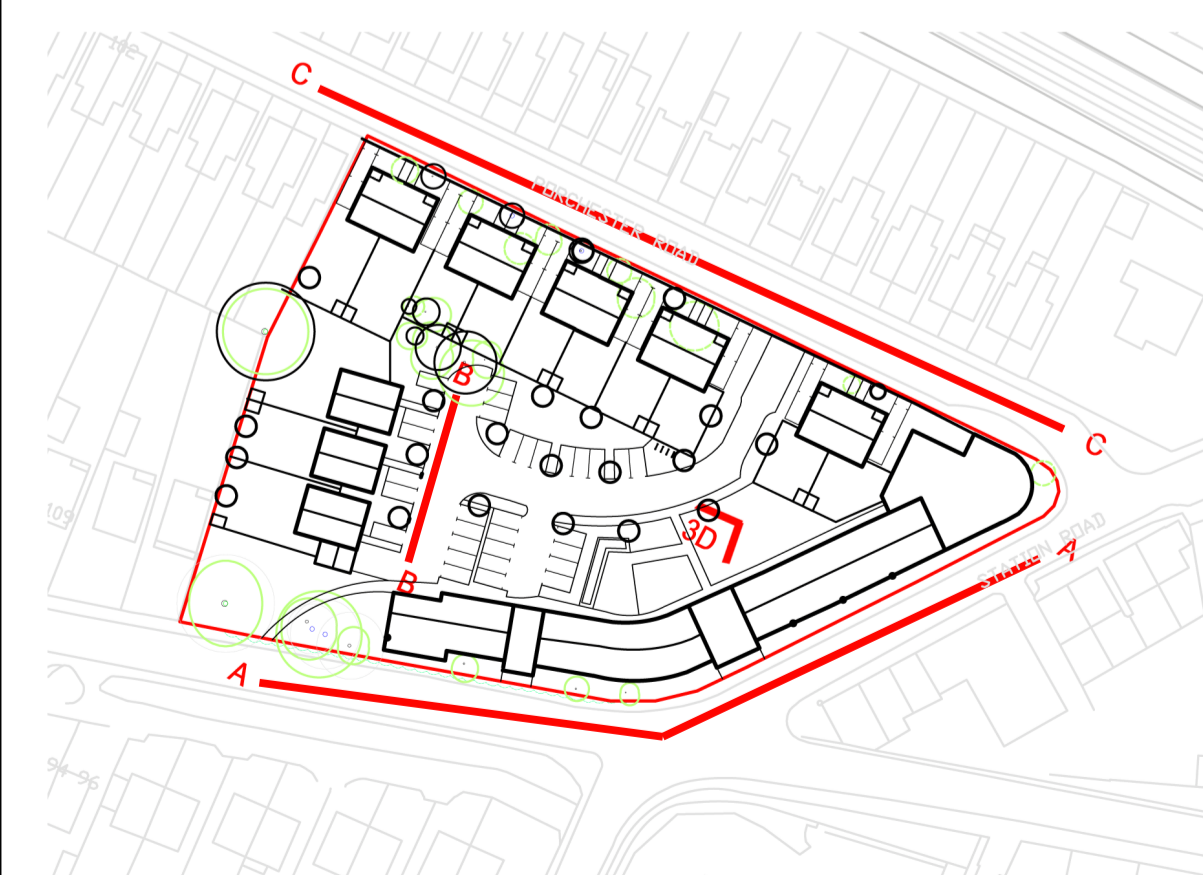
Portsmouth Road Proposed houses within site Proposed section through houses on Porchester Road Porchester Road

ELEVATION B-B

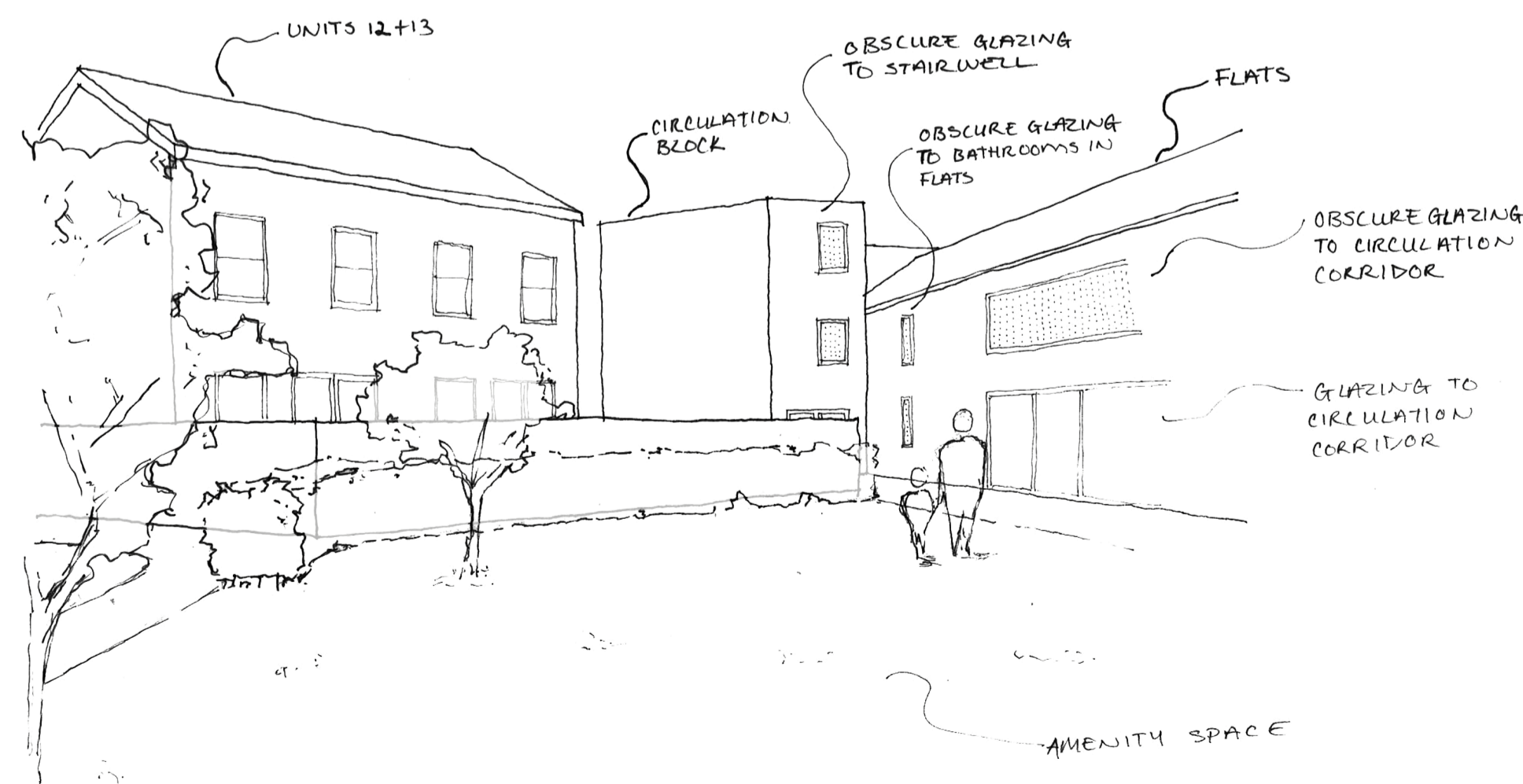


Proposed flats on corner of Porchester Road and Station Road Proposed houses on Porchester Road Vehicle entrance to parking court and 4 bed houses Proposed houses on Porchester Road Existing houses on Porchester Road

ELEVATION C-C



LOCATION PLAN



3D SKETCH FROM AMENITY SPACE LOOKING TOWARDS UNITS 12 + 13

P3	29/7/14	Updated elevations, existing building line added, 3Dsketch added	TP	CW
P2	1/4/14	Updated site plan	TP	CW
Rev	Date	Amendments	By	Chk

Drawing Status:

PLANNING

CAPITA

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CAPITA Property Services
One Guildhall Square, Above Bar Street
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Client:

