

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 24 June 2014
 Planning Application Report of the Planning and Development Manager**

Application address: Central Site, West Quay Phase 3, Harbour Parade			
Proposed development: Application for reserved matters approval for Phase 1 of the Watermark West Quay development (covering layout, scale, appearance and landscaping pursuant to planning permission reference 13/00464/OUT) to provide leisure use including cinema (Class D2 - 11,200 square metres floorspace) retail (Classes A1, A2, A3, A4 and A5 - 13,000 square metres floorspace) and public realm works.			
Application number	14/00668/REM	Application type	REM
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	15.07.2014	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning and Development Manager due to strategic importance	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Hammerson (Watermark) Ltd	Agent: Barton Willmore
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies	2	Copy of Outline permission (13/00464/OUT)

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is the first phase of the Watermark West Quay development on land directly to the south of the West Quay Shopping Centre (WQSC), between Portland Terrace and Harbour Parade. 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 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 full extent of the site subject of the previous outline planning permission, extended to an area of approximately 4.27 hectares and included part of The Quays Swimming and Diving Centre (QSDC) which adjoins to the south. The site of the outline permission also included the two existing surface level car parks at the top of the Town Walls at Albion Place/Castle Way. Neither the land associated with The Quays nor the two car parks form part of the current application for reserved matters approval.
- 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 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 six-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 six-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 application for reserved matters approval covering the layout, scale and appearance of the building and landscaping of the public areas of Phase 1 of this development. The outline application divided the whole site into four separate development zones (DZ). Phase 1 of the development, which is subject of this application, includes all of DZ1 (the retail and leisure block) and part of DZ2 (public realm). The Phase 1 public realm works include:- infilling the Bargate Street subway, providing the public plaza, the public realm works along Western Esplanade and the link to Harbour Parade. The Phase 2 works will be the subject of a later reserved matters submission and will include all of DZ3 (commercial uses) and DZ4 (residential block) and the remaining public realm works along Western Esplanade, the pocket park and the landscaped car parks on top of the walls.
- 2.2 The outline planning permission granted approval for the principle and maximum quantum of the development across the whole site and the means of access to and through the site. The permission incorporates flexibility over the mix of uses to be provided. The permission was also subject to a series of Parameter Plans which gave a range of building heights and layout criteria for the various development zones. A separate document sets out Design Principles to guide the future design phases of the scheme. Of relevance to this Phase 1 submission the overall floorspace permitted by the outline approval is between 4,000 square metres and 18,500 sq.m for retail/restaurant use (Classes A1 to A5 inclusive), and between 6,000 sq.m and 19,500 sq.m for Leisure Use, including a cinema (Class D2). As part of the outline permission it was agreed that there would be no additional public car parking within DZ1 and DZ2. Any additional car parking would be part of the development of Phase 2 for commercial and residential uses which is not part of the current application. The existing West Quay car parks will serve the proposed development.
- 2.3 **Development Zone 1 (DZ1):** 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. This part of the site will be developed with a single large building to be used for leisure uses including a 10 screen cinema on the upper floors and various units on the lower levels to be used for Class 'A' uses, mainly retail and restaurant uses. All servicing of the commercial units and the cinema will be internally from the service yard which will be accessed off Harbour Parade opposite the Premier Travel Inn. The eastern side of the building will have two sloping promenades that face the Plaza with active commercial uses and external seating areas. The access to the cinema will front Harbour Parade with a lobby at an upper level. There will be another main entrance into the building in the north-western corner fronting Harbour Parade. A new pedestrian bridge which will connect the WQSC multi-storey car park and the upper ground floor level of the building was approved at the outline permission stage. Due to a slight change in the alignment of the bridge, a separate application has been submitted for the construction of this bridge (14/00613/FUL). The building will have a height of between 33.80 metres and 37.60 metres (AOD). The total floorspace of the building will be 24,200 square metres of which 13,000 sq.m will be for retail/restaurant or similar uses within Classes A1, A2, A3, A4 and A5. The remaining 11,200 sq.m would be for leisure uses, including the proposed cinema (Class D2). There will be no additional car parking in DZ1. The outline

approval indicated that there would be additional retail uses within this building including a large store fronting Harbour Parade but this now seems unlikely and the indicative drawings suggest that the majority of this development will be a mixture of leisure and restaurant/cafe uses although the applicant is keen to ensure flexibility to assist in the marketing process. The proposed floorspace is consistent with that approved at the outline stage.

