

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 23 July 2013
Planning Application Report of the Planning and Development Manager

Application address: Central Site, West Quay Phase 3, Harbour Parade			
Proposed development: Mixed use development including alterations to the West Quay Shopping Centre comprising Retail (Use Class A1, A2, A3, A4 and A5 - 19,500 square metres maximum floorspace); Hotel (Use Class C1 - 28,000 square metres maximum floorspace); Residential (Use Class C3 - maximum 260 flats); Leisure (Use Class D2 - 19,500 square metres maximum floorspace) including a Cinema; Offices (Class B1(a) - maximum 10,000 square metres floorspace); public open space; with associated car parking, access, highway, landscaping and other works including infilling the existing pedestrian subway in Bargate Street (Outline application with access for consideration at this stage - Environmental Impact Assessment Development).			
Application number	13/00464/OUT	Application type	OUT
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	15.07.2013	Ward	Bargate
Reason for Panel Referral:	Departure from the Development Plan Referred by the Planning & Development Manager due to strategic importance Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Hammerson UK Properties Plc	Agent: Barton Willmore Llp
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Recommendation Summary	1) That the Panel confirm the Habitats Regulations Assessment in Appendix 3 to this report. 2) 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 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 future submission of reserved matters will be controlled through the Parameter Plans and Design Principles Documents which were part of the assessment in

the ES and are subject of planning conditions. 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 adjoining conservation area, listed buildings and Scheduled Ancient Monument and found the impact to be acceptable. Other material considerations 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 - SDP13 (inclusive), SDP15, SDP20, SDP21, SDP22, NE1, HE1, HE3, HE6, CLT1, CLT5/6, CL14, H1, H2, H7, H8, H9-H11, H12, REI 1, REI 7, MSA1, MSA6 and IMP1 of the City of Southampton Local Plan Review (March 2006).

CS1, CS2, CS4, CS5, CS6, CS8, CS9, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS24 and CS25 of the City of Southampton Core Strategy (2010).

Appendix attached			
1	Development Plan Policies	2	City Design Manager's Comments
3	Habitats Regulations Assessment		

Recommendation in Full

1) That the Panel confirm the Habitats Regulations Assessment in Appendix 3 to this report.

2) 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 or works towards site specific transport improvements in the vicinity of the site, including closing and infilling the pedestrian subway in Bargate Street, 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 transport improvements for improving walking and cycling connectivity to nearby areas of public open space in connection with the new residential accommodation in accordance with Core Strategy Policy CS22 and the Habitats Regulations Assessment attached to this report.

iii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;

iv. A financial contribution 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);

v. A financial contribution towards off site affordable housing provision in accordance with Core Strategy Policy CS15.

- vi. 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.
 - vii. Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy.
 - viii. 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.
 - ix. Submission, approval and implementation of a Waste Management Plan.
 - x. Financial contribution or works of improvement to the public realm in accordance with policy and the relevant SPG.
 - xi. Preparation and implementation of a Travel Plan.
 - xii. A Car Park Management Plan to ensure public car parking is provided and retained with charges to match that of the prevailing Council charges.
 - xiii. CCTV provision.
 - xiv. Submission and approval of a Construction Traffic Management Plan
 - xv. Commitment to the provision of 'information packs' to future homebuyers containing information regarding alternative recreational destinations other than the shoreline
 - xvi. Provision for the repayment by the Council of the Town Arena financial contribution previously paid by the developer of West Quay Phase 2.
- 3) 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. The Planning and Development Manager be given delegated powers to resolve any late representations following publicising the additional information for the Environmental Statement.
- 4) In the event that the legal agreement is not completed within two months of the Panel date the Planning and Development Manager be authorised to refuse permission on the grounds of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site is approximately 4.27 hectares in area and is directly to the south of the West Quay Shopping Centre (WQSC), between Portland Terrace and Harbour Parade. The site is currently several separate parcels of land. The majority of the site consists of a large area of hardstanding which has mainly been used in connection with the annual Boat Show and other temporary uses; the southern extent of the site is part of The Quays Swimming and Diving Centre and part of the road and footpath in Western Esplanade; the northern extent of the site includes the existing external terrace and part of WQSC, as well as part of the multi-storey car park on the western side of Harbour Parade; the eastern extent of the site is a portion of Portland Terrace and Bargate Street including the existing pedestrian subway. The application site also includes the two existing surface

level car parks at the top of the Town Walls at Albion Place/Castle Way.

- 1.2 The application site is within the city centre as defined in the Local Plan. The surrounding area is predominantly commercial in character to the north, west and south and predominantly residential in character to the south-east within the Old Town. The WQSC which lies to the north of the site is a large covered purpose built shopping centre providing approximately 74,500 square metres gross retail floorspace. The building consists of three trading floors with two car parking levels below in a podium car park. The centre includes approximately 4,000 car parking spaces provided within the levels below the shopping centre (1,550 spaces) and the separate multi-storey car park (2,450 spaces) to the west on the opposite side of Harbour Parade. There is pedestrian access to WQSC from either Portland Terrace, Above Bar Street or Harbour Parade as well as from the Arundel Circus Terrace. Vehicular access to both the podium car park and for service vehicles is from Harbour Parade.
- 1.3 To the west of the application site, on the opposite side of Harbour Parade, is the WQSC multi-storey car park. Adjoining that is the 6-storey Premier Inn Hotel with a vacant site adjoining, known as West Quay 3 Site B, for which there is outline planning permission for an office development (application reference 09/00247/OUT), and beyond that site is the 6-storey office building for the Carnival UK headquarters. To the south is the Quays Swimming and Diving Centre and its surface car park with additional car parking for the De Vere Grand Harbour Hotel to the west.
- 1.4 Part of the road in Western Esplanade is within the application site up to the base of the medieval Town Walls which is a Scheduled Ancient Monument and Grade I listed structure. To the south-east facing the application site are two/three-storey terraced houses in Forest View with further predominantly residential properties beyond within the Old Town. The application site is not within a conservation area but the adjoining land to the east is within the Old Town West Conservation Area, the boundary of which runs along the line of the Town Walls.

2. Proposal

- 2.1 This is an outline planning application for a mixed use redevelopment of the site to provide retail, hotel, residential, office and leisure uses with public open space and associated car parking, access, highway, landscaping and other works. The details of the various land uses is given in the table in paragraph 2.8 below. In addition to the amount of floorspace proposed, access and a set of Parameter Plans and Design Principles are submitted for approval. All other matters, namely layout, scale, appearance and landscaping are reserved for detailed approval. The Parameter Plans and Design Principles documents are essentially the drawings for approval as part of the application. The Design and Access Statement includes an illustrative Masterplan to demonstrate how the parameters and principles will deliver design quality and an appropriate form of development. The applicant has named the scheme 'Watermark West Quay'.
- 2.2 The Parameter Plans define the principles of development sought within the planning application and cover the following: demolition and removal works; Scheme Development zones; Maximum and Minimum Building Footprint; Maximum and Minimum Building Heights; Vehicle Access Routes; Cycle and Public Transport Routes; Key Pedestrian Routes; Public Realm and Landscaping

Strategy and Maximum Depths of Excavation. The Design Principles document details the major elements of land use, layout, form and scale, maximum and minimum floorspace quanta and other key development principles. It is intended that these principles will provide a basis for future Reserved Matters submissions.

- 2.3 These floorspace figures do not include car parks, service yards, internal/external circulation routes and shared spaces and plant. The maxima and minima floorspace has been set to establish the principle of an acceptable range of floorspace and to provide the applicant with an element of flexibility in taking the scheme forward to the Reserved Matters stage. The scheme has been divided into four Development Zones (DZ) which have different building envelopes, uses, areas and heights.
- 2.4 **Development Zone 1 (DZ1):** The Leisure/Retail block – this is the northern part of the site with the WQSC to the north, Harbour Parade to the west and the former road in Western Esplanade and the Town Walls to the east. DZ1 will contain retail (including a large retail unit fronting Harbour Parade), leisure, cafes, restaurants and cinema along with the service yard access to the development. All servicing of the commercial units and the cinema will be internally from the service yard. The eastern side of DZ1 will have two promenades that face the Plaza with active commercial uses. The access to the cinema will front Harbour Parade with a lobby at an upper level. A new pedestrian bridge will connect the WQSC multi-storey car park and the upper ground floor level of DZ1. The cinema would have a height of between 25.00 metres and 37.60 metres (AOD). DZ1 will incorporate a maximum floorspace of 30,000 square metres (of which 15,000 sq.m. would be for both retail/restaurant (Classes A1 to A5) and Leisure (Class D2). The cafes, restaurants and cinema will provide active frontages on various levels particularly facing the Town Walls. There will be no additional car parking in DZ1.
- 2.5 **Development Zone 2 (DZ2):** The Public Realm – this is on the eastern side of the application site adjoining the Town Walls. It includes a proposed plaza at the base of the Town Walls, proposed 'pocket park' adjoining QSDC and new green space on top of the walls. The area of the proposed plaza would be 3,612 square metres. The plaza varies in width (east-west) from a minimum of 20 metres at the southern end to 42 metres at the northern end. There will be active frontages onto the square within other development zones. Pedestrian access is provided from either Bargate Street to the north, Western Esplanade to the south and Harbour Parade (through the new scheme) to the west. This ground level link to Harbour Parade would be a minimum of 13 metres wide. The existing pedestrian subway on Bargate Street will be closed and sealed and new public steps will be provided adjoining Arundel Tower. Vehicular access will only be occasional to cater primarily for the staging of events and to allow emergency vehicles and will be from the south in Western Esplanade. The Plaza has been designed to cater for a number of different uses and events. This includes outdoor dining, outdoor events and leisure associated with the use of the scheme and the city centre. The majority of the area will be hard landscaped although existing trees will be retained where possible and new trees will be added within the public spaces. A water feature will be a key element of the events space. DZ2 also includes the remodelling of the existing surface car park and the landscape area adjacent to the QSDC and the existing surface level car parks 'on top of the walls' at Albion Place/Castle Way which it is proposed would be changed into a soft landscaped public space. The only built development in this zone would be small-scale

freestanding retail/pavilions providing a maximum floor area of 500 square metres. At the southern end of the application site the proposed pocket park would be approximately 5,000 square metres in area and be a mixture of hard surfacing and green space. The park has been designed to integrate the disabled access ramp to the Quays.