Southampton City Council

Project Title:

Former Oasis Academy Mayfield
Porchester Road, Southampton

Drawing Title:

Elevations

Project No.:
CS/059055

Drawing No.:
AL06

Date: 10/09/13

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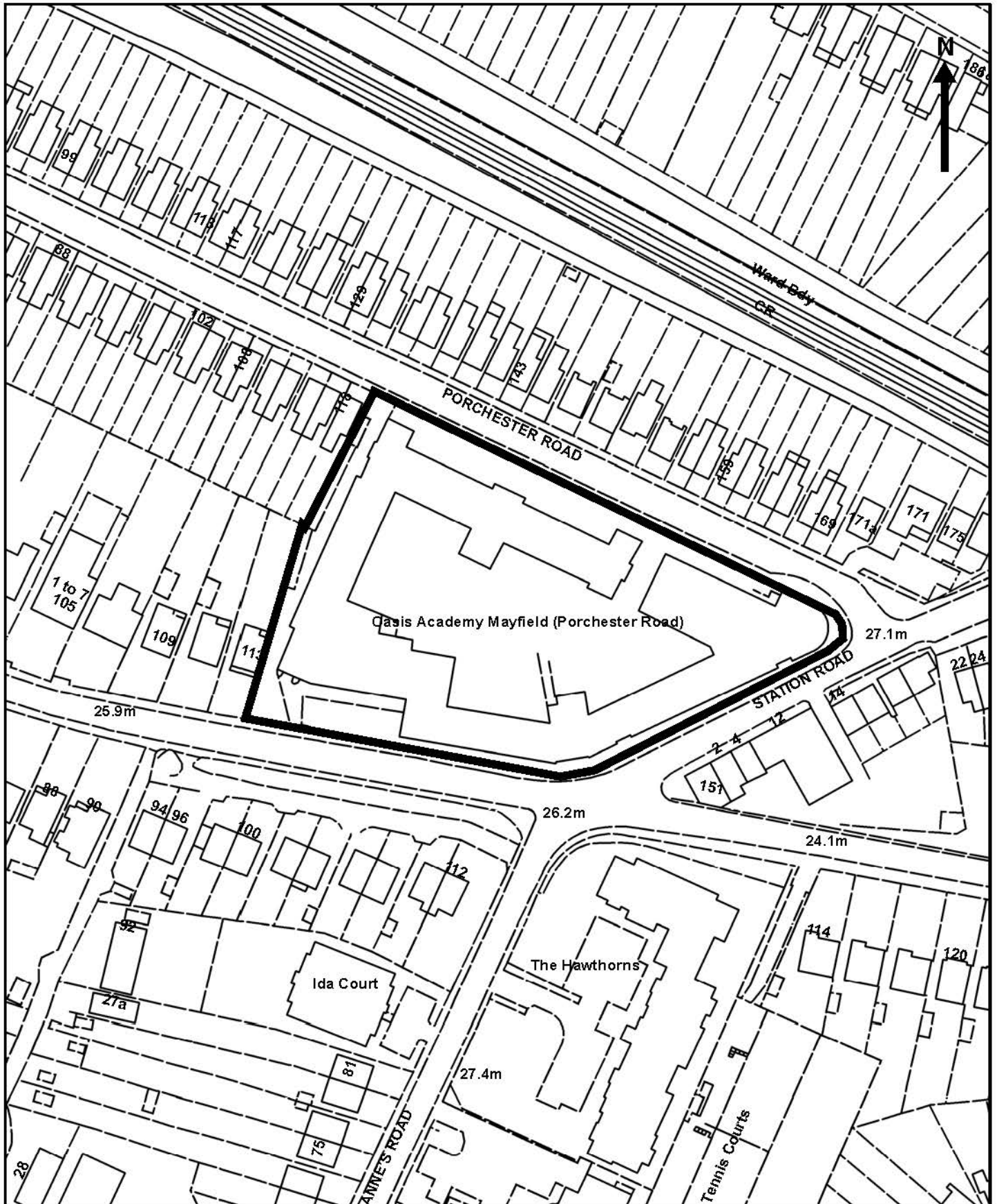
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UPR Number: UPR_NO

Agenda Item 6

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Agenda Item 6
Appendix 4
16/01605/FUL



Scale: 1:1,250

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

Application address: 9 Bassett Green Drive, Southampton.			
Proposed development: First floor and two storey rear extension with associated alterations to form enlarged dwelling. Resubmission of 16/01352/FUL.			
Application number	16/0903/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	02/01/2017	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Harris Cllr Harris Cllr Hannides
Referred to Panel by:	Cllr Beryl Harris	Reason:	Resulting loss of a bungalow contravening Bassett Neighbourhood Plan.

Applicant: Mr Bob Toor	Agent: Ashplan
Recommendation Summary	Conditionally Approve
Community Infrastructure Levy Liable	Yes

Appendix attached	
1	Development Plan Policies
2	Planning History

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the character of the area, the previous reason for refusal and the loss of the bungalow on site and replacement with a two storey house have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Paragraphs 17, 58, 60 and 64 of the NPPF, policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) policy CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and policies BAS1 and BAS4 of the Bassett Neighbourhood Plan (June 2015).

Recommendation in full: Conditionally Approve.

1 The site and its context

- 1.1 The property is a large detached single storey dwelling that lies within a residential area wherein houses of varied design generally occupy spacious plots often with mature landscaped gardens. The area includes both two storey housing and bungalows, some of which are split levelled. These features contribute to the suburban feel of the local area and its spacious and verdant qualities, which are locally distinctive.
- 1.2 Bassett Green Drive slopes down steeply from the north where it meets Bassett Green Road before it starts to level off approximately halfway along the road. The properties along the street all tend to include some degree of change in levels.
- 1.3 Bassett Green Drive is formed by a mix of two storey houses and both single level and split-level bungalows. There is no common architectural form although there are some general design characteristics which are shared between most of the dwellings in the street:
- Space around dwellings – on the whole properties are not built with walls built up to the boundaries of the site thus maintaining the open character of the area where dwellings are placed within spacious plots.
 - The dominant building material is brick with some smaller areas of timber cladding being used.
 - The scale of all of the dwellings on Bassett Green Drive is modest.
 - Roofs are pitched, have gable ends and often include chimneys.
 - Other than 1a Bassett Green Drive design is fairly traditional and simple rather than being contemporary.
 - Void to massing ratio is small therefore on the whole elevations are dominated by walls (brickwork) rather than glazing.
 - Varied front building lines prevail often screened by boundary planting
- 1.4 The application site comprises a detached bungalow building positioned on the eastern side of Bassett Green Drive. The majority of the site is characterised by soft landscaping including mature trees and hedges on the boundaries, many of which are evergreen. The frontage hard surfacing covers approximately one third of the frontage of the property. The dwelling was constructed in the 1970s and has a split level design. The original section of the building has a pitched roof with gable ends. Alterations and extensions to the building include a flat roof side extension incorporating the garage (to the northern flank of the building) and also a flat roof extension to the front. There is also a party wall, where the garage shares a wall with the double garage of number 7.
- 1.5 The wider street scene can be described as follows:
- 1.6 The dwelling at the top of the slope (number 1a Bassett Green Drive) has been constructed on land that previously formed the garden of number 1 Bassett Green Drive. The dwelling has a contemporary design using a combination of a mono-pitched roof and pitched roof with gable end. Modern materials have been used for the roof rather than traditional roof tiles. The walls of the building also have a rendered finish as well as being clad in timber. The building has a basement level to maximise the potential of the sloping nature of the site. From the road the building appears to be single storey due to the sloping nature of the site. The property cannot easily be seen from the public highway as it is surrounded by a

tall hedge and mature trees. As such the dwelling is fairly unusual however it is also not easily seen so has a limited impact on local character.

