

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 25 June 2013
 Planning Application Report of the Planning and Development Manager**

Application address: Land between 136-166 Above Bar Street			
Proposed development: Erection of two buildings, one of which would be up to 10-storeys in height, to provide an Arts Complex incorporating two auditoria, gallery space; ground floor Retail/Restaurant/Cafe/Drinking Establishments (Classes A1/A3/A4) and 38 flats (5 x one-bedroom, 28 x two-bedroom and 5 x three bedroom) with underground parking of 31 spaces. The development proposes the formation of a new street between Above Bar Street and Park Walk.			
Application number	13/00593/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	22.07.2013	Ward	Bargate
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Grosvenor Developments Ltd - Mr Simon Armstrong	Agent: Savills
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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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. The Local Planning Authority is satisfied that the proposed buildings would not have a detrimental impact on the setting of adjoining listed buildings or the adjoining park of historic interest. The application proposes a new arts complex within the cultural quarter of the city and offers significant economic and regeneration benefits. The application constitutes a Departure from the Development Plan due to the failure to meet the BREEAM Excellent standard required by Core Strategy Policy CS20. However, this issue has been weighed in the balance with other material considerations. The impact of the development in terms of transport, design and neighbour amenity issues is considered to be acceptable. 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 planning permission should therefore be granted.

Policies - SDP1, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, HE3, HE5, HE6, CLT1, CLT5, CLT6, H1, H2, H7, REI7 and MSA5 of the City of Southampton Local Plan Review (March 2006) and CS1, CS3, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS18, CS19, CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

- 1) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site, including paying for the necessary Traffic Regulation Order, in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
 - iii. Financial contributions towards open space improvements required by the development in line with Policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - iv. Provision of affordable housing in accordance with Core Strategy Policy CS 15.
 - v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
 - vi. Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy.
 - vii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - viii. Submission, approval and implementation of a Waste Management Plan.
 - ix. Financial contribution or works of improvement to the public realm in accordance with policy and the relevant SPG.
 - x. An obligation that the new accommodation for the arts centre is provided to a certain condition before the first occupation of the residential accommodation.
- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to delete, vary or add conditions as necessary as a result of further negotiations with the applicant and analysis of the viability appraisal.
- 3) In the event that the legal agreement is not completed within two months of the Planning and Rights of Way Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site, an area of approximately 0.52 hectares, is situated on the eastern side of Above Bar Street. The site was previously the Tyrrell and Green department store but the buildings have been demolished and the land grassed over apart from a central tarmaced footpath which crosses the site. The 'red line' of the application site includes part of the public highway in Above Bar Street and Park Walk.
- 1.2 The surroundings are predominantly commercial in character, 3-storey properties adjoin on either side with shops or food and drink uses on the ground floor and ancillary uses above. Adjoining to the west is Guildhall Square with the 6-storey office building (One Guildhall Square) on the south side of the square and the 4-storey Sir James Matthews building on the north side. East Park, which is a park of special historic interest, adjoins to the east. The application site is not within a conservation area, however, there are listed buildings in the vicinity, most notably the Civic Centre complex and Guildhall which is listed Grade II*.

2. Proposal

- 2.1 This application is effectively an amendment to the previous approval granted last year. The application proposes a mixed use development with the main activity providing a new Arts Centre which would bring together existing arts and cultural organisations onto a new site. The arts space would occupy 6,127 square metres of floorspace and provide two separate theatre auditoria with capacity for 450 and 120 people. The remaining art gallery space and studios would be used by the John Hansard Gallery and City Eye. The proposed ground floor commercial use (a total of 2,230 square metres floorspace) would be either retail use (Class A1), cafe or restaurant (Class A3) or drinking establishments (Class A4). The remaining use would be residential with 38 flats (5 x one bedroom, 28 x two bedroom and 5 x three bedroom units) on the upper floors above the southern building.
- 2.2 The development proposes two new buildings either side of a new link street, 12 metres in width which would follow the line of the existing footpath. Both buildings would accommodate the new arts space and ground floor commercial space. The proposed southern building would provide gallery space and two new commercial units at ground floor level, additional gallery space and arts facilities on the first floor and the flats on the upper floors. The overall height of the southern building would be approximately 37 metres with 7 floors of residential above the arts space. The northern building would accommodate 5 commercial units fronting either Above Bar Street or the new link street with the two auditoria and associated facilities above. The height of this northern building would be approximately 23 metres to the top of the auditorium roof.
- 2.3 The proposed external materials are indicated to be masonry to match the Guildhall for the entrances to the Arts Centre, a lightweight stone-coloured terracotta rainscreen cladding system, incorporating a pattern, for the main body of the building and the auditoria will be finished in polycarbonate cladding which could be illuminated at night. Brickwork will be used to the north and south ends of the building where it abuts neighbouring buildings and the same dark smooth brick will be used along Park Walk at ground floor level where there are a