- 2.6 **Development Zone 3 (DZ3):** this is the southern part of the site with DZ4 to the west and the former road in Western Esplanade and the Town Walls to the east. DZ3 will contain a variety of uses which may include hotels, restaurants, offices, leisure, car parking and service yards. The total floorspace in DZ3 would be 35,000 square metres of which retail/restaurants (Class A1-A5) would be a maximum of 2,500 square metres; offices (Class B1) maximum of 10,000 sq.m.; hotel maximum of 28,000 sq.m. and Leisure (Class D2) maximum of 2,500 sq.m. The maximum height of buildings in this DZ would be 36 metres AOD with a gradual stepping down of the height of the building towards the Town Walls. This building has been designed with flexibility to incorporate different uses in separate building blocks. The Design Principles state there will be a minimum of two buildings and a maximum of four buildings. The only additional car parking for the development is within this zone, on two levels to provide between 140 and 250 spaces. The car park will be accessed from the existing access road linked to the Harbour Parade roundabout. The ground level parking will replace the existing public spaces adjacent to the Quays, the second level is for the flats within the residential building.
- 2.7 **Development Zone 4 (DZ4):** The Residential Tower – this is the south-western corner of the development adjoining the Quays car parking and fronting the Harbour Parade roundabout. The residential tower will be between 15 and 27 storeys (a height of between 50 metres and 95 metres) and will provide between 140-260 flats with a range of studios, 1, 2 and 3 bedroom units. This DZ will have a maximum floorspace of 23,000 square metres of which the majority would be residential with 1,000 sq.m. retail/restaurant and 2,000 sq.m. leisure use. There will be a commercial frontage to Harbour Parade.
- 2.8 The overall floorspace for the scheme would be as follows. It should be noted that the maximum total commercial floorspace would be less than the combined total of all the separate uses.

	Maximum floorspace	Minimum floorspace
Retail/restaurant (Classes A1-A5)	18,500 sq.m.	4,000 sq.m.
Retail Kiosks	500 sq.m.	0
Offices (Class B1)	10,000 sq.m.	0
Hotel (Class C1)	28,000 sq.m.	0
Leisure (Class D2)	19,500 sq.m.	6,000 sq.m.
Residential	260 flats	140 flats
Car parking spaces	250	140
Total commercial floorspace	68,500 square metres	

- 2.9 It is proposed that the development will be carried out in two phases. Phase 1 will

include all of DZ1 (the retail and leisure block) and part of DZ2 (public realm). The Phase 1 public realm works will include infilling the Bargate Street subway, providing the majority of the public plaza and the link to Harbour Parade. Phase 2 will include all of DZ3 and DZ4 and the remaining public realm works along Western Esplanade, the pocket park and the landscaped car parks on top of the walls. The application has been amended since it was first submitted. The main change is a reduction in the maximum number of residential units from 620 to 260.

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**.
- 3.2 The application site, together with adjoining land to the west of Harbour Parade and the land to the east (above the Town Walls) fronting Castle Way and the High Street, forms part of the West Quay 3 site which is allocated for a mixed use development under Policy MSA6 of the adopted Local Plan. The recommended uses include retail, food and drink, offices, residential and leisure. A proposal for a multi-purpose sports and leisure facility with an ice rink was identified for the land to the west of Harbour Parade. These sites, known as West Quay 3 sites A and B, are those now occupied by the Carnival office building and Premier Inn Hotel. The policy recommends the following: that major urban spaces are created above and below the Town Walls; any buildings fronting the City Plaza open space have active frontages; pedestrian and cycle routes are provided to and through the site; improvements are made to Portland Terrace as a key public transport interchange; enhancements are made to Western Esplanade between new buildings and the town walls to reinforce its sense of place and encourage attractive pedestrian linkages to the Old Town and Waterfront.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 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.
- 3.5 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 western character area). Within this area it is proposed that a comprehensive restructuring of the urban form will be achieved through future redevelopment. An improved network of public spaces and routes will provide an improved connectivity with the Central Station and the central core of the city, and better links with the waterfront.

3.6 CCUDS identifies West Quay Phase 3 and the Western Esplanade as a keynote project. This includes the land on the western side of Harbour Parade and on top of the Town Walls at Albion Place/Castle Way. The strategic objectives for this area are: the creation of a new flexible and vibrant urban space providing a key destination within the city and a central hub that connects to main pedestrian routes and activities; to enhance the connectivity with the waterfront via Western Esplanade and Mayflower Park and provide an improved environmental setting for the Town Walls; and to define a clear physical and aesthetic relationship between the open space and the surrounding architecture.

3.7 West Quay Phase 3 Masterplan

In September 2003, following a period of public consultation, the West Quay Phase 3 masterplan was approved as a material consideration for development control purposes. The masterplan covers the whole of the West Quay Phase 3 area as defined in the Local Plan. To assist redevelopment the masterplan divided the area into three distinct character areas reflecting proposed uses. The central area, the application site, is earmarked for new retail and leisure uses around a new civic square with residential towers above, and an improved esplanade walk. The eastern area, the land at higher level to the east of the Town Walls would incorporate new retail use opening onto the High Street. The masterplan incorporated ten key concepts to inform the content and layout of the scheme. These concepts are: the provision of a new civic space; the provision of two civic levels, the level of the square and the level of the Town Walls; re-connecting the old and new waterfronts; extending the shopping circuit via the new civic square; integration with the West Quay Shopping Centre; bringing the Town Walls to life; respecting the strategic viewpoints to the waterfront; creation of a vibrant mix of uses to establish a new commercial/leisure/retail and residential quarter. In March 2005, full Council approved revisions to the masterplan. These revisions did not involve significant changes to the central or eastern parts of the site.

3.8 City Centre Action Plan - Preferred Approach (January 2012)

The application site is within the Heart of the City as defined in the emerging City Centre Action Plan. Policy 24 relates to the area north of West Quay Road and promotes a mixed use development on the application site. Suitable uses will include retail, food and drink or leisure uses. The site is also suitable for office, hotel and residential uses. Development will be expected to respect and enhance the Town Walls and their setting and create a major civic square at the foot of the Town Walls, with adjoining buildings providing active frontages. The development will enhance pedestrian/cycle links from the Bargate, through the site: to Mayflower Park and the waterfront by enhancing the Western Esplanade; and to Harbour Parade to connect with the wider Major Development Quarter.

4. Relevant Planning History

4.1 The majority of the application site was previously used for temporary vehicle parking, including use as a coach and lorry park.

4.2 The outline planning permission for the West Quay Shopping Centre was granted in October 1995 and was for a comprehensive mixed use development

incorporating shopping, leisure, offices, housing and restaurants together with pedestrian walkways, highways, town arena, car parking and bus facilities with open space and landscaping. Reserved matters approvals were subsequently granted in 1996, 1997 and 1998 and the shopping centre opened in 2000.

- 4.3 Planning permission for the Quays development and its associated car parking was granted in 1996.
- 4.4 In February 2010, outline planning permission (reference 08/01734/OUT) was granted for redevelopment of the site to provide a mixed use development including an extension and alterations to the West Quay Shopping Centre comprising Retail (Use Class A1, A2 and A3 - 34,700 square metres maximum floorspace); Hotel (Use Class C1 - 5,600 square metres maximum floorspace); Residential (Use Class C3 - Maximum 241 flats); Cinema (Use Class D2 - 7,800 square metres maximum floorspace); public open space; with associated car parking, access, highway, landscaping and other works including infilling the existing pedestrian subway in Bargate Street (Outline application with access for consideration at this stage - Environmental Impact Assessment Development). The main differences between this previous approval and the current application are: the previous proposal included alterations to the southern end of the existing WQSC including remodelling of the southern mall; the site area did not include the two car parks on top of the walls and the current application involves more commercial floorspace than was previously the case, including an office element which was not part of the previous application.