- 2.4 **Development Zone 2 (DZ2):** As part of the outline permission DZ2 encompassed all the public realm surrounding the buildings. This was the eastern side of the site at the base of the Town Walls; the existing surface level car park of the QSDC as well as the two existing car parks on top of the walls at Castle Way/Albion Place. DZ2 has now been split into two to reflect the phased nature of the project. The current application for reserved matters approval covers the new plaza at the base of the walls, the connection from the plaza through to Harbour Parade, and the area of Western Esplanade which extends down to the area adjoining the emergency access into the Quays car park. The area of the proposed plaza would be about 3,600 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. 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. Temporary landscaping is proposed on the boundary with the Phase 2 area including a hedge and grassed bank. The existing pedestrian subway on Bargate Street will be closed and sealed, new trees planted in Bargate Street and new public steps will be provided adjoining Arundel Tower. Vehicular access which will only be occasional to cater primarily for the staging of events and to allow emergency vehicles, 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 total of 14 trees will be removed. A water feature will be a key element of the events space and an open swale will be included in the southern part of the site along the line of Western Esplanade. The paving pattern for the area next to the Town Walls is based on a 'foreshore concept' reflecting the historic promenade alignment of the site. The geometric paving form and water feature are to capture the theme of the mudflats which previously occupied this part of the site.
- 2.5 The proposed external materials for the building would be a mixture of clear glazing for the commercial units (particularly where they face the Town Walls) a banded metal facade to the cinema part of the building, with pre-cast concrete bands to the plinth of the building especially fronting Harbour Parade. The proposed surfacing materials to the public realm will be: Purbeck stone strip to the base of the walls; various types of granite with concrete paving and natural stone steps to the area around the Plaza.
- 2.6 The outline planning application was accompanied by an Environmental Statement (ES) under the EIA regulations. No further ES is required, as the content of the development and local circumstances have not changed since the earlier consideration, although this application is supported by a series of specialist reports.

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 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 There are a series of supplementary planning documents approved over the years which promote the use of this key site for a major mixed use development including a new public space with associated public realm improvements. These documents include The City Centre Urban Design Strategy and West Quay Phase 3 Masterplan which was approved in 2003 and updated in 2005.

3.6 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 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.
- 4.4 In February 2014, outline planning permission was granted for a mixed use development including alterations to the West Quay Shopping Centre comprising Retail (Use Class A1, A2, A3, A4 and A5 - 19,500 square metres maximum floorspace); Hotel (Use Class C1 - 28,000 square metres maximum floorspace); Residential (Use Class C3 - maximum 260 flats); Leisure (Use Class D2 - 19,500 square metres maximum floorspace) including a Cinema; Offices (Class B1(a) - maximum 10,000 square metres floorspace); public open space; with associated car parking, access, highway, landscaping and other works including infilling the existing pedestrian subway in Bargate Street (Outline application with access for consideration at this stage - Environmental Impact Assessment Development- ref: 13/00464/OUT).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (2.5.2014) and erecting a site notice (29.04.2014). At the time of writing the report, **1** representation had been received from a local business, not raising an objection but concerned about possible noise and disturbance especially at unsocial hours and the impact this might have on guests at the adjoining hotel.

Response - the outline permission includes a condition limiting the hours of construction to the standard times so nothing further is needed for this application.

The following is a summary of the points raised by other consultees and interested parties.

Consultation Responses

- 5.2 **SCC Highways** - The applicant is already in discussion with our Highways Partners Balfour Beatty, to agree the detailed content of the off site highways works under a Section 278 Agreement, which affects Harbour Parade, Portland Terrace and Bargate Street. The proposed delivery area only has capacity for one articulated lorry but the applicant anticipates a maximum of two articulated deliveries per day, which will be managed to ensure they do not conflict with one another and other smaller delivery vehicles, to ensure that vehicles do not end up waiting on the public highway to access the delivery area. A refuse management plan will be required to ensure that all waste is correctly handled and collected from an appointed collection point. It will be necessary to also consider anti terrorism measures to the delivery bay, where retractable anti ram-raid blocks are indicated but also within the public plaza area and build these features into the public realm. Visitor cycle parking will also need to be provided within the public realm areas. There is a need to ensure that all users can easily move within the development from the upper to the lower levels, and the applicant has demonstrated that ramps and lifts will be available to negotiate the level changes of the site. No additional car parking is to be provided as part of this phase of development, as it has been demonstrated that there is sufficient capacity within the existing multi storey car park.
- 5.3 **SCC Heritage** – The archaeological issues raised by this development are covered by conditions attached to the outline permission (reference 13/00464/OUT).
- 5.4 **SCC City Design** - The applicant's design team have designed a unique and distinctive new landmark for the city that cleverly knits itself into the existing fabric of the city centre to create a very special new 'place' at the heart of the city. It addresses significant level differences between the Medieval Old Town and the historic shoreline in an accessible and dynamic manner with a series of terraces and promenades that lead into a new plaza. The development proposal promises a high quality development that will 'showcase' the new leisure and dining offer as well as providing a fine setting for the Town Walls. The design principles set out in the Outline Application have generally been adhered to in developing the reserved matters application, in particular that the overall height is generally less than the maximum envisaged.
- 5.5 The Design and Access Statement implies that the scheme will be delivered to the highest quality – which is what is expected of this VIP development. Large areas of the development will be subject to considerable wear and tear and scrutiny from the public; residents and visitors from the wider sub region, nationally and internationally will be drawn to this development and its popularity and resultant high footfall is anticipated. Therefore the specification of materials, the 'publically accessible' architectural and public realm detailing will be absolutely critical to the success of the scheme. Although an indication of some of the materials and detailing proposals has been submitted, there is no certainty of the actual specification in the built scheme; it is therefore essential that key specifications, materials and details are conditioned for approval at an appropriate time as the construction commences.