number of service entrances. The roofs to the residential south building will be a standing seam single ply membrane and there would be areas of green roof around the edge of the building where the flat roofs are not being used for terraces/balconies. The window frames to the flats and shopfronts will be metallic powder coated and the balconies to the flats will have glass balustrades.

- 2.4 Vehicular access to the site would be from Park Walk. Basement car parking (31 spaces) would be provided under the southern building which would be accessed via a car lift. All servicing, waste collection and deliveries to the site would be from Park Walk. Alterations will be needed to the existing parking arrangements in Park Walk to make provision for servicing. Two delivery bays will be provided to serve the north building. The northernmost loading bay will be 18 metres in length and is intended to accommodate large articulated vehicles for use by the theatre for stage setup and breakdowns. A second smaller loading bay will be used by refuse vehicles and other delivery vehicles of 12 metres or less. For the south building one 12 metre delivery bay is provided for refuse collection and retail deliveries. The larger delivery and servicing vehicles associated with the development would be expected to reverse into the new link street in order to leave Park Walk in forward gear.
- 2.5 In terms of rights of way and highway works, the previous permission included 'stopping up' of an existing right of way (the tunnel which previously went through the former Tyrrell and Green building); 'stopping up' an area of public highway (footway) on Above Bar Street and the creation of a replacement public right of way through the site. The necessary approvals for the 'stopping up' of these areas of public highway have been granted. This application includes the new link street between Guildhall Square and East Park, part of which would become a new right of way. Although East Park is not within the red line of the application site, the application shows how footpaths within East Park could be re-aligned to relate better to the new link street. This would involve new hard and soft landscaping works which are illustrative at this stage but could be funded by the developer through the Section 106 agreement.
- 2.6 The application is accompanied by a series of background reports: Design and Access Statement; Transport Assessment; Access Servicing Strategy and Waste Delivery Plan; Townscape, Heritage and Visual Impact Appraisal; Sustainability and Energy Statement; Flood Risk and Drainage Assessment; an Archaeology Desk Based Assessment; Noise Assessment and Air Quality Assessment.
- 2.7 The main changes compared with the previous planning permission are as follows:
- An increase in the number of flats from 29 to 38 units
 - A change to the mix of the units with more two bedroom flats and 2 fewer one bedroom and three bedroom units
 - Changes to the layout of the basement which result in a reduction in the number of parking spaces from 33 to 31
 - Amendments to the design of the building to accommodate changes to the flats with amendments to massing, elevations and amenity space arrangements
 - Changes to materials and detailing of the arts complex

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The application site is allocated for development in the Local Plan under Policy MSA 5. This allocation covers not just the application site but adjoining properties on both sides of Above Bar Street as well as the Civic Centre complex. Policy MSA 5 promotes a mixed use cultural quarter to complement existing retail activity in the city centre and, to include: educational and cultural facilities; leisure uses - restaurants, cafes and bars; residential at first floor level and above; student accommodation or offices (Class A2 and/or B1). The policy also sets out certain design principles which are addressed later in this report.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted 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.
- 3.4 The City Centre Urban Design Strategy (CCUDS) 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 (the application site is within the Central Parks Character Area). Within this area the design objectives are: to maintain the main visual corridors through the Central Parks; key west-east pedestrian routes across the city should be reinforced; primary public spaces surrounding the civic centre should be completely refurbished; the public realm should be paved and finished with high quality contemporary components. CCUDS identifies the Civic Centre environs and Guildhall Square as one of 7 keynote projects within the city centre. Specific objectives are: to redevelop the Tyrrell and Green department store as a landmark building with a bold new architectural form to provide new commercial and cultural facilities; the role and stature of Guildhall Square as a key public space on the central spine of the city should be promoted; strategic views from the parks to the Guildhall should be maintained and pedestrian links improved.
- 3.5 City Centre Action Plan - Preferred Approach (January 2012)
- The application site is within the Cultural Quarter as defined in the emerging City Centre Action Plan. Policy 31 relates to Northern Above Bar and promotes a mixed use development. The following design principles are recommended for the application site as a new arts complex:

- The creation of a new street to connect Guildhall Square to East Park.