5. Consultation Responses and Notification Representations

- 5.1 The applicants carried out a pre-application consultation exercise, including holding an exhibition at the WQSC in December of last year. 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, placing a press advertisement (12.04.2013) and erecting a site notice (05.04.2013). At the time of writing the report **4** representations have been received from surrounding residents. A summary of the comments is given below. A reconsultation exercise has been undertaken on the amendments to the application and any responses will be reported to the meeting.
- 5.2 **The proposal would be over populated and contains more of what Southampton has enough of as it is - shops, cinemas, fast food 'restaurants' and car parking. The land should be used for a purpose that will benefit the city and complement Southampton's heritage and the old town walls. As the land was reclaimed and the bay taken away, the best use would be as a park. This would bring more green space to the city centre, create a wonderful back drop to the city walls and create a home for Southampton Boat show which will also prevent any need to reclaim more of Southampton's water.**

Response

Using this land solely as a park would not make best use of this key site in the heart of the city and would be contrary to the longstanding policy approach outlined earlier in this report.

- 5.3 **The design of the proposal is an insult to the town walls, overshadowed by**

a concrete and glass eyesore and 'complimented' by cheap looking concrete slab paving. The walls have been given no regard in this development and no attempt has been made to enhance them in the developments plans. The application drawings indicate that the historic early Victorian (possibly earlier) iron railings that currently stand around the walls will be removed. The railings have been there for an awfully long time, they enhance the walls as well as offer protection from vandalism. Furthermore, behind the railings are grassed areas that allow green space in an area soon to be over-developed which is welcomed in such a setting and compliments the walls. The town walls should not have to suffer because the applicants are trying to fit in more of a development than the space will allow.

Response

The design issues are dealt with in more detail later in this report. The issue of retaining the railings was not raised as part of the previous proposals. Neither English Heritage nor the Council's Design/Heritage Team consider retaining these railings to be essential to the historic setting of the Town Walls.

- 5.4 **The maximum parameters of the Residential Tower are unreasonable, even the minimum parameters of the residential tower look unsightly. There are also concerns about the appearance of the proposed hotel and what effect this new hotel may have on the viability of the existing hotel businesses in the vicinity. The addition of more retail space is a concern, since the High Street below Bargate suffers from low occupancy rates and this development would only add to this problem. Southampton really suffers from a lack of chain restaurants open after 8pm, since they are all concentrated in West Quay's food court. Will this development address this problem? There are already 3 cinemas in the area. What effect will this development have on them?**

Response

The height of the residential tower is exactly the same as the previous approval. The site is within the Primary Shopping Area of the City Centre so additional retail space is acceptable. The restaurant uses will be open into the evening and as an 'outdoor scheme' there will not be the same issues associated with WQSC being closed during the evening. The potential impact on the existing cinemas is not a planning consideration.

- 5.5 **Public access in the area is currently not good. This could be an opportunity to vastly improve access routes and make them more pedestrian-friendly.**

Response

It is agreed that the pedestrian routes around this vacant site are not acceptable at present. These proposals offer significant public realm improvements which will significantly enhance the pedestrian environment.

- 5.6 **The proposal would result in extensive noise, disturbance and vibration during the building period, increased traffic flow and the invasion of privacy resulting from crowds gathering in the surrounding area.**

Response

This is a city centre location where major commercial uses and public events have been encouraged by various planning policies. The impact on neighbours during the construction process can be covered by conditions.

- 5.7 **Associated British Ports** - (comments on the application as originally submitted) - ABP's interest in this application relates solely to the traffic and transport implications, and in particular the implications for the A33 West Quay Road and access to the Port of Southampton. ABP's objective is to ensure that (in accordance with Core Strategy Policy CS18) the proposed development does not prejudice access to the Port along the key road corridor that is the A33, and thereby ensure that (in accordance with Core Strategy Policy CS9) that the future growth of the Port is not hindered. Although additional information has been provided by the applicant it is still not possible for ABP to conclude that the proposed development will not prejudice access to the Port along the A33, West Quay Road.
- 5.8 The reason for this objection is based on the information provided in the Transport Assessment (TA) which indicates that a worst case combination of potential uses has been assessed. However, it is not clear why the combination of uses is a worst case for trip generation. Furthermore, the TA assumes there will be no growth in background traffic including no growth in port traffic from current levels. As an international gateway, and a key element of the national economy, ABP wishes to grow and further intensify port business at Southampton. This is an objective which is supported by the City Council (Policy CS9). It is therefore not credible for the applicant to proceed, for the purposes of their assessment, on the basis that there will be no growth in Port Traffic up to 2019.
- 5.9 **SCC Highways** - The proposed development will be served from Harbour Parade, which has two junctions onto West Quay Road, the A33, which carries significant volumes of traffic around the city centre, forming part of the inner ring road system. West Quay Road links to the Mountbatten Way western approach to the city, and to the east, Royal Pier and Platform Road, linking beyond to the Itchen Bridge and also to Evans Street, the continuation of the inner ring road. West Quay Road carries city centre shoppers traffic, through traffic, Isle Of Wight ferry traffic and port and cruise traffic for ships accessed via Dock Gate 4. The Platform Road improvement works currently being undertaken will help relieve congestion currently experienced in the Platform Road area. This whole section of the highway network does become very congested at times, particularly a Saturday afternoon peak which could involve a home football match, a number of cruise ships in port, and an additional event in the city centre. The applicant has provided information to help us understand how the proposals will impact upon these very busy times. It has been proven that the system already reaches capacity at these times, resulting in delays to traffic and queues form.
- 5.10 The Saturday peak chosen to study traffic conditions was when 5 cruise ships were in port, evidencing a presently worst case scenario. The queues which formed did not impact upon West Quay Road itself, but on Harbour Parade. This data has now been used to model a worst case scenario for the year 2019, by applying a standard growth factor, the junction of Harbour Parade South and West Quay Road exceeds capacity by 20%. However, Southampton City Centre, and West Quay Road has not seen a standard growth (TEMPRO) of traffic to match national expectations. Over the last ten years there has been negligible

traffic growth in the city centre. The developer will be obliged, via the Section 106 agreement to monitor traffic flow, and action changes as detailed should traffic flows exceed expectations.

- 5.11 The proposed development is not supported by any additional car parking, within Phase 1, and this is due to the applicant suggesting that there will be few new trips as a result of this development, and that those new trips can be accommodated within the city's existing car parks, and by other more sustainable modes. Additional trips can be expected during the evening when the cinema will become a generator, but by this time, the road network and demand on city centre parking is lower. An addition of 120 parking spaces is proposed with the residential phase of the development, providing approximately 50% provision for the residential units. The hotel will not have any allocated parking provision for guests, although there are the adjacent city centre car parks which can be used. With these proposals being in a sustainable location the principle is acceptable, but the developer will need to consider options for travel, and catering for those, with taxi drop off, and car club provision. Cycle parking must be considered seriously, along with cycle and pedestrian routes to the train station and beyond.
- 5.12 Promoting and enhancing bus access is a critical requirement and absolutely necessary in terms of the transport assessment assumptions. The City Council's own surveys and studies show that the bus stop capacity in the city centre and next to the development is already at capacity and that over the foreseeable future it will need to increase by 1/3. There is a need to unlock this capacity through investment in new infrastructure. Pedestrian and cycle access to the development is a critical factor in minimising traffic impact. Provision for such modes will be at grade, and the existing subway under Portland Terrace from Bargate Street will be filled in. Currently cyclists can remain mounted and cycle on a recognised cycle path which links from the end of the subway to a controlled crossing on Harbour Parade. This route will be lost as a result of this proposal, and cyclists will be expected to dismount and descend via a ramp which runs down to meet Harbour Parade further east to the existing. The crossing point on Harbour Parade will need to be moved to accommodate this alteration. Servicing areas are shown on the plans, but there are concerns over how effective these will be. The areas are not particularly spacious for articulated lorry turning, and when anti-ram raid measures are built in, this will reduce the effective turning space further. There is a need to consider these areas in greater detail to ensure that they operate in a satisfactory manner, and ensure HGV vehicles will not reverse out onto Harbour Parade as the result of poor design.
- 5.13 It is considered essential to get a robust Travel Plan in place to support increased usage of more sustainable travel modes for both staff and visitors, and resource must be applied to areas where this helps to encourage this modal shift. Public Realm improvements are proposed as part of this application under the city wall. They will form part of the Council plans to implement a new International Maritime Boulevard from Central Station to the Waterfront via the development. The applicants have submitted a Regional Growth Fund bid to carrying out these works. Details will need to be agreed prior to commencement of the development. It should be noted that the public realm works will fall short of the De Vere hotel junction and the Council has a desire to see this route fully implemented.

5.14 **SCC City Design Team** – (These comments are a summary - the full text of the design comments is given in Appendix 2 to this report) - The proposed scheme has been developed over the last two years working closely with Hammerson's architects and planning consultant, following on from the successful 2010 consented scheme. The objectives of the scheme review have been to create a more viable scheme that includes the cinema in the initial phase, allowing the part of the site facing Forest View to have a number of smaller blocks that will break down the mass in this sensitive location. The principles of the 2010 consented scheme to provide active frontage facing the Town Walls and creating a new public plaza remain central to the success of the scheme.