- 1.7 Number 1 is a bungalow which again shares the common characteristics of properties in the street including a pitched roof with gable ends, facing brickwork for the walls, a small amount of timber cladding and a tiled roof.
- 1.8 Planning permission was granted in November 2011 for the conversion of number 3 from a bungalow to a two storey dwelling. The design is fairly unique to the area given that the floor area of the first floor element is smaller than the ground floor. Whilst the building has a pitched roof it has hipped ends rather than gables. The upper floor uses timber cladding to soften its appearance although the ground floor level is finished in brickwork.
- 1.9 Properties 5, 7 and 9 are all single storey bungalows, however whilst they share the pitched roofs with gable ends their individual designs vary. Most noticeably number 7 has a more contemporary appearance than number 5 and 9 due to the roof design where two mono-pitched elements join in the middle without forming a traditional ridge. Number 7 is also set back considerably into the site when compared to other properties on Bassett Green Drive. This is a consequence of the position of the small water course which passes to the rear of many of the properties on Bassett Green Drive.
- 1.10 Properties 11, 13 and 'the Corner House' Bassett Green Drive are all two storey properties positioned on the same building line. Properties 11 and 13 also share the same modest design form which includes traditional pitched roofs with gable ends, chimneys and linked garages. Materials used for 11 and 13 are also the same, the walls are a mixture of brick, timber cladding and render; and the roofs are formed of concrete tiles.
- 1.11 The opposite side of the street is well landscaped along the street frontage with most dwellings visible through vegetative boundaries. The most visible property that can be seen from the area of the street which number 9 can also be seen from is number 4 Bassett Green Drive. Number 4 Bassett Green Drive shares common characteristics with many of the dwellings in the street as it is a modest two storey family house with pitched roof and gable ends incorporating brick walls and tiled roof.
- 1.12 It is noteworthy that the property to the south, 11 Bassett Green Drive, also has a rear facing Juliette balcony and also benefits from planning permission for a first floor side extension to its north site. As such, the Panel will note that 2 storey development exists within the immediate context of the application site.

2 Proposal

- 2.1 This planning application follows a recent refusal and seeks to address the concerns in the Councils decision notice (Local Planning Authority Reference: 16/01352/FUL). In general the proposal is to retain and extend the existing ground floor of the building and to add a first floor over the amended ground floor footprint. The scheme includes a small extension at the rear where the footprint of the building will increase slightly. The setback of the building from the back edge of the pavement is approximately 10m, the width would measure 12.5m at two storey level, the height of the ridge would be 6.8m and the eaves would be 4.7m high. All existing trees will be retained and the water course at the rear of the property will be unaffected. Therefore the scheme differs from the previously refused scheme by being 2.9m narrower at first floor level, a ridge that is 0.8m shorter and eaves which are 0.4m lower.

- 2.2 The design is less contemporary than the previous scheme and materials have been chosen so that the building stands out less against the background of surrounding property design. The building would no longer meet the northern boundary of the site so that there is greater space around the building achieved from within the host site. The ridge height reduction also helps to ensure that the building is no longer noticeably taller than neighbouring buildings to the south when viewed in the wider street scene. The roof is gable ended and whilst there is a large window within the front elevation the building elevations are no longer dominated by glazing and white render. The existing garage will now have a pitched roof added to improve weather protection and there remains small extensions to the rear to facilitate the desired room sizes and architectural features including one balcony and one Juliet balcony overlooking the rear garden which the applicant seeks. The scheme also proposes an additional garage door to the front elevation so that internally a double garage is formed.
- 2.3 Interlocking roof tiles are proposed for the roof, walls are to include white rendered, however the main materials for the building will be red brick and cedar cladding. The projecting architectural feature, proposed to create solar shading around front windows have been removed. Powder coated grey aluminium windows will also be used along with cedar garage and front doors.
- 2.4 The new first floor will provide 4 bedrooms and 2 bathrooms. There will also be en-suite bathrooms added. The master bedroom, facing the rear of the property will be served by a small balcony and associated privacy screen. The other rear facing bedroom will be served by a Juliette balcony. The boundary planting between dwellings has also been taken into consideration when designing the upper floor window positions.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (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.
- 3.3 The Bassett Neighbourhood Plan was adopted in 2016 and can be afforded significant weight in the determination of this application.

SCC Planning Policy Team:

- 3.4 The first paragraph of the Annex to the Bassett Neighbourhood Plan clearly states that the annex is part of the evidence base, that was contributed to by the Resident Associations in Bassett, and informs the Bassett Neighbourhood Plan although it does not form part of the plan’s policies. This was added to the Annex following the Examiner Report (see paragraphs 96 and 97) which included the following recommendation:
- 3.5 *I recommend that a sentence be added to the first paragraph of the Annex stating: “This Annex does not form part of the plan’s policies”.*
- 3.6 Paragraphs 37 – 39 in the Examiner Report included a further recommendation in

relation to the status of the Annex material. Paragraph 1.10 in the Final Version of the Plan takes account of this recommendation which states the following:

- 3.7 *'The views expressed, feedback forms and other replies received were all taken into account when formulating the plan. The annex to the plan describes the characteristics of the different areas within Bassett and the rationale for the densities defined on the density map (see Figure 2 on Page 12). This material does not form part of the plan's policies but is included in this document so as to provide background information.'*
- 3.8 Finally, the Examiner suggested that the last sentence in Policy BAS 5 'Housing Density' would be more suitably placed in the supporting text and amended to state that the annex to the plan provides background information explaining the derivation of density criteria (see paragraph 58 of the Examiner Report). For information, the sentence that was removed from the wording of Policy BAS 5 'Housing Density' for the Final Version of the Plan stated that 'guidelines explaining the densities and their locations are contained in the annex in this plan'.
- 3.9 Taking account each of the above points, it is clear that the Annex does not have weight attached to the plan and subsequently cannot be used as a material consideration in determining planning applications – this would include the representations made on 9 Bassett Green Drive which make reference to the Annex. The above recommendations and suggestions of the Examiner were made in response to representations the Council had made regarding the status of the Annex.

4 Relevant Planning History

- 4.1 The planning history relating to the site involves the approval for the construction of the house and garage in 1961 and refusal for a single storey extension in 1972. The extension (Local Planning Authority Reference number: 1431/46) was proposed to be added to the front of the building and was found to be harmful to the character of the area as the front building line of properties 9, 11, 13 and 15 would have been breached. A second reason for refusal is also listed whereby there was concern that the extension may lead to an additional window in the flank wall of the dwelling overlooking number 11 Bassett Green Drive. Whilst it is clear that the building has been extended since its original construction there is no further planning history available relating to those elements of the building.
- 4.2 Earlier this year planning permission was sought for an alternative scheme to the one now proposed (Local Planning Authority Reference number 16/01352/FUL). The scheme was however refused under delegation owing to the design of the scheme, which in light of the policies set out in the Local Plan, the Core Strategy and in particular the Bassett Neighbourhood Plan could not be supported by Officers because:
- The main building material for the walls of dwellings within Bassett Green Drive is brick not white render.
 - There are no large balconies on existing properties that face onto Bassett Green Drive.
 - Solar shaded design features are not a feature currently exhibited within the street scene.
 - Houses fronting Bassett Green Drive typically have small void to massing ratios rather than large expanses of glazing.
 - Roofs generally have overhanging eaves and chimneys.

- On the whole properties are not built with walls built up to the boundaries of the site thus maintaining the open character of the area where dwellings are placed within spacious plots.