- The provision of active ground floor frontages to Above Bar Street and the new pedestrian street to East Park.
- Development should be of a scale and design compatible with the Guildhall which respects the primacy of the Guildhall portico and Civic Centre Clock Tower and presents a high quality frontage to both Guildhall Square and East Park.
- High quality public space is provided incorporating public art.
- Development should respect the setting of the listed parks.

4. Relevant Planning History

- 4.1 The application site was occupied for many years by the Tyrrell and Green department store which closed in 2000 when the West Quay Shopping Centre was built. The retail building was demolished in 2010.
- 4.2 In 2007 a planning application was submitted for redevelopment of the site with two new buildings ranging in height from 9-storeys to 18-storeys to provide new arts facilities, a new commercial unit (Class A1/A3) and 282 flats (46 studios, 106 x one bedroom, 126 x two bedroom and 4 x three bedroom flats) with associated parking and formation of a new street between Guildhall Square and Park Walk. This application (reference 07/01686/FUL) did not proceed as the developer went into administration and the application was subsequently withdrawn.
- 4.3 In February 2011 planning permission was granted for the use of this site, Guildhall Square and the adjoining public highways for public events. This permission (reference 11/00003/R3CFL) restricts the use to a maximum of 225 days in any calendar year for Guildhall Square itself and 50 days per calendar year for the remainder of the site. The hours of operation are between 06.00 to midnight.
- 4.4 In March 2011 the Council issued a 'screening opinion' under the EIA Regulations (reference 11/00244/SCR) confirming that the proposed development for a mixed use scheme with an arts complex did not require the submission of an Environmental Statement.
- 4.5 In October 2012, planning permission was granted for the erection of two buildings, one of which would be up to 10-storeys in height, to provide an arts complex incorporating two auditoria, gallery space etc; ground floor retail/restaurant/cafe/drinking establishments (Classes A1/A3/A4) and 29 flats (7 x one-bedroom, 15 x two-bedroom and 7 x three-bedroom) with underground parking of 33 spaces. The development proposed stopping up an existing right of way, stopping up an area of public highway on Above Bar Street and the formation of a new street between Above Bar Street and Park Walk incorporating a replacement public right of way. (Reference 11/01074/FUL).

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, placing a press advertisement as a departure from the development plan (17.05.2013) and displaying a site notice (09.05.2013). At the time of writing the report 0 representations have been received from surrounding residents.

5.2 **SCC Highways** - The impact of this development is unlikely to have a material impact on peak hour traffic flows. It will generate new trips outside of these times which will mostly involve specific trips to the site (i.e. non linked trips). However, this should not greatly impact on the overall movement of city centre traffic. There are no objections to the increased number of flats and the minor reduction in car parking spaces given the high level of public transport accessibility in this central location.

5.3 **SCC Housing** – As the scheme comprises 38 dwellings in total, the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 13 dwellings. Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

1. On-site as part of the development and dispersed amongst the private element of the scheme.
2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice
3. Commuted financial payment to be utilised in providing affordable housing on an alternative site

In this case on-site provision would be sought.

Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision (these comments are subject to the outcome of the viability exercise).

5.4 **SCC Sustainability Team** – The development intends to connect to the city centre district heating system as well as using photovoltaics which will allow the development to achieve the C02 reduction requirements. A potential area for the photovoltaics is shown on the roof plan. The development incorporates some elements of green roof and this is welcomed. Whilst the development will be achieving the current CS20 policy requirement of Code Level 4 on the residential elements, they state they will only be achieving Very Good BREEAM on the non-residential elements which is not compliant with current requirements. They do state they will achieve the minimum mandatory credits for Excellent, but do not achieve the overall score required to achieve Excellent. The pre-assessment estimator predicts a score of 59.39% (55% is required for Very Good and 70% for Excellent). The Sustainability Team therefore object to non-compliance with Policy CS20 in respect of the failure to meet BREEAM 'Excellent'.