5.15 The vision -...a distinctive new location, a special peoples place at the heart of Southampton.....animated by people and activity at all times of the day, week and seasons... one of the most important additions ever made to civic infrastructure (*West Quay Phase 3 Development Brief – Dec 2001*).

As with the previous consented scheme 2010 the proposed development as defined by the Design Principles clearly demonstrates that 'the vision' (now over a decade old but still highly relevant), quoted above, can be achieved. These principles and the supporting documentation indicate that a design of the highest quality is achievable at the reserved matters stage. ACME Architects have shown great skill in responding to the contextual heritage of the site, its topography and by the manipulation of a tightly constrained development brief set by the developer Hammerson. This is particularly demonstrated by the clever use of levels to bring people down to the plaza level via a continuous ramp – something that the previous architects had not been able to achieve. The result is a highly innovative development which reduces the large mass of the cinema by use of an articulated façade that recedes back from the Town Walls whilst providing shelter to the terraces below, that also places the Town Walls at its heart as a key focus for the scheme. The mix of uses should enhance the West Quay Shopping Centre's offer substantially, drawing more people to use this part of the City, also encouraging greater exploration of the Old Town and its antiquities. The design team has responded positively to the constructive criticism made by SCC Officers and EH throughout the design process and the vast majority of concerns have now been mitigated, leaving those remaining to be dealt with at the reserved matters stage. The submission is of very high quality containing some very detailed information that would be appropriate for a detailed application.

5.16 **SCC Sustainability Team** – It is stated 'the applicant aims to achieve CfSH Level 4 with level 3 as a minimum, BREEAM Excellent with Very Good as a minimum.' This is not acceptable. Code Level 4 and Excellent must be achieved. Refusal is recommended unless it can be shown the design will be able to achieve these policy requirements. It is recommended that a pre-assessment estimator is submitted to show this has been considered in the design. The development proposes to connect to the city centre district CHP system and is also considering an onsite CHP system. Photovoltaics have also been considered as may be needed in addition to meet sustainability requirements. However these are to be appraised at reserved matters stage. It is highly recommended that possible positioning is considered at this stage as the design may need to be altered to accommodate the required amount. A condition is suggested. Green roofs are proposed to be incorporated in the development. Its is recommended that this is conditioned so that further detail is provided at reserved matters stage. It is stated

that Rainwater collection to be considered. This should be considered at this stage so that the positioning of rainwater harvesting tanks can be considered as part of the overall design. CS20 requires rainwater harvesting unless it can be demonstrated that it is not viable. A condition is suggested.

- 5.17 **SCC Archaeology** - The site has significant potential for surviving archaeological remains of potentially national significance to be damaged by the development proposals. In Development Zones (DZ) 1, 2 (part), 3, and 4 the potential for significant archaeological remains range from buried prehistoric peat deposits to ancient vessels. While it is rare for intact ancient vessels to survive, the discovery of such remains would be of national or international significance. It is therefore recommended that an archaeological evaluation prior to the commencement of demolition and construction works will be required primarily to deal with any surviving ancient vessel. The exact scope and scale of any archaeological investigation to mitigate the impact of development will be agreed with the Planning Archaeologist. Any archaeological investigation will be undertaken in line with best practice as laid down by the Institute of Field Archaeologists (www.archaeologists.net). (Taken from 'Southampton West Quay 3: Main Site an archaeological Desk Top Study' produced by Dr Patrick Ottaway as part of the Environmental statement issued in support of the current proposals).
- 5.18 DZ2 deals with public realm improvement both below the town walls (between the base of the walls and the approximate line of the ancient shoreline) and the area of current car parking in Albion Place. This area was subject to an archaeological evaluation which demonstrated the survival of archaeological deposits dating from the 12th-century. Proposals for any development on this site should be subject to full archaeological excavation. It is inevitable that the site will require additional works not specified in the outline application, for example services and infrastructure works to support the new development. These works should be subject to a watching Brief where appropriate (in locations to be agreed with the LPA), with provision for excavation in the event that important remains are exposed.
- 5.19 It is recommended that separate conditions are placed on the different Development Zones in order that final consents (Discharge of Conditions) are not unnecessarily delayed if the development programme extends over several months / years. However, it would nevertheless be prudent for the developer to commission the archaeological evaluation for the whole site to avoid delays in forming detailed archaeological responses to the different elements of the scheme.
- 5.20 **SCC Environmental Health (Pollution & Safety)** - No objection to this application subject to conditions. Consideration should be given to controlling the hours of use, depending on the proximity to housing. If the public open space is to be used for public entertainment, details of how noise and hours of use are to be controlled should be submitted and approved.
- 5.21 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the subject site is located on/adjacent to various existing and historical land uses which 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 should be imposed.

- 5.22 **SCC Rights of Way Officer** – No objection, any public rights of way are instilled in the publicly adopted highway infrastructure and therefore fall outside the remit of the public rights of way section; being under the jurisdiction of SCC's Highways Partners. The stated stopping up requirements will need to be done by means of the relevant sections of the Town & Country Planning Act 1990.
- 5.23 **English Heritage** (comments on the original application) - The application has been re-thought since the previous approval and most of the changes are positive: the decision to ramp gradually down from the Bargate to the lower level; the sensible approach to the hard landscaping beside the walls and particularly the shift of the cinema from the southern area closest to the walls into the central area are welcomed. This was the major issue for English Heritage because of the unavoidable size of a modern cinema complex and the consequent dominance which that block would have over its context. In the new position, the cinema would remain very large but the architects have cleverly reduced the overall impact which is welcomed. The opportunity exists to reduce the impact of the bulk of DZ3. The quantum should be adjusted in this zone to reduce the impact on the setting of the Town Walls.

Response

This reduction in the scale of DZ3 has partially been achieved by the amendments which also reduce the maximum number of flats to be provided.

- 5.24 **Natural England** (comments on the original application) - The application site is in close proximity to Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI) and Hythe to Calshot Marshes SSSI. These SSSIs are part of the Solent and Southampton Water SPA/Ramsar. The site is also near to Dibden Bay SSSI and Southampton Common SSSI.

Recreational Disturbance

Following the South East Plan allocation of around 82,000 houses between 2006 and 2026, across the Solent, with many large allocations having been carried forward into adopted Local Authority LDFs, concerns were raised about the potential impact of recreational disturbance on bird populations in the three SPAs that cover the majority of the Solent coast. In response to this, the Solent Forum commissioned consultants to undertake the Solent Mitigation and Disturbance Project (SDMP), to assess the current and future levels of recreational activity in the Solent and to model the predicted impacts on bird populations. In February 2012, Phase 2 of the SDMP, which specifically assessed and modelled bird disturbance and visitor data, was concluded and presented to the Solent Forum and Natural England.

In summary, this work concluded the following:

- There is a high number of current recreational visits to the three SPAs and

modelled future increase in visits is also high.

- Lower bird densities were observed at sites that have greater recreational disturbance events.
- The model estimated a high percentage area of intertidal subject to recreational disturbance.
- There was a significant correlation between visitor numbers and housing numbers near the coast (in bands within 5km).
- In Southampton Water, the model suggested that current levels of disturbance had a depressing effect on the populations of four SPA species and that future housing scenarios would exacerbate this effect for two of these species.

Natural England's advice is that the SDMP work represents the best available scientific evidence, and provides reason to consider that large scale housing around the Solent is likely to have a significant effect on the three SPA which it comprises. The Solent Forum is developing a scheme of measures which, when it is established, could be used to avoid this likelihood of significant effect, in combination, arising from new housing development around the Solent.

5.25 Natura 2000 sites – Likely significant effect

Natural England does not consider that this application alone is likely to have a significant effect on the Solent SPAs. However, it is of a substantial scale and is well within the area in which the quantity of residential development is thought to affect the number of visitors to the Solent. Given also that the context of this application is one in which a large amount of other residential development is expected, our advice is that in combination with other development, it is likely to have a significant effect on the Solent SPAs. No evidence has been presented which satisfactorily allows the likelihood of significant effect to be set aside for this application. Natural England's advice is that the application in its present form is likely to have significant effect, it is therefore required, by Regulation 61 of the *Conservation of Habitats and Species Regulations 2010* (as amended), not to grant permission unless an appropriate assessment has first been undertaken and ascertained that the application will not have an adverse effect on the integrity of the SPA. The strategic scheme of measures being developed by the Solent Forum may present a means by which any effects otherwise likely to arise from this development could be mitigated. Alternatively your authority could seek modification of the application such that the likelihood of significant effect will be avoided. Should such modifications be secured, it would be open to your authority to grant permission without undertaking an appropriate assessment. Should you or the applicant wish to consider how the strategic scheme could be applied to this development, or what modifications would be required, Natural England would be happy to assist in this.

Response

These comments solely relate to the residential component of the development. The amendments to the application result in a significant reduction in the maximum number of residential units from 620 to 260. This reduction will have a significant impact on the potential recreational disturbance issue which is of concern to Natural England. Members attention is drawn to the necessary Habitats Regulation Assessment undertaken by the Council's Planning Ecologist which is in Appendix 3 to this report.