Refer to **Appendix 2** for the full reason for refusal.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, including erecting a site notice (30/08/2016). At the time of writing the report **9** representations have been received from surrounding residents (including an objection from North East Bassett Residents Association [NEBRA] and Cllr Beryl Harris). It is also noteworthy that of the 9 letters of representation received 4 were objecting to the scheme and 5 were in support. The following is a summary of the relevant points raised:
- 5.2 Proposal does not overcome the previous reason for refusal. RESPONSE: The acceptability of the scheme is considered in detail in section 6.
- 5.3 Why was the new application accepted by the Council if the previous one was refused and the plans submitted are the same? RESPONSE: The Council have accepted the subsequent application because the scheme has been amended to address the previous reasons for refusal. Accordingly the design has changed and the overall scale has been reduced. More specifically please refer to section 2 above which explains how the current scheme differs from the previously refused scheme.
- 5.4 Contrary to the Bassett Neighbourhood Plan, in particular there should be no conversion of bungalows to houses. RESPONSE: Officers disagree with this assertion. The Bassett Neighbourhood Plan does not prevent the conversion of a bungalow to a two storey dwelling house provided that the overall character of an area is not harmed, furthermore a bungalow can be extended to two storey under the PD regime. The scheme is considered in more detail against the Bassett Neighbourhood Plan policies in section 6 below.
- 5.5 Out of character – there are 5 bed houses in Bassett Green Drive/the identity of Bassett Green Drive and Bassett Green Close is bungalows. RESPONSE: The number of bedrooms a property has in isolation is not an adequate reason for refusal. The character of an area is determined by a number of separate criteria as discussed in section 6 below. There are two storey properties as well as bungalows in Bassett Green Drive and Bassett Green Close, the design of properties in Bassett Green Drive and Bassett Green Close is also varied.
- 5.6 The design and layout of bungalows and properties in the area were, when they were built award winning. RESPONSE: The development plan does not, and has not overtime, prevented change within the area from occurring. The site, Bassett Green Drive and Bassett Green Close are not within a designated conservation area.
- 5.7 There is a high demand for bungalows in Bassett. RESPONSE: The demand for bungalows, as determined by market forces, is not a material planning consideration.
- 5.8 Bulk, scale and mass proposed is out of character, especially give proximity of the building to the road.

RESPONSE: The height has been reduced so that it more closely responds to the height of the two storey dwellings to the south. The width of the property has also been reduced to provide space around the building at two storey scale. The building would be constructed on the existing building line, this would result in the two storey element of the building being slightly further forward of the building line of the neighbouring property, and this is not however judged to be significantly harmful. The building line/distance from Bassett Green Drive was not previously listed in the reason for refusal.

- 5.9 The design is out of character with the 1960's style that prevails in the street.
RESPONSE: In order to respect the local character the design does not have to repeat the design of neighbouring buildings. However the design does need to demonstrate overall similar characteristics in terms of scale, mass, layout and materials.

- 5.10 The street scene is misleading, this property would be overbearing in its location, and would dominate the street scene.
RESPONSE: There is no reason to believe that the street scene drawing provided does not provide an accurate representation of the proposal and in the opinion of the case officer the proposal would not appear to dominate the street scene. It is also noted that a tall evergreen hedge defines the front boundary of the property and there is no proposal to remove the hedge. Planning conditions can be used to retain the hedge at a specific height if this is deemed necessary to enable the development to take place.

- 5.11 The proposal should be refused for the same reasons as the 1972 application.
RESPONSE: Since 1972 the development plan for Southampton has changed therefore the scheme will need to be reconsidered in light of the relevant policies applicable today.

- 5.12 Overlooking of number 7 Bassett Green Road from balconies at the rear.
RESPONSE: The distance between the proposed Juliette balcony and the neighbours' bedroom window at 7 Bassett Green Drive, in combination with the trees on the boundary and proposed hedge planting are anticipated to remove significant overlooking of neighbouring gardens and bedroom windows.

- 5.13 Overdevelopment.
RESPONSE: The site itself is judged capable of accommodating the additional development. The quality of the residential environment created for the residents will be acceptable and density is not increasing. In addition it is judged that there is no direct impact from the development on the residential environment enjoyed by neighbours.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of the development.
 - Character and appearance of the local area, and design.
 - Neighbouring amenity.
 - Protected trees and ecology.

Principle of the development

- 6.2 There are no policies within the Development Plan (including the Bassett

Neighbourhood Plan) which object in principle to the conversion or loss of a bungalow and formation of a two-storey dwelling house. Policies and guidance of the RDG would only support the loss of a bungalow if bungalows form a strong character feature of the neighbourhood and the conversion to a two storey dwelling would be harmful to local character. In principle, therefore, the addition of a first floor to the existing bungalow so that a two storey dwelling is formed is not opposed. The proposal must therefore be judged in terms of its potential impact as a result of the physical characteristics of the proposed two storey dwelling on the overall character of the area. Furthermore the Panel will note that roof extensions are, in some cases, permitted development meaning that bungalows can change in any event. As the loss of a bungalow was not previously cited as a reason for refusal the panel should decide whether the revised design has addressed the Councils earlier concerns.

Character and appearance of the local area, and design:

- 6.3 In considering the impact of the development on the character and appearance of the local area the Panel must take account of the previously refused scheme and thus whether or not the proposal overcomes the previous reason for refusal.
- 6.4 The character of Bassett Green Drive has been described above in section 1.
- 6.5 The main features of the design are represented within the local area. The design is no longer considered to fail to contribute towards the strong sense of place as it now sufficiently responds to local character and adequately reflects the identity of local surroundings and materials without being an exact copy.
- 6.6 The main changes to the design when compared to the previously refused scheme are as follows:
- The materials now chosen reflect the materials used for the surrounding buildings with brick, interlocking roof tiles and timber cladding replacing the white render and glazing which were the main materials used for the external elevations of the previously refused scheme.
 - The overall amount of glazing and therefore window proportions/void to massing ratio has reduced.
 - The height of the building has been reduced to respond more appropriately to the heights of nearby two storey housing (in particular the two houses to the south).
 - The two storey element of the proposed building would no longer meet the boundary of the site thus providing space around the building achieved from within the site.
 - The roof design has been altered with the gable design being prominent when viewed from Bassett Green Drive.
 - The balconies have been removed from the front elevation as has the overhang which would create a solar shaded design feature.
- 6.7 Paragraph 60 of the NPPF requires development to promote or reinforce local distinctiveness; the application now achieves this. Paragraph 64 confirms that schemes of poor design should be refused where they fail to improve the character of an area. It is now considered that the scheme would improve the character of the area by removing the existing building, which has little architectural merit and does not contribute positively to the character of the area
- 6.8 The Local Plan and the Core Strategy seek to oppose development of inappropriate character, scale, mass and appearance, as supported by the

Residential Design Guide it is policies BAS1, BAS4 and paragraph 10.2 of the Bassett Neighbourhood Plan which provide the most clarity of reasoning for the opposition of the development proposed on character/design grounds:

- 6.9 BAS1 - New Development: point 2. states: *'Development proposals should be in keeping with the scale, massing and height of neighbouring buildings and with the density and landscape features of the surrounding area.'* The building proposed is now considered to be in keeping with the general scale, massing and height of the neighbouring buildings.
- 6.10 BAS 4 - Character and Design states: *'New development must take account of the densities set out in Policy BAS 5 and the existing character of the surrounding area. The design of new buildings should complement the street scene, with particular reference to the scale, spacing, massing, materials and height of neighbouring properties.'* Whilst density is not a concern the scheme, for reasons set out above, is now judged to adequately reflect the character of the surrounding area and complement the street scene in terms of scale, spacing, massing, materials and height.
- 6.11 Paragraph 10.2 also seeks to ensure that materials used *'aim to reflect those of surrounding properties as best as possible'*. The proposed materials now achieve this and a condition can be added to ensure that Officers have control over the use of materials when construction is due to start.
- 6.12 For these reasons the application is deemed to provide an acceptable development, the redevelopment of a bungalow to a two storey building is not opposed in principle and the revised design is judged to have been suitably context driven; and is therefore considered to comply with the development plan.