5.5 **SCC City Design Team** – The proposed amendments to rationalise the internal plans of the residential accommodation in the south building are of minimum consequence with regard to the previously approved scheme. The southern end is increased by one storey at the eighth floor level and minor reductions are made to other parts of the elevations. As a tall and blank party wall, consideration of the detailed design and choice of colour of brick to the south elevation of this building will be necessary to minimise its visual impact. Further rationalisation of the form of the block has resulted in minor changes to the elevations and terraces that result in a more logical pattern and form, improving buildability, and therefore viability. Further discussions have been held with

English Heritage regarding the proposed amendments and proposed use of materials. The amendments appear to be acceptable to EH, however the quality of materials, in particular the selection of a limestone cladding of a type which closely resembles the Portland stone used in the cladding of the Civic and the Sir James Matthews building, in both its colour and weathering, continues to be an important aspect of the detailed design to ensure the highest quality for this important 'civic' building which must be read as a complementary 'addition' to the existing Civic Centre complex.

- 5.6 **SCC Archaeology** – An archaeological desk-based assessment has been submitted with the application. I agree with the conclusions that, although there may be some archaeology surviving on the site, this is likely to have been significantly impacted by the previous development. Consequently, as long as a phased programme of archaeological work is implemented in advance of the development, this can be secured by conditions.
- 5.7 **SCC Rights of Way Officer** - No objections as the proposal will incorporate a new public right of way footpath.
- 5.8 **SCC Environmental Health (Pollution & Safety)** - No objections subject to conditions.
- 5.9 **SCC Ecology Officer** – The site has negligible biodiversity value and I do not have any major concerns about the proposed development.
- 5.10 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Environmental Health Services do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent, consequently conditions are recommended.
- 5.11 **English Heritage** – The main concerns would be the immediate setting of the Guildhall and the views of the clock tower which is a significant feature of the Southampton skyline. This proposal responds well to the site: while reinstating the eastern side of the square and enclosing the space it would also open up a new vista on the axis of the portico of the Guildhall. The new vista would create a new formal view of the Guildhall and clock tower behind from the park. The design of the west elevation of the proposal relates well to the Guildhall on the opposite side of the square. Although the proposal rises in some areas to 9 floors in all, it is significantly lower than the clock tower. The tower will therefore still be a very evident feature of the city skyline. No significant immediate views of the clock tower would be interrupted and there is the key benefit of the new vista from Andrews Park looking westwards to the Guildhall and the clock tower. In conclusion, this proposal would not cause harm to the setting of the Civic Centre. By re-enforcing the formality of the Guildhall Square and by enclosing the spaces and by creating a new formal view which will connect the park and the square and there would be an improvement to the setting of the Civic Centre.

- 5.12 **BAA** – No objection to the proposal as it would not conflict with aerodrome safeguarding criteria.
- 5.13 **The Theatres Trust** – supports the application which provides a new 450 seat theatre, a smaller 110-120 seat auditorium and front and back of house facilities as part of the wider scheme. The new arts facility will contribute to and enhance Southampton's Cultural infrastructure and will increase the vitality and vibrancy of the surrounding area.
- 5.14 **Southern Water** – Initial investigations indicate that Southern Water can provide foul sewage and surface water disposal to service the proposed development. Southern Water therefore have no objection to the development subject to conditions covering connection to the systems, measures to be undertaken to protect the public sewers and water supply mains.
- 5.15 **The City of Southampton Society** - supports the application and hopes the negotiations with Grosvenor comply with the designs agreed for the new street/right of way between the two new buildings. CoSS is also keen that the re-alignment of the pathways in East Park can be progressed to be completed simultaneously with the Arts Complex.
- 5.16 **Southampton Commons & Parks Protection Society (SCAPPS)** - supports the principle of redevelopment. The differences between the permission already granted and this present scheme are the alterations within the overall massing of the southern building to provide an additional 9 flats. There is a small increase in height of the southern block but it still retains the 'stepped-back' profile from the gap providing the axial focus on the Guildhall portico and Civic Centre clock tower. The accompanying site layout plan shows extension into Andrews Park of a path on the axis of the gap between the buildings. This is outside the area of the application. SCAPPS requests that, before permission is granted, the developer enter into agreements which would secure the necessary funding for construction of this extension of the axial path through to the central tree-lined avenue running through the Park. SCAPPS' second concern is to secure designation of a public right of way to replace that which ran beneath the Tyrrells building.