- 5.26 **Environment Agency** - No objections in principle subject to the imposition of conditions relating to surface water drainage and flood risk issues.
- 5.27 **BAA** – The application includes a basic aviation impact assessment there is no objection to this outline application subject to the condition that all future plans are submitted to us for consideration before work begins on site. This should include details of cranes etc which will be used in the construction of any buildings on site. Provision would need to be made for aviation obstacle lighting on the tower as it will become the most dominant building in the area.
- 5.28 **Hampshire Constabulary** – No comments received
- 5.29 **Southern Water** – No objections although there are existing water main and public sewers which cross the site. It might be possible to divert the public water distribution main and public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. In order to protect water & drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. This could be covered by conditions/informatives.
- 5.30 **Ministry of Defence** - A proportion of the site falls within a statutory explosive safeguarding zone surrounding the MOD explosive storage facility at Marchwood. All buildings within this zone should be 'non-vulnerable' that is of robust construction and design so that should an explosion occur at the MOD facility, buildings nearby will not collapse or sustain damage that could cause critical injury to the occupants. In principle the MOD has no safeguarding objection to the outline application subject to the reserved matters applications being referred again to ensure the scheme is designed to take account of safeguarding issues.
- 5.31 **Southampton Commons and Parks Protection Society (SCAPPS)** - Although the society welcomes many elements of this application, on balance, the Society feels obliged to register an objection. The applicants point out that height, scale and general disposition of buildings is consistent with a previous permission. SCAPPS' concern is that this previous decision should not be accepted without question. This is an extremely sensitive site immediately adjacent to the visually most striking section of the Town Walls and close to the Old Town. SCAPPS' concern is that the historic Town Walls will be diminished in scale and appearance by buildings which are too close and too high. Buildings between 25 and 36 metres high are proposed in Zone 1 only 42 metres reducing to 20 metres away from the Town Walls. The prospect looking out from the top of the Walls will inevitably be dominated by the upper part and sculpted roof of the leisure and retail complex in Zone 1. The proposed building would be as close as 20 metres to the most complete and visually impressive section of the Town Walls. Although SCAPPS welcomes the concept of creating a public open space or 'plaza' to give an appropriate setting for this impressive section of the Town Walls, SCAPPS considers the space to be too narrow: that the Town Walls will be visually diminished by the scale and height of the leisure complex building so close to them.

5.32 SCAPPS and other amenity groups have repeatedly stressed the importance of maintaining visual connection from the Walls & locations in the Old Town (like the Tudor House Museum garden) to Southampton Water. It is these views out to water and the sight of shipping movements that are tangible reminders and links with Southampton's long and distinguished maritime origins and past. Unfortunately, the Carnival building has already blocked much of the view out to Southampton Water from the stretch of Town Walls at Albion Place and Forest View, but there is still the opportunity for sudden and striking views of shipping movements. SCAPPS is far from reassured that height, bulk and disposition of proposed development will not significantly and almost entirely block such views. 'Glimpses' are not 'views'. SCAPPS objects, in particular, to provisions in Zone 4 allowing a tower up to 27 storeys in height. This would constitute a massive and extremely undesirable visual intrusion into views from the Town Walls and from many locations in the Old Town. SCAPPS' is concerned that the approach of seeking outline permission with matters reserved for detailed approval within parameters set in Parameter Plan and in accordance with Design Principles gives rise to considerable uncertainty as to the form of the final development. SCAPPS is concerned that open space proposals should be implemented in step with built development. Permission should not be granted without specific linking of open space provision with other phased development.

5.33 **City of Southampton Society** - the society has serious concerns with Phase1 of the development in the following areas:

- The view from the Medieval Walls - the new structures are 30 metres high, citizens and visitors need views of the ships in the Western Docks and of the New Forest beyond; glimpses between tall buildings is not enough.
- It is not clear whether the new piazza will be administered and operated by Hammerson or the City Council and it is not clear who will control anti-social behaviour.
- The Town Walls need protecting and provision should be incorporated in the proposals.
- Specific proposals should be included in the proposals for public seats, whether in the open or under cover.
- Specific proposals are needed for improvements to cycling, taxi provision and bus provision.
- Clear and positive provision needs to be included in these plans for a physical and aesthetic connection down Western Esplanade to the new Royal Pier complex.

6. Planning Consideration Key Issues

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

1. The principle of the development and the range of uses proposed.
2. Design issues including the proposed tall buildings, the impact on the character and appearance of the area and the setting of the Town Walls, the wider public realm issues and the nature of the outline planning application.
3. Transportation issues including car parking provision, public transport accessibility, cycle and pedestrian routes.
4. Ecology issues particularly relating to the residential accommodation

- provision
5. The likely impact on neighbouring occupiers.
 6. Regeneration issues.
 7. The environmental impact of the development.

6.2 Principle of Development

Redevelopment of this vacant site for a mixed use development has been a long-standing aspiration for the city. The site is identified in the Local Plan, together with adjoining land, under Policy MSA6 for a major mixed use scheme. Various design and master planning documents identify the site as a keynote project to increase the commercial 'offer' of the city centre, provide landmark buildings and significantly upgrade the public realm with improved connectivity to the rest of the city centre and to the waterfront. The proposed mixed use development is in accordance with these policy aims and design aspirations. Furthermore, this application is essentially a 'variation on a theme' given the previous approval, granted in 2010, which remains extant, although the applicant has indicated that they will not proceed with this development for economic reasons.

- 6.3 The provision of additional retail/restaurant floorspace of up to 18,500 square metres is consistent with national and local planning policies towards sites within the City Centre. 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. A sequential approach to site selection and retail impact assessment are not required in this case. The proposed development is effectively an extension to WQSC and 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/restaurant floorspace than was the case for the previous approval which was up to 34,000 square metres, reflecting a move towards a more leisure based scheme.
- 6.4 The proposed cinema is consistent with the objectives of Policy MSA6 and emerging CCAP Policy 24 which seek additional leisure uses. The applicant considers the provision of the cinema will increase the quality and range of facilities within the city centre and encourage additional visitors. Visitors are then more likely to use other facilities within the Centre such as shops and restaurants, which would boost their trade. It is also considered that the increase in cinema floorspace would add to the vitality and viability of the City Centre. Local residents have expressed the view that there is no need in the city for additional cinema screens and the proposal could result in the closure of existing facilities. However, these are not material planning considerations. It is for the developer to decide on market conditions and there is no planning requirement for the applicant to justify a need for additional cinema screens in a city centre location. The potential trade impact on other cinemas is not a matter for the Council. In any event, this is a good location for a cinema given the accessibility by public transport and the proximity to other retail and leisure facilities for linked trips.
- 6.5 The proposed hotel element is significantly larger than was the case with the previous approval, up to 28,000 square metres compared with 5,600 sq.m. as approved. Again, the city centre is the preferred location for hotel developments which is in accordance with local and national planning policies. The applicant expects the hotel(s) to be a high quality leisure/tourist and business use. This

adds to the range of uses within the scheme, provides additional active frontage and contributes to the vitality of the area, particularly outside of shopping hours. The previous permission for the site did not include an office element whereas the current application proposes a maximum parameter of up to 10,000 square metres of Class B1 floorspace as part of DZ3. Offices are identified as a suitable use in Policy MSA 6 of the Local Plan and the emerging policies in the CCAP. The provision of office accommodation will result in additional employment opportunities and have spin-off benefits for other businesses in the City Centre.

- 6.6 The application site, and adjoining land, was identified in the masterplan as an appropriate location for a tall building. In fact the masterplan suggested three tall buildings along Harbour Parade which would be the visible symbol of a new district for the city. The size and form of the tower are identical to the previous approval although due to a review of the likely accommodation mix it is considered that a maximum of 260 flats could be accommodated compared with 241 as approved. Residential use is identified in MSA6 and the various design documents as an appropriate use for part of the site to integrate the development with the adjoining area. This would be a high density development of between 1,167 dwellings per hectare (dph) and 2,150 dph, depending on the eventual size of the tower. These figures are well in excess of the Local Plan minimum guidance and is a reflection of its city centre location and the limited site area of the tower itself. Buildings of this nature tend not to have ground level garden space as such. However, the new pocket park in DZ6 would be directly accessible. Larger parks, Mayflower Park and the Central Parks, are within easy walking distance. Future occupiers of the building will have the advantage of proximity to the commercial facilities of the city centre and the development is unlikely to include a significant number of family units. The principle of this mixed use development is therefore acceptable and in accordance with policy. The residential accommodation does however raise the issue of potential 'recreational disturbance' (see the comments of Natural England in paragraphs 5.24 and 5.25 of this report). The response to this issue is dealt with in the Habitats Regulation Assessment in Appendix 3 to this report.

6.7 Design issues

Members attention is drawn to the detailed comments of the Council's City Design Manager in Appendix 2 of this report. The principle of a tall building has been established through the various design documents, including a masterplan, taken forward through Policy MSA6 and established through the previous permission. Although in outline form, the submission and supporting documents are very thorough and there is sufficient information to understand and assess the level of design quality. The outline application allows the applicant flexibility to adapt the scheme to changing market conditions and to meet occupier requirements. Approval of the scheme would give the applicant confidence that the principle has been established and allow for further significant investment at the detailed design stage. Given the size of the development and the impact on the setting of the Town Walls, the need to ensure design quality at the reserved matters stage is very important. It is considered that these issues of design quality can be satisfactorily addressed by making the Parameter Plans and Design Principles Documents a condition of the outline planning permission to ensure that the applicant's commitment to high quality design can be realised. This design approach was supported as part of the 2010 permission.