Impact on neighbours:

- 6.13 The scale and mass of the development would not cause significant overshadowing of neighbouring gardens given relevant positions of houses and the nature of vegetative boundaries.
- 6.14 The building is also not judged to be overbearing or dominant when neighbours are within their gardens or habitable rooms.
- 6.15 The proposed extension includes two rear facing balconies, one of which is a Juliette style balcony. The window which includes a Juliette balcony would be positioned 4m from the boundary of the property to the north. Owing to the juxtaposition between the proposed Juliette balcony at 9 Bassett Green Drive and the front elevation of the bungalow at 7 Bassett Green Drive an objection has been received to the proposed Juliette balcony. This is because number 7 is set back significantly from the road due to a stream running across the land. As a consequence a bedroom window is positioned within the front elevation of number 7 and therefore at an oblique angle faces the rear of the application site. Forming the boundary between the two are hedges and fencing. The distance (approximately 14m) between the proposed Juliette balcony and the neighbours' bedroom window at 7 Bassett Green Drive, in combination with the trees on the boundary, hedges and proposed planting are anticipated to remove significant overlooking of neighbouring gardens and bedroom windows. In addition as bedrooms tend to be used less than main living spaces within properties (living rooms and kitchens) an element of mutual inter looking is not unreasonable nor uncommon within a city environment. Should the Panel consider it necessary the Juliette balcony could however be changed to a normal window by means of a condition.

- 6.16 Number 11 to the south also includes a rear facing Juliette balcony. Privacy within the garden of number 11 Bassett Green Drive will remain satisfactory owing to the juxtaposition of the two neighbouring rear building lines, boundary treatment formed of timber fencing, trees and hedges; and the proposal to include a privacy screen on the southern side of the balcony. As such the closest section of garden to the rear of the house at number 11 Bassett Green Drive would not be overlooked from the balcony and significant overlooking of the remainder of the garden would also not easily be achieved.
- 6.17 Owing to separation distances and the boundary treatment which includes tall trees and bushes within the local area no concerns are raised from officers regarding the impact of the proposal on the privacy or amenity grounds enjoyed by other neighbouring residential occupiers.

Protected trees and ecology

- 6.18 With the use of planning conditions there would be no significant harm posed to protected trees or local biodiversity as a consequence of the development.

7 Summary

- 7.1 The application is recommended for approval as the amendments to the previous scheme lead officers to the conclusion that the proposal is no longer out of keeping with the scale, massing and height of neighbouring building (BAS1) and the design takes account of the existing character of the surrounding area and is judged to complement the street scene, with particular reference to the scale, spacing, massing, materials and height of neighbouring properties (BAS4). As such it has been demonstrated that the scheme is context driven and thus the scheme would no longer be significantly harmful to the character of the local area.

8 Conclusion

- 8.1 Conditional planning permission can be granted.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, d, e, 3a, 4f, 6a,

MP3 for 10/01/2017 PROW Panel

Conditions.

1.Full Permission Timing Condition (Performance):

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

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

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.

3.No other windows or doors other than approved (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

4. Privacy screen retention. (Performance Condition)

The privacy screen hereby approved, serving the master bedroom, shall be installed prior to the occupation of the building and 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 neighbouring privacy.

5. Obscure Glazing (Performance Condition)

The window in the south side elevation, located at first floor level of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

5.Details of building materials to be used (Pre-Commencement Condition)6

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, 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, doors, rainwater goods, the roof of the proposed buildings and

the balcony privacy screen and balustrade. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. 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.

7. Hours of work for Demolition / Clearance / Construction (Performance)

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

8. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

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

i. planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate and details of any proposed boundary treatment, including fencing and/or walls.

ii. a management scheme for the proposed planting on the boundary.

The approved landscaping shall be carried out prior to occupation of the first floor of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained as specified (once fully established) in perpetuity.

Should any of the plants approved die, fail to establish, are removed or become damaged or diseased they shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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, to improve privacy enjoyed by neighbouring occupiers.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Bassett Neighbourhood Plan (June 2015)

Other Relevant Guidance

The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

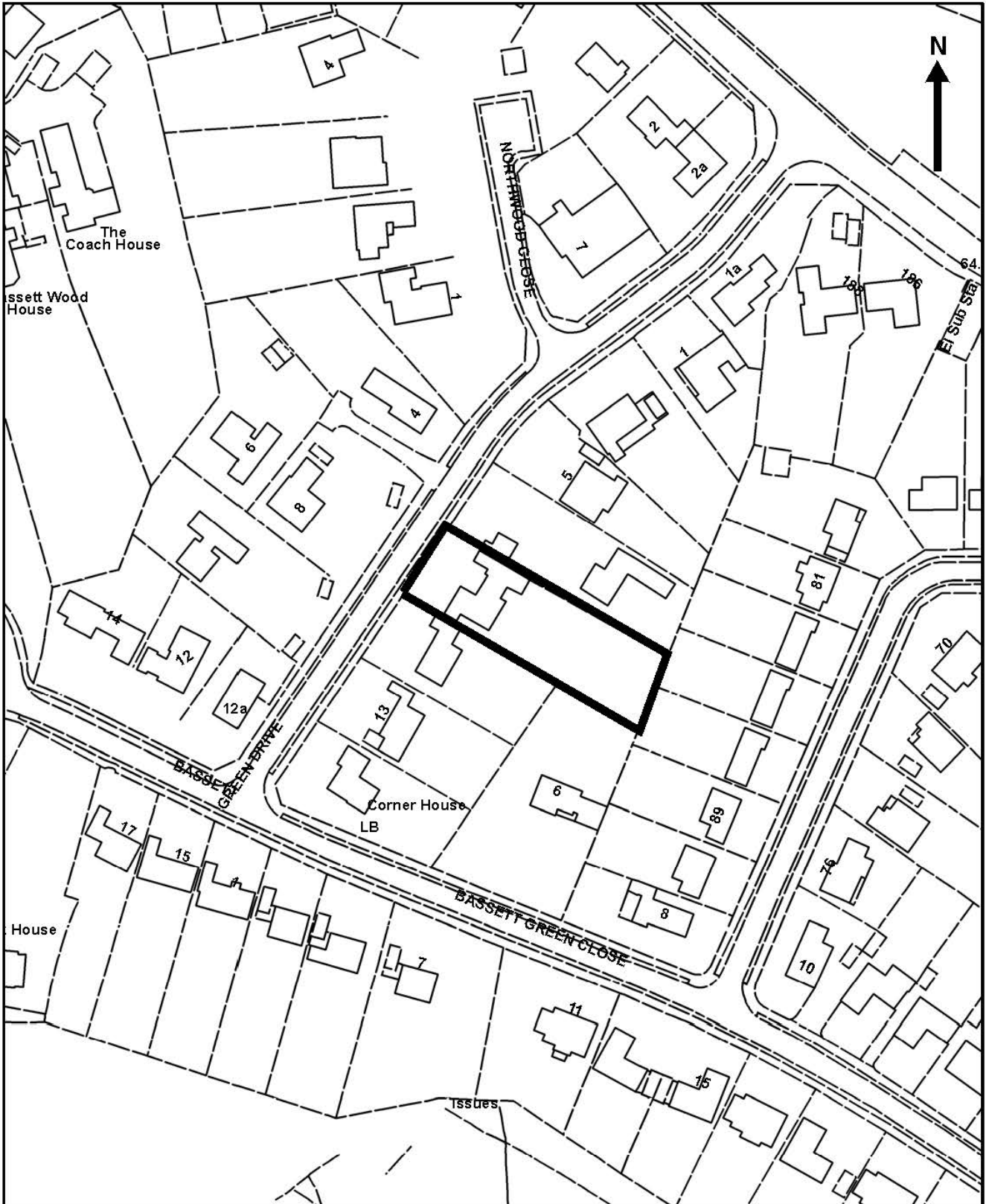
1205/85 - ERECTION OF DETACHED BUNGALOW AND GARAGE (Prev Ref - Plot 182 B.W. Estate) – Conditionally Approved 29.08.1961

1431/46 - EXTENSION TO BUNGALOW – Refused 08.02.1972

16/01352/FUL - First floor and two storey rear extension with associated alterations to form enlarged dwelling – Refused 07/10/2016.