6. Planning Consideration Key Issues

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

- The principle of the development and the mix of uses proposed.
- Design issues, including the height and form of the development and the impact on the setting of adjoining listed buildings and the historic park.
- Transportation issues.
- Sustainability and environmental impact.
- Regeneration issues.

6.2 Principle of Development

The principle of this form of development has been established by the previous permission issued last year. The promotion of this part of the city as a Cultural

Quarter is a long standing aspiration of the Council. Various design and masterplanning documents identify this site as a keynote project to provide a landmark building and significantly upgrade the public realm with improved east-west connectivity including to the parks. This proposed mixed use development is fully in accordance with these policy aims and design aspirations. The arts complex will provide a variety of activities with two auditoria for the performing arts, studio space which can accommodate dance, cabaret and live music events, together with space for three galleries and space for City Eye who promote film and video culture. Whilst the arts complex is the 'anchor' use there is a need for commercial development to help fund the provision of this arts space. The proposed ground floor commercial units would provide an active frontage to Above Bar Street and the new 'link street'. The uses proposed, either retail (Class A1) cafes and restaurants (Class A3) or drinking establishments (Class A4) are in accordance with Policy CLT 14 of the Local Plan which designates this area as a Night Time Zone. The applicant has stated that flexibility is required for the future letting of these units but the intention is that a maximum of two of the units (one in each building) would be occupied as drinking establishments (Class A4). This could be controlled through a condition to ensure a balanced mix of uses is achieved.

6.3 As with the previous approval, residential use is included as part of the mix of uses with 9 more flats than agreed in 2012. This application increases the number of two bedroom flats, from 15 to 28, at the expense of one and three bedroom units. In terms of family sized units, the previous approval incorporated 7 family units (24% of the total) against the city wide target of 30% sought by Core Strategy Policy CS16. The current application reduces this proportion further (to 13%) but the policy does allow for this target to be varied depending on the established character of the neighbourhood and the viability of the scheme. As this is a city centre location and the accommodation is on the upper floors of a busy commercial development, this reduced amount of family housing can be justified. The 5 family sized units are generous in size and, with the exception of one flat, include private amenity space areas in excess of the standards in the Core Strategy. The layout of the proposed flats is considered to be acceptable, most of the flats are dual aspect and there are no solely north facing units.

6.4 Design Issues

The design approach which incorporates asymmetrical buildings of differing heights has previously been accepted. The height and massing of the buildings is not significantly different from the 2012 permission. Members attention is drawn to the comments of the City Design Manager in paragraph 5.5 of this report. In considering the previous application it was felt that the scale of the new buildings would provide a completely new frontage to Guildhall Square without competing with the Guildhall and Civic Centre Clocktower which would remain the dominant buildings on Guildhall Square and the skyline. The setting of the listed Civic Centre and Guildhall would be enhanced as a result of this development. These comments are also applicable to this revised proposal.

6.5 One of the design aspirations for this part of Above Bar Street/Park Walk is that the frontage to Park Walk should be treated in a similar way to Above Bar Street and not just have the character of a service road. The preference being that buildings are designed to be dual aspect with active edges extended along Park

Walk. The proposal does achieve this to an extent with a commercial unit to the northern building turning the corner from the new link street into Park Walk and with the gallery on the southern building as well as the residential entrance on Park Walk itself. Inevitably, however, a mixed use development of this nature does result in several service access points which can only be provided on the Park Walk frontage. These arrangements are unchanged from the previous planning permission.

6.6 Transportation

As a city centre site which is very well served by public transport this is the ideal location for an arts and leisure facility which will attract a significant number of visitors. It is anticipated that the car parking demand generated by the development will be met by using existing car parks. The applicants Transport Assessment, as submitted with the previous application, identified approximately 8,800 parking bays within an 800 metre radius of the site (about a 10 minute walk away) the majority of which are available 24 hours a day. A 2010 survey indicated that existing Council car parks had an average spare capacity of 41%. The highest car parking demand for this leisure development would occur in the evening when spare capacity is likely to be far higher. The Council's highways team are satisfied that the level of trips to the site can be accommodated without adverse impact on the city's highway network.