6.8 The residential tower will provide a landmark building for the development and, due to its location will form an entrance feature to the City Centre from the Waterfront. The images provided show the impact of the building on key views and indicate an interesting and innovative building. The location of this building will minimise its impact upon the Town Walls and the Plaza area. As originally submitted there were concerns about the potential bulk and massing of DZ3 given its proximity to the Town Walls and the smaller scale residential properties within the Old Town. It is not possible at this stage to be definitive about the building type and design as the applicant requires flexibility over the nature and use of the commercial parts of this zone. However, amendments have been made to the Design Principles Document to help address these concerns, to step back the bulk of the building adjoining the Town Walls and to confirm the built form would be broken up into separate elements. Ultimately the Council would have control at the reserved matters stage if it was felt that the resulting design was of insufficient quality.

6.9 The creation of the city plaza fulfils a long standing policy requirement of the Council. It would be the focal point of the development, fronted by active retail/leisure uses and with pedestrian routes to the south and west. The Plaza is intended to be an accessible and inclusive destination for all user groups and a significant public realm attraction for the wider city centre. At the northern end, the wider space is aimed at larger gatherings and events and at the southern end, a narrower space of 20 metres in width will cater for smaller scale outdoor events and seating which will generate activity throughout the year. It is considered that the hard-surfaced landscaping, interspersed with trees and containing a water feature, will provide an appropriate setting for the Town Walls. Illumination of the Town Walls is a key element of the proposed lighting strategy. A combination of different light sources will create a water-ripple effect on the surface of the walls. As the proposal is a multi-level scheme with external terraces at ground and upper levels, 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. The development provides a maximum area of approximately 10,000 square metres of public open space including the Plaza and the Quays Park. Compared with the previous permission, the proposed pocket park is unchanged and the plaza is slightly larger. Additional landscaping will be also be provided on top of the Town Walls as part of Phase 2 of the development.

6.10 Transportation

A full Transport Assessment has been submitted as part of the Environmental Statement and Transportation colleagues largely accept the findings. The comments of the Council's Transport Team are provided in paragraphs 5.9 to 5.13 of this report. The development is only providing an additional 120 parking spaces for future residents; the other 134 bays within the development are to replace part of the Quays surface car park and will remain as public parking. These arrangements are the same as for the 2010 permission. Consequently, the main parking for this development will use the existing Podium and Multi-storey car parks in Harbour Parade which previous surveys have demonstrated are currently not at full capacity. The Transport Assessment predicts that for Phase 1, users of the facilities will already be in the city centre and will be extending the time spent by using the cafes, bars, cinema etc. The assessment predicts that the surrounding junctions can accommodate the traffic flows at peak evening and Saturday periods. The lack of additional public car parking is acceptable given

the Council's maximum car parking standards and the current provision of some 6,000 public car parking spaces in the immediate vicinity of the site. Site specific transport improvements, including alterations to the junction of West Quay Road and Harbour Parade can mitigate any adverse impact on the highway network and be secured through the Section 106 agreement.

6.11 The site has good public transport links with a concentration of bus services in Castle Way and Bargate Street. The previous application included remodelling of the southern mall of the WQSC which would have resulted in the loss of the existing bus waiting area on Portland Terrace. Consequently, it was proposed that this would be replaced by a new transport hub on the Castle Way site. This involved additional bus stops with shelters and relocation of services to encourage safe pedestrian crossing movements between stops and the proposed new entrance to WQSC. As it is no longer proposed to alter the southern end of WQSC in the same way, the new bus facilities are not part of this application. As the current application proposes a significant increase in commercial floorspace compared with the 2010 permission it would be reasonable to seek financial contributions towards public transport improvements as part of the Section 106 agreement.

6.12 In terms of pedestrian and cycle accessibility, the difference in levels between the Old Town/Bargate area of the city and the lower level of the reclaimed land which forms the majority of the application site is a significant challenge for this development. The existing subway in Bargate Street is of some value in providing cycle access and pedestrian access for people with disabilities, parents with pushchairs etc. in managing the levels. However, it is not an attractive feature and its removal and replacement with at grade crossings is to be welcomed in design terms. The closure of the subway also formed part of the previous approval. Cycle access through the development will be available between Phase 1 and 2 linking onto Harbour Parade to join up with the existing cycle route. The promenade route down from Arundel Tower will allow a dismounted cycle connection to the lower level. New pedestrian routes through the scheme would significantly enhance the public realm in this part of the city.

6.13 Impact on neighbouring occupiers

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 in Forest View and Cement Terrace and these neighbours would inevitably be more affected by the significant changes which will result from this scheme. The properties in Forest View currently benefit from an open west facing aspect across the application site and beyond to the water and New Forest. However, there is no private right to a view and it has been a longstanding policy of the Council to promote large scale city centre uses for the application site and adjoining land. The properties in Forest View are set on higher ground but the size of the buildings will result in a markedly different outlook for those neighbours who overlook the site. These issues were addressed as part of the previous application. This new application will result in a reduced visual impact due to the relocation of the large cinema block from the southern end of the site to a more central location. The applicants are aware of the importance of reducing the apparent bulk of DZ3 by incorporating a series of different buildings. The Design Principles document identifies these measures and the importance of external

materials as a key requirement for the detailed design stage. The further development of the scheme as part of the Reserved Matters submission will be crucial both in design terms and limiting the adverse impact on these residential neighbours. The Environmental Statement 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 commercial units 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 etc.

6.14 Regeneration Issues

The regeneration benefits of this development are considerable especially in the current economic circumstances. A number of employment generating uses are proposed which the applicant predicts could generate up to 2,280 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. Furthermore, the creation of a high quality public realm would have wider benefits to the city centre. The applicants high design aspirations for the scheme could help to raise the architectural standard for other future developments in the city.

6.15 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 rather than all the standard contributions set out in the Council's Supplementary Planning Guidance. In terms of affordable housing, there will be no direct provision on site. It was previously agreed that there would be a commuted sum towards off-site provision through the Section 106 agreement and it is proposed to take this forward with the current proposals.

6.16 Environmental Impact of the development

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 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. During completion upon and operation, 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.

6.17 The previous application proposed the complete removal of all the mature and semi-mature trees on the site. This was a controversial aspect of the previous proposal but was accepted by the Panel subject to replacement planting. The current application proposes to retain these important trees where it is practical to do so. This change is welcomed and will contribute to a high quality commercial

area and public space.

7. Summary

- 7.1 The majority of the application site has been vacant or underused for many years and it has long been recognised as a key element in the regeneration of the City Centre. 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 and will deliver significant public realm and accessibility benefits. The application is effectively a variation of the previous approval, albeit with a change in the mix and amount of commercial floorspace to take account of changing market conditions. 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 Plaza where formal and informal events will 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 between the waterfront and the city centre. The proposed buildings are large and assertive and much will depend on the applicants continued commitment to design quality at the reserved matters stage. 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. The new 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.

8. Conclusion

- 8.1 It is recommended that members confirm the Habitats Regulations Assessment and that permission be granted subject to a Section 106 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), 3(a), 4(a), 4(b), 4(d), 4(g), 4(r), 4(v), 4(ll), 4(uu), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a) and 9(b).

RP2 for 23/07/2013 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, the means of access (vehicular and pedestrian) into the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters in relation to each phase of the development shall be obtained from the Local Planning Authority prior to any works in respect of such phase taking place on the site the layout of the buildings on site and detailed siting of associated areas, the appearance and architectural design specifying the external materials to be used,

the scale of the buildings indicating massing and building bulk, and the landscaping of the site specifying both the hard, soft treatments and means of enclosures.

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years with the exception of the reserved matters relating to the residential element of the development which shall be submitted before the expiration of five years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun either before the expiration of five years from the date of this Outline permission, or before the expiration of two years from the date of approval of the last application of the reserved matters to be approved whichever is the latter.

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended). A longer time period is considered appropriate given the complexity and viability of the development.