Reason for Refusal; Design: The scheme fails to take account of the existing character of the surrounding area and the design does not complement the street scene with particular reference to the scale, building to boundary spacing, massing, materials and height in relation to neighbouring properties. The scheme therefore fails to take the opportunity to respond to local character and reflect the identity of local surrounding. The development would also fail to promote or reinforce local distinctiveness or create a strong sense of place. As such the proposal constitutes poor design contrary to paragraphs 17, 58, 60, 64 of the NPPF, policies SDP1 (i), (as supported by paragraphs 3.1.2, 3.5.1, 3.8.6, 3.6.10, 3.7.5, 3.9.5, 3.10.2, 3.10.4, 3.10.6 and 3.13.1 of the adopted Residential Design Guide Supplementary Planning Document 2006), SDP7 (vi) and (v) and SDP9 (i), (iii), (iv) and (v) of the Amended Local Plan Review (2015), Policy CS13 of the amended Local Development Framework Core Strategy Development Plan Document (2015) and policies BAS1 and BAS4 of the adopted Bassett Neighbourhood Plan (June 2015).

16/01903/FUL



Scale: 1:1,250

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Agenda Item 8

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

Application address: Easy Gym, 366-368 Shirley Road			
Proposed development: Application for removal of condition 2 of planning permission Ref 980772/2683/W to allow 24 hours a day.			
Application number	16/01698/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	28.11.2016	Ward	Millbrook
Reason for Panel Referral:	Referred by local ward Councillor	Ward Councillors	Cllr Sarah Taggart Cllr Mike Denness Cllr David Furnell
Referred to Panel by:	Cllr David Furnell	Reason:	Concerns about amenity

Applicant: Fitness Limited T/A Easygym	Agent: Savills (UK) Ltd
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP16, REI5 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Decision notice 980772/2683/W

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site lies within the ward of Millbrook, located on the south-west side of Shirley Road with vehicle access from Villiers Road. The building falls within the boundary of the Shirley Town Centre, which is a safeguarded area under saved policy RE15 to provide local shopping and service opportunities as an important employment location. The site is bounded by residential properties to the south and west in Villiers Road, Henry Road and Randolph Street, including the recently built residential development at Selby Place.
- 1.2 The site contains a large 2 storey flat roofed clad building containing the Shirley Post Office sorting office on the ground floor and the gym on the first floor. The building is served by a parking area accessed from Villiers Road, and pedestrian access as well as Shirley Road.
- 1.3 The first floor was granted permission to change use to a gym in 1997 and the current permitted hours of use are set out in section 4 of the report. The conversion of the ground floor to a sorting office was granted permission in 1998. The operating hours of the sorting office are unrestricted, apart from a restriction on delivery vehicles to only allow the tailgates of lorries to be raised or lowered on the site between the hours of 20.00 and 07.00, unless the vehicle is positioned within the loading bay of the building.

2.0 Proposal

- 2.1 It is proposed to extend the opening hours of the gym use to be 24 hours.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (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.
- 3.3 Saved policy SDP1 (Quality of Development) seeks to protect the amenity of local residents, whilst policy SDP16 (Noise) will not permit noise generating development if it would cause an unacceptable level of noise impact to nearby sensitive noise uses. Policy CLT15 supports night time uses within Town Centre locations.

4.0 Relevant Planning History

- 4.1 The whole building within the site was granted permission in 1984 for limited retail uses, with the first floor being granted permission change of use to a gym in 1997. The gym is currently permitted to operate between the hours of 06.30 and 23.00 Monday to Friday, between 08.00 and 23.00 on Saturdays and between 08.00 and 22.30 on Sundays and recognised public holidays. Before 08.30 and after 21.00 no use amplified sound or music is permitted.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and

nearby landowners, and erecting a site notice (21.10.2016). At the time of writing the report 3 representations (including from a local Ward Cllr) have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Nearby residents living in Henry Road and Randolph Street are concerned about noise and disturbance caused by air conditioning units and amplified music during the late and early morning hours.

Response

The Environmental Health Officer has requested a noise report to be secured through condition to ensure that the night time noise associated with the use does not adversely affect the amenity for the nearby residents. The noise report will agree a written scheme for the control of noise from the extractor fans and other equipment (including amplified music) in relation to the gym use. Any necessary mitigation and soundproofing measures outlined by the report must be secured by the gym business before it is allowed to operate 24 hours.

Consultation Responses

5.2 SCC Environmental Health (Pollution & Safety) – No objection subject to conditions

6.0 Planning Consideration Key Issues

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

- Principle of Development
- Impact on Character and Amenity

6.2 Principle of Development

6.2.1 This is an established business within a defined commercial centre that currently operates early morning and late night hours. Being within a defined town centre, the Council's policies promote service opportunities and night time uses in important employment locations such as Shirley Town Centre. This is, however, subject to balancing the impact on the amenity of the neighbouring residents from extending the use of the gym during the night time hours to increase its viability and level of service to customers.

6.3 Impact on Character and Amenity

6.3.1 The location of the car park entrance on Villiers Road is accessible from Shirley Road, reducing the likelihood that customers will drive through nearby residential roads. It is, therefore, considered that the noise disturbance associated with increased traffic during the night time period would be minimal. The location of the customer entrance to the gym on the far side of the car park would also minimise any noise disturbance to the nearest residential properties within Villiers Road.

6.3.2 The drive through service of McDonalds restaurant located on Shirley Road is permitted to operate 24 hours, however, this does not permit customers to eat or order food within the restaurant itself. The Council has a clear approach to limit the opening hours of food and drink uses within its commercial centres, however, the comings and goings associated with a gym use are different in nature with respect to the patrons using food and drink premises late at night. It should be noted that other fitness clubs and gyms operate on a 24 hour basis elsewhere in the city, including the PureGym in Bitterne District Centre and the retail park on Winchester Road. There is no record of noise complaints being received with regards to the late night operation of these premises.

6.3.3 The Environmental Health Officer raises no objection to the noise impact on nearby residential properties from the night time operation of the gym use. This is provided that suitable noise mitigation measures are installed before the extension of hours takes place. A noise assessment can be secured through a planning condition to specify the method of controlling the noise levels of the plant equipment (including air conditioning units) and the activities taking place within the building including the restricting the volume of amplified music and not allowing the opening of doors and windows etc. Such measures would provide effective mitigation to ensure that the proposed use is acceptable.

7.0 Summary

7.1 In summary, it is considered that the impact to the amenity of local residents from noise and disturbance associated with the comings and goings during the night time period would be minimised by the location and nature of the use, whilst a scheme of noise insulation measures can be further agreed to control the noise impact associated with the plant equipment and activities taking place inside the gym including the playing of amplified music.

8.0 Conclusion

8.1 In conclusion, the proposal is considered to accord with the Council's policies and guidance and, therefore, can be recommended for approval.

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), 6(a), 6(b)

SB for 10/01/16 PROW Panel

PLANNING CONDITIONS

01. Extract Ventilation - control of noise, fumes and odour

The use shall not commence operating during the extended hours hereby permitted until a written scheme for the control of noise, from extractor fans and other equipment in association with the gym use including the playing of amplified music have been submitted to and approved in writing by the Local Planning Authority. The written scheme shall be implemented as approved prior to the use operating during the extended hours and thereafter retained as approved.

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

02. Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for leisure purposes as a fitness suite and not for any other purpose, including any other use within Use Class D2.

Reason: In the interest of the amenities of neighbouring occupiers and highway safety as a 24 hour operation for alternative D2 Uses could result in noise and disturbance to nearby residents.

POLICY CONTEXT

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

SDP1	Quality of Development
SDP16	Noise
CLT1	Location of Development
CLT15	Night Time Uses in Town, District and Local Centres
REI4	Secondary Retail Frontage
REI5	District Centres

Local Development Framework Core Strategy Development Plan Document (partial review Mach 2015)

CS3	Town, District and local centres, community hubs and community facilities
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Other Relevant Guidance

The National Planning Policy Framework (2012)

Application No. 980772/2683/W

DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning General Development Order 1988

FITNESS FIRST PLC
51 QUEENS PARK SOUTH DRIVE
BOURNEMOUTH
DORSET BH8 9BJ

In pursuance of its powers under the above Acts and Order, the Southampton City Council, as the District Planning Authority, hereby gives notice that the application described below is:

CONDITIONALLY APPROVED

Proposal	VARIATION OF CONDITION 2 OF PLANNING CONSENT 970997/2683/W TO EXTEND OPENING HOURS
Site Address	368 SHIRLEY ROAD SOUTHAMPTON
Application No	980772/2683/W

In accordance with Application No 980772/2683/W and details submitted therewith Until 29 February 2000 subject to the conditions specified below:-

01

The use hereby permitted shall be discontinued at or before the expiration of the period specified in this permission.