6.7 The car parking for the development itself would be provided within the basement of the southern building. 31 parking spaces would be provided for the residential units, 3 of the spaces would be suitable for disabled users and there would be 2 electric charging points. Secure cycle parking spaces would be provided in the basement. Visitor cycle parking would be provided on Above Bar Street in front of the southern building. This revised application proposes 9 extra flats and 2 fewer car parking spaces. This is considered to be an acceptable level of provision in view of the city centre location which is very well served by public transport. The only scope for car parking is within the basement which could not practically be enlarged.

6.8 All servicing of the development will take place from Park Walk. Detailed changes will be needed to the on-street car parking layout in Park Walk to allow loading bays to be created. Some 16 pay and display parking bays will need to be removed. The disabled persons parking bay at the northern end of Park Walk will be moved southwards but the number of spaces will be maintained. It is regrettable that larger vehicles serving the development will need to turn in the new link street through the development. However, there is no practical alternative to this as the turning area at the northern end of Park Walk, adjoining the parks depot is suitable only for turning smaller vehicles. However, it is anticipated that all large deliveries associated with the arts centre could be pre-booked and controlled through the use of a permit system which would dictate that servicing could only take place at specified times. Furthermore, the detailed design of the link street which could include planters/seating/public art will help identify the area for safe turning and make clear it is not for general vehicular access. The details of this can be reserved by a condition. These arrangements are all as previously approved.

6.9 The previous permission included arrangements for the stopping up and diversion of the public right of way which previously ran through the Tyrrell and

Green building and the stopping up of an area of public highway on Above Bar Street. The legal mechanism to achieve these changes has been secured. the new 'link street' will include a 3 metre wide public footpath to be provided between Guildhall Square and East Park which would be a considerable improvement on the previous pedestrian connection.

6.10 Sustainability

The development was originally designed to achieve Code for Sustainable Homes Level 3 with an aspiration to achieve Level 4 depending on the viability of connection to the city centre district heating system. It has now been decided that the development will connect to the district heating system and that all the mandatory credits for Code 4 will be achieved. The arts complex should achieve a BREEAM 'Very Good' rating. The potential for 350 square metres of solar photo voltaic panels is possible to serve the arts centre on the roof of the auditorium. These sustainability measures are welcomed and can be secured through conditions. The previous permission was designed on the basis of achieving a 'Very Good' BREEAM score and it has not been possible to effectively 'retrofit' changes to achieve the higher standard due to the advanced stage of the design process and viability issues. As this application is effectively an amendment to a previous permission it would not be practical to require a fully compliant Policy CS20 scheme. In the circumstances of this case and the significant economic development and regeneration benefits of the proposal, this shortfall in the BREEAM credits is considered to be acceptable.

6.11 Regeneration

Subject to planning permission for this revised scheme, it is still the applicants intention to complete the project by 2105 to secure funding from the Arts Council for the new arts complex. The delay in bringing this development forward following the previous permission is as a result of viability issues. The changes included with this application are considered necessary to make the scheme viable and deliverable. The proposed development offers significant regeneration benefits to this part of the city centre. It would provide a new and varied arts complex of more than local importance, a major visitor attraction, further public realm enhancements and the potential for up to 300 jobs. Development of this site raises particular issues relating to economic viability. A financial viability appraisal of the development has been submitted and is in the process of being independently assessed. Because of the particular circumstances associated with this development, in particular the provision of the arts complex, the proposed development will not fund the normal package of Section 106 benefits. The applicant has made it clear that no affordable housing provision will be possible. It is probable that the Section 106 obligations will concentrate on improvements to the adjoining park, the site specific transport works in Park Walk and the public realm improvements.

7. Summary

7.1 The redevelopment of this important site will make a major contribution to the regeneration of this part of the city centre and add significantly to the vitality and viability of the emerging cultural quarter. The new arts complex will provide the main focus for activity within Guildhall Square with a range of complementary uses which are in accordance with local planning policies and design guidance.

The design of the development is appropriate for its context and the setting of adjoining listed buildings and the park will be enhanced. The highways and servicing arrangements are acceptable and the pedestrian environment will be significantly improved as a result of the new link street.

8. Conclusion

It is recommended that planning permission is granted subject to a Section 106 agreement, to be varied as necessary by the Planning and Development Manager following the outcome of the viability assessment, and conditions listed in this report.

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(b), 4(c), 4(d), 4(f), 4(r), 4(w), 6(c), 7(a), 7(e), 7(g), 7(n), 7(v), 9(a), 9(j), 10(a) and 10(b).