02. APPROVAL CONDITION - Additional Details Required (Pre-Commencement Condition)

Details of the following particulars of the proposed development in addition to the submission of Matters Reserved from the Outline Planning Permission hereby approved shall be submitted to and approved in writing by the Local Planning Authority before commencement of the relevant phase of the development:

- (A) In addition to Reserved Matters for the layout of the building(s) and for the means of access thereto in respect of each phase of the development, a plan showing the detailed siting of structures on the site showing the position of trees to buildings, and the vehicular parking areas to access points in relation to such phase;
- (B) In addition to Reserved Matters for the appearance and design of the building(s) in respect of each phase of the development a detailed plan showing the size of the building(s) and specifying the external materials to be used in relation to such phase;
- (C) In addition to Reserved Matters for the size of the building(s) in respect of each phase of the development details of the height, width, length of the structures and the massing and bulk of the buildings to the open areas shall be provided in relation to such phase;
- (D) In addition to Reserved Matters for the landscaping to the site in respect of each phase of the development, a detailed plan indicating a programme of implementation together with details specifying the numbers, types, size and species of trees, hedgerows and shrubs to be planted, and the method of ground preparation and mulching treatment, the construction and specification details of all hard landscaping areas including those relating to the detailed design of any public art work, tree pits, street furniture and signing in paved areas, proposed in relation to such phase. This should be accompanied by a detailed Management and Maintenance Plan;
- [E] Details of the treatment to the boundaries of the site, and all screen walls or fences within the proposed development in respect of each phase of the development;
- (F) Details of the means of refuse disposal and siting of refuse disposal points and recyclable material storage and collection points in respect of each phase of the development;
- G) Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas

required for the construction of the development hereby permitted in respect of each phase of the development ;

(H) Detailed cross-sections of the site showing existing levels and proposed finished levels, position of access roads, car parking areas and buildings and position of trees on the site in respect of each phase of the development ;

(I) Details of the layout of on-site car parking to meet the Local Planning Authority's car parking standards in respect of each phase of the development ;

(J) Details of the construction of all highways and vehicular access ways, including a specification of the type of construction proposed for the roads and footpaths, together with all relevant horizontal cross-sections and longitudinal sections showing the existing and proposed levels and details of street lighting in respect of each phase of the development;

(K) Details of the proposed drainage of the site, including details of the provision for the protection of existing sewers which cross the site during the period of all works of excavation and construction in respect of each phase of the development ;

(L) A plan showing the location and depth of trenches in connection with the laying of services

in respect of each phase of the development;

(M) Details of the method of construction, including piling, and the means of protection to safeguard the Town Walls as a listed building and Scheduled Ancient Monument.

Reason:

To ensure the proposed development is satisfactory as regards layout, access, appearance, landscape provision and in all other detailed respects.

03. APPROVAL CONDITION - Parameter Plan and Design Principles

The details of the reserved matters submitted pursuant to this permission shall be carried out in accordance with the Parameter Plans Amended (Dated July 2013) and Design Principles Amended (Dated July 2013) documents accompanying this planning application and be consistent with the Design and Access Statement Amended (Dated July 2013).

REASON

To secure the satisfactory development of this important site in accordance with the agreed principles and objectives and to ensure high design quality is achieved.

04. APPROVAL CONDITION - Phasing

The development may be carried out on a phased basis and applications for reserved matters may be submitted in respect of any of the phases of development within the site in any order.

The development hereby permitted shall not be commenced until a phasing plan has been submitted to and agreed in writing by the local planning authority. The phasing plan shall identify and describe the phases of construction of development including the relevant public realm/infrastructure elements. The development shall be carried out in accordance with the provisions of the approved phasing plan and/or any subsequent amendment to it that has been agreed in writing by the local planning authority.

REASON

To ensure the development is carried out in a comprehensive and controlled manner.

05. APPROVAL CONDITION - Floorspace

The gross internal area constructed at the application site for purposes within Classes A1, A2, A3, A4, A5, B1, C1, and D2 on the application site shall not exceed 68,500 sq m and

Class C3 shall not exceed 260 units. The areas for these purposes shall be:

	Minimum Floorspace(sq m)	Maximum Floorspace (sq m)
Retail/restaurant (A1-A5)	4,000	18,500
Retail Kiosks	0	500
Offices	0	10,000
Hotel Class C1	0	28,000
Leisure Class D2	6,000	19,500
Residential Class C3	140	260 units

For the avoidance of doubt the gross floor area of the proposed car park is excluded from the maximum proposed floorspace levels for Development Zone 3.

Unless otherwise agreed in writing by the local planning authority.

REASON

To control the development in accordance with the Environmental Impact Assessment submitted with the application.

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

Prior to the commencement of each phase 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 relevant part of the site to which such phase relates 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;
 - o historical and current sources of land contamination
 - o results of a walk-over survey identifying any evidence of land contamination
 - o identification of the potential contaminants associated with the above
 - o an initial conceptual site model of the site indicating sources, pathways and receptors
 - o a qualitative assessment of the likely risks
 - o 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.

07. APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

08. APPROVAL CONDITION - Unsuspected Contamination

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 in relation to such phase of the development to which such contamination relates unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason:

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

09. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

No development shall take place within such part of the site to which a phase relates until the implementation of a programme of archaeological work in respect of such phase 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.

10. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

11. APPROVAL CONDITION - Archaeological damage-assessment [Performance Condition]

The type and dimensions of all proposed groundworks in respect of each phase of the development shall be submitted to and approved by the Local Planning Authority. The developer will restrict groundworks in accordance with the approved details 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.

12. APPROVAL CONDITION - Archaeological investigation example 1 [Pre-Commencement]

Two successful borehole samples will be taken by a geoarchaeologist through the underlying peat deposits, as well as the deposits immediately above and below them, before development begins on the site.

Reason:

To ensure that the archaeological investigation includes the recovery of regionally important evidence.

13. APPROVAL CONDITION - Archaeological investigation example 2 [Performance Condition]

Following the removal of the modern infill in the area of the proposed residential tower, but before the removal of the underlying intertidal muds, an appropriate archaeological contractor will undertake an evaluation of the tower-base site, in strips, comprising about 17.5% of that area. If significant archaeological remains are encountered as a result, they will be investigated, recorded and recovered, in accordance with a further written scheme of investigation that has been submitted to and approved by the Local Planning Authority, before the applicant may remove the underlying muds.

Reason:

To ensure that the archaeological investigation includes a close examination of an area possibly containing wrecks.

14. APPROVAL CONDITION - Preservation of the archaeological record [Performance Condition]

Allowance will be made, as an integral part of the archaeological work, for the full analysis of the data, leading to the publication of at least one report in an appropriate form (either in the appropriate journal or journals or as a monograph); the provision of required data to the Southampton Historic Environment Record; the conservation of all materials requiring conservation; and the deposition of the full site archive, including recovered materials, with Southampton City Museums.

Reason

To ensure that the archaeological work is appropriately recorded.

15. APPROVAL CONDITION - Noise - plant and machinery [Pre-Occupation Condition]

The Class A1, A3, A4, A5, B1, C1 and D2 uses hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery

associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To protect the amenities of the occupiers of existing nearby properties

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

The use of each phase of the development shall not commence until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment in respect of such phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason

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

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

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

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

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

Reason

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

18. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours in respect of each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme in such relevant phase. 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. 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.

19. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

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

Reason

To ensure the selected piling method can be justified on the grounds of structural,

geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed
Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

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

Prior to the commencement of any development in each phase of the development a written construction environment management plan in respect of such phase 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. 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.

21. APPROVAL CONDITION - Waste Management Plan [Pre-Occupation Condition]

A waste management plan containing full details of measures to reduce the wastage of materials and promote the recycling of materials during the construction process and in the subsequent use and operation of each phase of the development shall be submitted and agreed in writing with the Local Planning Authority prior to the first occupation of such relevant phase of the development hereby granted consent. The plan will contain measures to promote the reuse, segregation and composting of wastes produced on site.

Reason:

To ensure that resource consumption is minimised and opportunities for recycling are maximised on site and to comply with policy SDP13 (viii) of the City of Southampton Local (2006)

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

Before the residential development commences, written documentary evidence demonstrating that the residential development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

23. APPROVAL CONDITION - Code for Sustainable Homes [performance condition]

Within 6 months of any part of the residential development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body shall be submitted to the Local Planning Authority for its approval.

REASON:

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

24. APPROVAL CONDITION - BREEAM (commercial development) [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve a minimum rating of 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).

25. APPROVAL CONDITION - BREEAM (commercial development) [performance condition]

Within 6 months of any part of the commercial development first becoming occupied, written documentary evidence proving that the development has achieved a minimum rating of Excellent against the BREEAM standard in the form of post construction assessment 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).

26. APPROVAL CONDITION - Renewable / Low Carbon Energy Sources (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable / low carbon energy technologies on the site, that will achieve a reduction in CO2 emissions as required in core strategy policy CS20 must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development as required in core strategy policy CS20 must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable / low carbon energy technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources

and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

27. APPROVAL CONDITION - Rainwater /Grey-water Harvesting (Pre-Commencement Condition)

A feasibility study demonstrating the investigation of the potential for the installation of a rainwater/grey-water harvesting system on site shall be carried out and verified in writing by the Local Planning Authority prior to commencement of the development hereby granted consent. If the study demonstrates that the installation of such a system would be technically and financially viable, a specification shall be agreed in writing with the Local Planning Authority. A system to the approved specification must be installed and be rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce overall water consumption and demand on resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

28. APPROVAL CONDITION - Green roof feasibility study (Pre-Commencement Condition)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. 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.

29. APPROVAL CONDITION - Signage Strategy

Prior to the commencement 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 and the form of illumination. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of visual amenity by securing some uniformity in the signage of the development whilst not preventing a successful corporate branding.

30. APPROVAL CONDITION - Surface Water Drainage (Pre-Commencement Condition)

Before each phase of development approved by this planning permission no development shall take place until such time as a scheme to manage surface water has been submitted to, and approved in writing by, the local planning authority.