REASON

To enable the Local Planning Authority to give further consideration to this use at the expiration of this permission having regard to the circumstances existing at that time.

02

The first floor leisure use shall only be open for business between the hours of 6.30 am and 11.00 pm Monday to Friday, between 8.00 am and 11.00 pm on Saturdays and between 8.00 am and 10.30 pm on Sundays and recognised public holidays. Before 8.30 am and after 9.00 pm such use shall not include activities which involve the use of amplified sound or music.

REASON

To protect the amenity of neighbouring residential properties.

03

Noise emissions from the leisure use shall at no time exceed 3 dB (A) above background levels as measured 1 metre from the rear facade of the neighbouring properties No 22 Villiers Road and No 1 Henry Road.

REASON

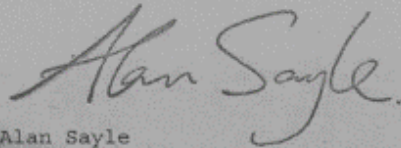
In order to protect the amenity of neighbouring residential properties.

04

The premises shall only be used for leisure purposes as a fitness suite and for no other purpose, including any other purpose in Class D2 - Assembly and Leisure in the Schedule to the Town and Country Planning (Use Classes Amendment) Order 1991 (or in any equivalent provision or re-enacting that Order).

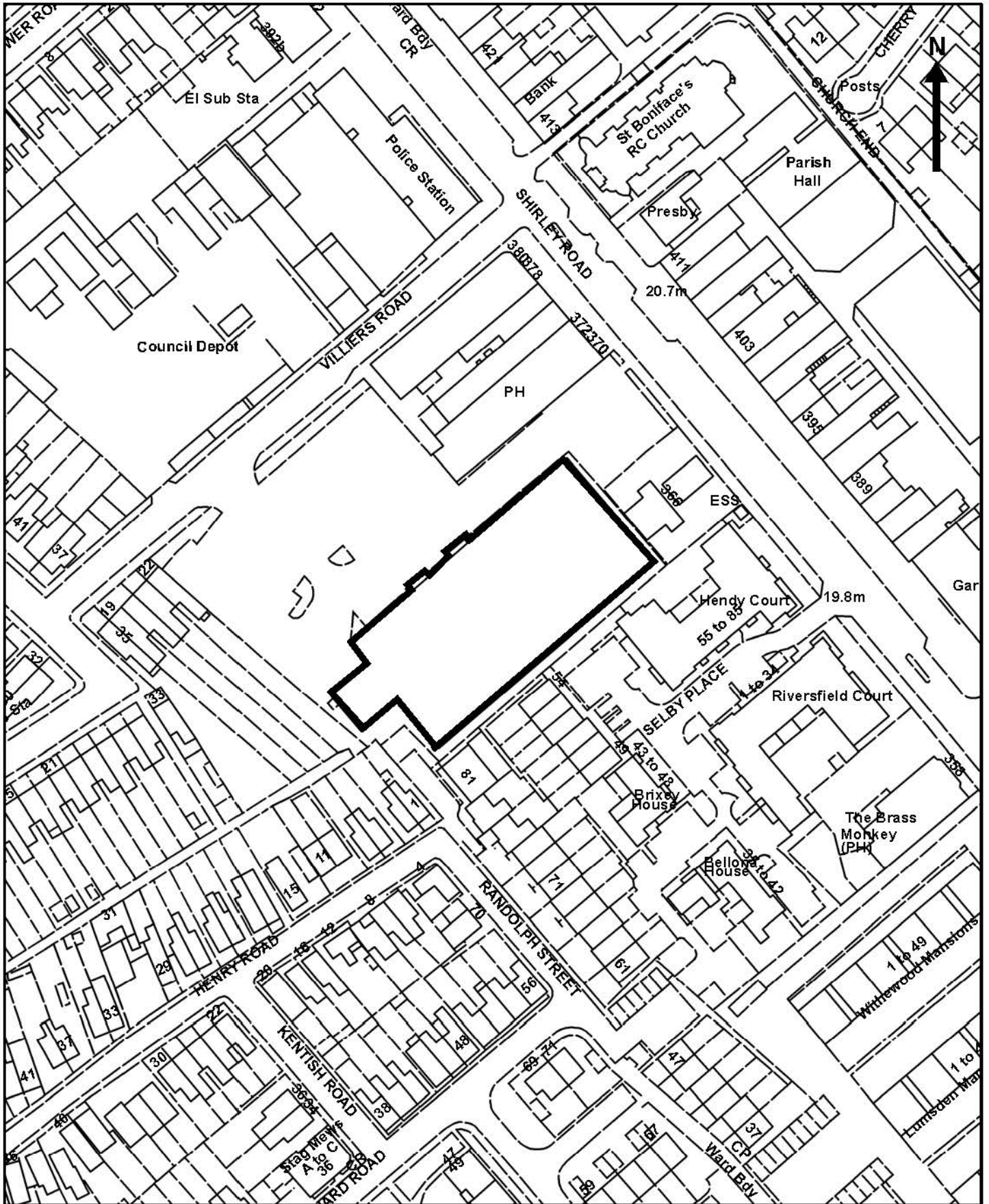
REASON

To protect the amenities of neighbouring residential properties.



Alan Sayle
Development Control Manager

Dated 16th February 1999
DLE



Scale: 1:1,250

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ECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	MEETING PROTOCOLS AND PROCEDURES		
DATE OF DECISION:	10 JANUARY 2017		
REPORT OF:	SERVICE DIRECTOR, LEGAL AND GOVERNANCE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Ed Grimshaw	Tel: 023 8083 2390
	E-mail:	ed.grimshaw@southampton.gov.uk	
Director	Name:	Richard Ivory	Tel: 023 8083 2974
	E-mail:	Richard.Ivory@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
This report is brought to the Panel in order to clarify and update the protocols and procedures for the Planning and Rights of Way Panel. The current procedure was brought before the Panel originally in 2008.	
RECOMMENDATIONS:	
	(i) To review and approve and invite the Service Director: Legal & Governance to issue the meeting protocol and site visit procedure.
REASONS FOR REPORT RECOMMENDATIONS	
1.	To reaffirm and clarify procedures and protocols for the Panel.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	Not to take the decision to Panel and to use the delegated powers set out in the Council's constitution or the discretion of the Chair. This would remove the opportunity for democratic involvement.
DETAIL (Including consultation carried out)	
3.	Part 4 of the Council's constitution sets out the meeting procedures for Council as a whole.
4.	The general principles of the meeting procedure remain the same it sets out the definitions of major and minor schemes and the public speaking times and order of speaking.
5.	The major difference is the inclusion of a site visiting procedure. The current procedure does not give any formal protocol.
6.	The inclusion of a formal protocol for site visits will remove an ambiguity and will ensure that decisions made following a site visit continue to adhere to the principles of openness and transparency. The protocol also clearly defines the rolls of officers, Members and applicant during the visit.

RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
7.	None
<u>Property/Other</u>	
8.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
9.	Local Government Act 1972
<u>Other Legal Implications:</u>	
10.	None
POLICY FRAMEWORK IMPLICATIONS	
11.	None

KEY DECISION?	Yes/No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Draft meeting procedure
2.	Draft site visiting procedure
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out.	No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
Other Background Documents	
Equality Impact Assessment and Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

PLANNING AND RIGHTS OF WAY PANEL

PROCEDURE FOR CONSIDERATION OF PLANNING APPLICATIONS

1. At the commencement of the meeting, the Chair may clarify the purpose of the Panel, welcome the attendees, introduce himself and ask the Panel Members and Officers to introduce themselves.
2. At the commencement of each planning application, the Chair introduces the item. If appropriate, Councillors who have declared an interest do so and leave the room if necessary, unless they wish to speak.
3. Planning Officer summarises the report.
4. Chair invites the objector(s) to address the Panel. Speakers are allowed:-

Major developments -**15 minutes (in total regardless of the number of speakers)**

Minor developments - **5 minutes (in total regardless of the number of speakers)**

Substantial public interest **15 minutes (in total regardless of the number of speakers)**

Where several people have a similar interest in the application, the Chair may suggest that a spokesperson is nominated to speak on behalf of others that are present.