RP2 for 25/06/2013 PROW Panel

PLANNING CONDITIONS

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

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

02. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

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

Notwithstanding the submitted details before the commencement of any site works, apart from site preparation and foundation works, a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

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

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

Reason:

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

04. APPROVAL CONDITION – Archaeological 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.

05. APPROVAL CONDITION – Archaeological 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.

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

Written documentary evidence demonstrating that the commercial development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in

writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

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).

07. APPROVAL CONDITION - Sustainability statement implementation [Pre-Occupation Condition]

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures as specified in the Hoare Lee Energy and Sustainability Statement Addendum dated April 2013 shall be implemented unless otherwise agreed in writing by the Local Planning Authority. Written documentary evidence proving that the development has achieved the Code for Sustainable Homes measures set out in the statement in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development 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).

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

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a 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 scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation

or operational use of any stage of the development.

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

Reason:

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

09. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]

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

Reason:

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

10. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

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

Reason:

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

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

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

Reason:

In the interests of highway safety.

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

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site

boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

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

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

Reason

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

14. APPROVAL CONDITION - Drainage arrangements (Pre-Commencement Condition)

No development shall commence until details of a scheme to intercept grease in the drainage serving the food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for regular emptying and disposal of the grease by a registered contractor to a licensed waste facility. The scheme approved shall be implemented prior to the first operation of the commercial units and retained thereafter.

REASON

To ensure satisfactory drainage provision is made for the development.

15. APPROVAL CONDITION - Refuse facilities (Pre-Occupation Condition)

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

REASON

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

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

The whole of the car parking, cycle storage and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

REASON

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

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

The development hereby approved shall not be first occupied until visitor cycle facilities

have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON

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

18. APPROVAL CONDITION - Safety and Security measures (Pre-development condition)

No development shall commence, apart from site preparation and foundation works, until a scheme of safety and security measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall subsequently be implemented in accordance with the scheme before the development is first occupied unless otherwise approved in writing by the Local Planning Authority.

REASON

In the interests of safety and security and crime prevention.

19. APPROVAL CONDITION - Green roof (Pre-Commencement Condition)

A detailed specification for the green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development, apart from site preparation and foundation works. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

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

The food and drink uses / drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0700 to midnight on any day.

Reason:

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

21. APPROVAL CONDITION - Limit on Class A4 uses (Performance Condition)

No more than two of the commercial units as shown on the approved plans shall be used for Class A4 (drinking establishments) without a further grant of planning permission.

REASON

To ensure a satisfactory mix of uses are provided in accordance with the Council's policies to promote this area as a Cultural Quarter.

22. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

23. APPROVAL CONDITION - Details of lighting (Pre-Occupation Condition)

The development shall not be first occupied until details of external lighting to the buildings and external areas of the development have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of ensuring a satisfactory appearance to the development and the safety and security of the area.

24. APPROVAL CONDITION - Details of roof top services (Pre-Commencement Condition)

No development shall commence, apart from site preparation and foundation works, until detailed design of the roof top services, including ventilation measures to the ground floor commercial units, has been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure satisfactory treatment of this important part of the building in this sensitive location.

25. APPROVAL CONDITION - Public realm details (Pre-Occupation Condition)

The development hereby approved shall not be occupied until details of the treatment to the public realm surrounding the buildings has been submitted to and approved in writing by the Local Planning Authority. These details shall include surface treatment, seating and any means of enclosure together with details of measures to control deliveries to the premises. The approved measures shall subsequently be implemented unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent amending order, no gates, walls, fences or other means of enclosure shall be installed on the new link street between the northern and southern buildings without the prior approval of the Local Planning Authority.

REASON

To ensure satisfactory treatment of this important area of public space.

26. APPROVAL CONDITION - Protection of Drainage Apparatus (Pre-Commencement Condition)

No development shall commence until details of the proposed measures to protect the existing public sewers and water apparatus has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be

carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the drainage infrastructure is adequately protected as required by Southern Water.

27. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
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
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
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
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
HE3	Listed Buildings
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT14	City Centre Night Time Zones and Hubs
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
REI7	Food and Drink Uses (Classes A3, A4 and A5)
MSA1	City Centre Design
MSA5	Civic Centre and Guildhall Square

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