1. The surface water drainage scheme should be based on the sustainable drainage principles referred to within the Flood Risk Assessment and shall also include;
 - a) Confirmation of the surface water drainage techniques to be used. (Following on-site testing of ground conditions, contamination and infiltration rates)
 - b) Confirmation of dimensions and location of specific drainage features (e.g. green roofs, permeable paving, soakaways, ponds etc.)
 - c) Specific details in relation to how the drainage system will be maintained over its development life.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the development proposals or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

This condition is required for the following reasons:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future users. Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the development itself as well as third parties off site.

31. 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 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.

32. APPROVAL CONDITION - Height Limitation on Buildings and Structures

No building or structure (including cranes) of the development hereby permitted shall exceed 116 metres AOD.

Reason

Development exceeding this height would penetrate the Obstacle Limitation Surface (OLS) surrounding Southampton Airport and endanger aircraft movements and the safe operation of the aerodrome.

See Advice Note 1 'Safeguarding an Overview' for further information (available at www.aoa.org.uk/publications/safeguarding.asp)

33. APPROVAL CONDITION - Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow. The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

It is necessary to manage the roofs of the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

34. APPROVAL CONDITION - Submission of a Scheme for the Permanent Lighting of the Development

Before development commences details of the permanent lighting scheme for the development shall be submitted to the Local Planning authority for their written approval. The approved lighting scheme is to be implemented on completion of the development and no subsequent alterations shall take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason

It is necessary to control the permanent lighting arrangements on this development to avoid confusion with aeronautical ground lights which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

35. APPROVAL CONDITION - Protection of sewers (pre-commencement condition)

No development shall commence until details of measures to be undertaken to protect public sewers has been submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out in accordance with these approved measures unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure satisfactory protection of the public sewers.

36. APPROVAL CONDITION - Cycle parking (Pre-occupation condition)

The buildings hereby approved shall not be occupied until cycle parking facilities relating to that building for occupiers 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 secure enclosed facilities for employees and showering, changing and locker facilities for employees. Thereafter these cycle 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.

37. APPROVAL CONDITION - Safety and security (Pre-Commencement Condition)

No development shall take place within such part of the site to which a phase relates until a scheme of safety and security measures including security of the car parking areas, a lighting plan, a plan showing location and type of CCTV cameras and access to the residential building has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the phase to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of safety and security.

38. APPROVAL CONDITION - Park and Plaza (Pre-occupation condition).

None of the buildings within Development Zones 1, 3 or 4 shall be occupied until the approved works for the Plaza (Development Zone 2) have been substantially completed as specified as Phase 1 works in the application, unless otherwise agreed in writing by the Local Planning Authority. None of the buildings within Development Zones 3 or 4 shall be occupied until the approved works for the pocket park and landscaping of the car parks (DZ2) have been substantially completed as specified as Phase 2 works in the application unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the development is carried out comprehensively in accordance with the application and to ensure a high quality public realm and pedestrian environment is created in accordance with Local Plan Policy MSA6.

39. APPROVAL CONDITION - Means of Enclosure (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected within Development Zone 2, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

40. APPROVAL CONDITION - Ecology/bird strike (Pre-commencement condition)

No development of the residential tower (Development Zone 4) shall commence until appropriate design measures relating to the height and position of the tower to minimise the risk of bird strike has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the design of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason

To minimise the impact of the development on the flight paths of migratory birds and the designated features of the SPA and Ramsar sites.

41. APPROVAL CONDITION - Hours of Use Class A3, A4 and A5 (Performance Condition)

The Class A3, A4 and A5 uses hereby approved shall not be open to the public outside the hours of 0800 to midnight on any day.

Reason

To protect the amenities of adjoining residential occupiers.

42. APPROVAL CONDITION - Management plan for Plaza

No development of Development Zone 2 shall commence until a management plan relating to the future use of that area has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of outdoor seating and associated facilities, the management of special events and hours of use. The use of the plaza shall be carried out in accordance with this management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure control over the management and operation of the plaza in the interests of the amenities of the area.

43. APPROVAL CONDITION - Servicing Management Plan (Pre-Occupation Condition)

The development shall not be occupied until a scheme relating to vehicular servicing arrangements has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding what is shown on the approved plans, the details submitted to discharge this condition shall include the detailed design and layout of the service yard forming part of DZ2. The approved measures shall be in place before the development is first occupied and retained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the arrangements for vehicular servicing are satisfactory for this large scale development and in the interests of highway safety.

44. APPROVAL CONDITION - Road design (Pre-commencement condition)

No development shall take place until the Local Planning Authority has approved in writing detailed drawings and a specification of the construction of the road and footpath leading from Harbour Parade roundabout to the car park. The works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the road is constructed in accordance with the standards required by the Local Highway Authority.

45. APPROVAL CONDITION - Design of Plant (Pre-commencement condition)

Notwithstanding what is shown on the Parameter Plans, no development shall take place until details of the full extent of the rooftop plant areas of the buildings has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure satisfactory treatment of this important part of these buildings in a sensitive location adjoining a conservation area and Scheduled Ancient Monument.

46. APPROVAL CONDITION - Approved Plans

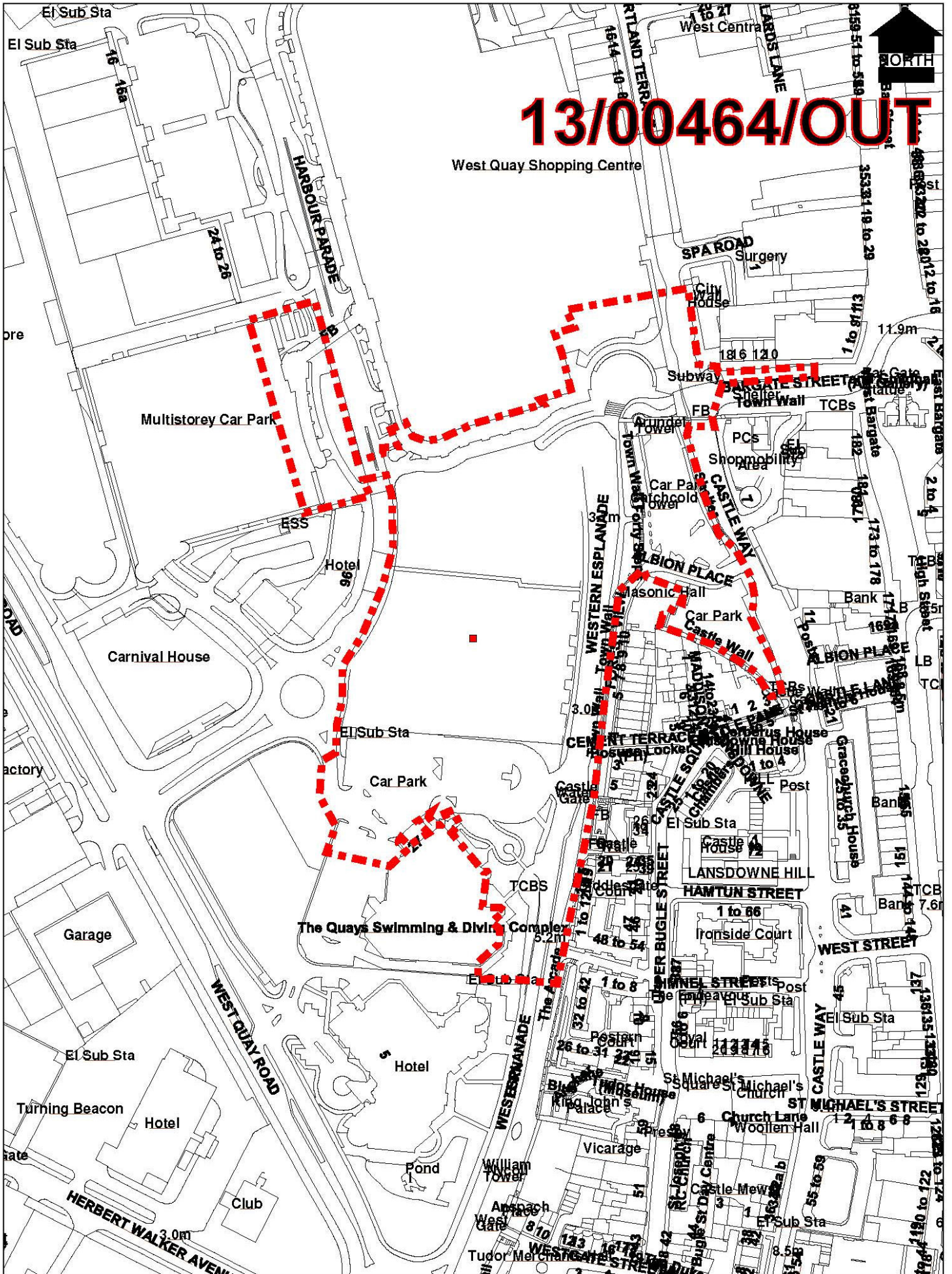
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

13/00464/OUT

West Quay Shopping Centre



Scale : 1:2500

Date : 10 July 2013

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