5. Chair invites the Ward Councillor(s) to address the Panel. Ward Councillors are allowed 5 minutes each
6. Chair invites the applicant or his/her representative (s)/supporters to address the Panel. Speakers are allowed:-

Major developments -**15 minutes (in total regardless of the number of speakers)**

Minor developments - **5 minutes (in total regardless of the number of speakers)**

Substantial public interest **15 minutes (in total regardless of the number of speakers)**

Where several people have a similar interest in the application, the Chair may suggest that a spokesperson is nominated to speak on behalf of others that are present.

7. Councillors who have declared a Disclosable Pecuniary or Personal Interest may only be in attendance for the period they address the Panel. Once they have spoken they must leave the meeting room for the duration of the item.
8. Planning/highways officers to respond to comments made.

9. Chair invites Members of the Panel to ask questions of Planning/highways officers or others that are present in order to clarify any particular aspects of the application.
10. The Chair invites Members of the Panel to give their individual comments.
- 11. The Chair will clarify the recommendation to be voted on by the Panel.**
12. The Panel will formally reach a decision by voting.
- 13. The Chair will clarify the decision made Reasons for the decision may be given in full at Panel or summarised and full wording provided afterwards depending on the complexity.**
14. Where the Panel decide that it cannot come to a decision on the application without having visited the site then the Panel's site visiting procedure will be enacted
15. On occasions it may be necessary for the Council's Solicitor to give legal advice in private to the Panel. Where this arises the Solicitor will outline briefly why this is needed and the Panel will resolve to move into private session under the Local Government Act rules to receive such advice. All other persons, save for the Council's officers, will leave the meeting room when requested by the Chair and invited to return once the advice has been given.

APPLICATION CATEGORIES: DEFINITIONS

- (a) For planning applications categorised as Large Scale Major developments, that is as defined by the Government as being: Residential development of 200 or more dwellings or Residential development on a site of 4 hectares or more Commercial development of more than 10,000sqm floor area or Commercial development of site area of 2 hectares or more a maximum limit of **15 minutes** be allowed for applicants and supporters of the proposal and **15 minutes** for all objectors to the proposal;
- (b) For planning applications categorised as Small Scale Major developments, that is as defined by the Government as being: Residential development of between 10 and 199 dwellings or Residential development on a site of 0.5 to 4 hectares Commercial development of between 1,000 - 9,999sqm floor area or Commercial development of site area of 1 to 2 hectares a maximum limit of **15 minutes** be allowed for applicants and supporters of the proposal and **15 minutes** for all objectors to the proposal;
- (c) For planning applications categorised as Minor developments, that is as defined by the Government as being: Residential development of less than 10 dwellings or Residential development on a site of less than 0.5 hectares Commercial development of less than 1,000sqm floor area or Commercial development of site area less than 1 hectare and would include all householder proposals a maximum limit of **5 minutes** be allowed for applicants and supporters of the proposal and **5 minutes** for all objectors to the proposal;
- (d) For planning applications categorised as Other developments, that is applications falling outside the above categories, which would include advertisements, lawful development certificates, prior notification certificates, changes of use, Listed Building applications, and Conservation Area applications, etc. a maximum limit of **5 minutes** be allowed for applicants and supporters of the proposal and **5 minutes** for all objectors to the proposal;
- (e) For the purposes for public speaking at the Panel meeting, a planning application which receives written letters of objection (discounting petitions, proforma and circulated standard letters) on valid and appropriate planning grounds within the publicity period for representations to be made for that application from 50 or more individual property addresses within the administrative ward of the city the development lies within shall be considered to be of substantial public interest. Such applications would thereby be allocated a maximum limit of **15 minutes** be allowed for applicants and supporters of the proposal and **15 minutes** for all objectors to the proposal;

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COUNCIL PLANNING FORMAL SITE VISIT PROTOCOL

1. Arranging the visit

- 1.1 Should Members decide at a Planning and Rights of Way Panel meeting that they require a visit to an application site:
 - The Panel will need to resolve to defer the application until the site visit has taken place and it returns to a future meeting;
 - Members will be asked to agree a time and date at the end of the meeting. If this is not possible, a schedule for the visit will be agreed between the Chair and officers. The schedule will identify the timetable for the meeting, invited attendees and what matters will be viewed on site.
- 1.2 The planning officer will then notify the applicant or their agent of the time and date of the site visit and seek authority for Councillors and offices to visit the site or other land. Where the application site is on private land, the applicant or agent will only be requested to be in attendance to facilitate access if required.
- 1.3 Where Members of the Panel or officers believe that the Panel would benefit from viewing the site from other locations (e.g. neighbouring property) then this shall be permitted subject to agreement of the Chair and the requirements of this protocol.
- 1.4 Attendees will include:
 - Planning and Rights of Way Panel Members;
 - Planning Officer;
 - Service Lead – Infrastructure, Planning and Development;
 - Democratic Support Officer;
 - Solicitor (if necessary)
 - Other officers relevant to the application i.e. Highways or Trees
- 1.5 Councillors are reminded that they have no right of entry to private land except by permission of the owner and that they and officers should not enter a private site until all invitees are present and an officer has made contact with the landowner/operator/applicant.
- 1.6 In the unlikely event that the landowner will not give permission to enter a private site, the site will have to be viewed from public highway or alternative private land if the landowner has permitted entry.

2. Conduct of the visit

- 2.1 The purpose of the site visit is to enable Councillors on Planning and Rights of Way Panel to familiarise themselves with the site and its surroundings and in order to understand the issues more clearly when considering the application at Panel.
- 2.2 While it may be necessary for an applicant or his agent to be present on the site (e.g. to provide access or for safety reasons), discussions with the applicant or their agent or any third party will be avoided and they will be advised that lobbying of councillors is unacceptable. Presentations by applicants will not be permissible.

- 2.3 At the request of the Chair, the planning officer will describe the proposal to councillors and will display appropriate plans or drawings of the proposal. (It is expected that Councillors will already be familiar with the planning officer's report) The planning officer will indicate matters of fact in relation to the proposal and surrounding land which Councillors should take into account.
- 2.4 Questions by councillors should be addressed to the planning officer and be of a factual nature, for example, distances to adjoining or objectors' properties or the landscape features to be retained. If it is necessary to seek information from the applicant or agent on site this will be done by an officer.
- 2.5 At no time during the site visit should councillors debate or comment on the planning merits or otherwise of a proposal.
- 2.6 No other interested parties (such as objectors, supporters, ward councillors) shall be invited to or participate in the site visit.

3. General

- 3.1 Councillors will not make any decision at the site visit and individual members should keep an open mind about the merits or otherwise of the proposal to which the site visit relates.
- 3.2 Councillors should avoid being separated; it is essential that they should not allow themselves to be lobbied or enter into a debate about the application.
- 3.3 Councillors should ensure that they have seen all aspects of the site suggested by the accompanying officer or the Chair during the visit.
- 3.4 The application will usually be the first item on the agenda of the following Planning and Rights of Way Panel meeting where the decision will be made.

4. Record of the Visit

A record of the visit will be retained on the planning application file. The record will include the timetable for the meeting, attendees and what matters were viewed on site.

Notes:

- Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- Where appropriate, protective clothing e.g. visibility jackets, hard hats will be provided for councillors on arrival at the site. Councillors should, however, be aware of the need to wear appropriate footwear.
- Officers will **not arrange** transport to the site for the site visit. Councillors will be required to make their own way to the site.