Details and Materials - the overall concept has been carried through consistently to the more detailed plans and sections now submitted. Conditions will need to be applied to ensure that all materials on the public facing elements of the building

and the roof are agreed, including part plans, sections and elevations at 1:20 detailing how they will be assembled. Weathering of materials such as timber and metal will need to be considered.

- 5.6 The principles of the overall public realm design are acceptable. The 'foreshore' concept is a great way to remind us of the history of the site and, combined with the water feature, it is an exciting and innovative concept which is bound to draw the crowds. It is important that the setting of the Town Walls is respected. The amendments to the application incorporate a widened strip of Purbeck stone at the base of the walls which is welcomed. Conditions will be needed to control details and specification of materials, benches, cycle racks, lighting, canopies and other street furniture.
- 5.7 **SCC Ecology** - No objections. Initially there was a concern that a bat emergence survey had not been undertaken and that proposals for lighting the Town Walls might adversely affect bat roosts. However, bat emergence surveys have recently been undertaken at sunrise and sunset and no evidence of bat roosts within the Town Walls was found, although there was evidence of bats foraging along the tree line in Western Esplanade. A condition should be applied to the consent requiring submission of a plan detailing the precise mitigation and enhancement measures that will be implemented.
- 5.8 **English Heritage** – English Heritage have undertaken extensive pre-application discussions with the applicant and are pleased to see that previous comments have been given great weight within the design proposals for the scheme. Broadly, the proposals appear to be sympathetic to the setting of the heritage assets within the vicinity of the development, principal amongst which is the standing section of Southampton's medieval Town Walls, which is a Scheduled Monument. The Design and Access statement includes proposals for the lighting of the Town Walls at night. The principle of lighting the Town Walls is one which is acceptable, and which will enhance public appreciation of this heritage asset. It is recommended however that lighting trials are undertaken to ensure that the lighting is appropriate and sympathetic to the wall. It may be desirable to enforce trials by condition, to ensure that the lighting solution satisfies the requirements of both Southampton City Council and English Heritage. The installation of paving at the base of the wall will result in works taking place within the area of the Scheduled Monument.

Recommendation

The principle of the scheme has already been approved through the granting of outline planning permission. Therefore, at this stage it is necessary to highlight where elements addressed in the reserved matters application may harm the significance of the heritage asset, which must be weighed against the public benefits of the scheme; as well as to indicate elements which can be considered to enhance the significance of the surrounding heritage assets.

- 5.9 The implications of the scheme on undesignated buried archaeology and the direct impacts of the construction phase on the Town Walls have already been addressed through the placement of conditions on the outline planning permission for the scheme. The improvements to the public realm are considered beneficial as they are likely to enhance the communal and aesthetic value of the Town Walls, whilst emphasising elements of its illustrative value. This mitigates, to some degree, the loss of the full extent of the view from Harbour Parade to the Town Walls. A key element of the aesthetic enhancements of this area is lighting

and further details of the lighting scheme are required to ensure that the proposals are sensitive to the character and significance of the Town Walls . There will however be some unavoidable harm caused by the scheme, particularly to the illustrative value of the monument in relation to the connection between the Town Walls and the sea. This harm has been accepted, but it is necessary to ensure that the visual corridors retained by the current design, and referred to in the planning documents adequately retain this relationship. It is not possible to do this without first seeing accurate visualisations of the view from Catchcold and Arundel Towers. Detailed consideration should be given to the choice of cladding for the cinema structure, to ensure that it does not cause harm to the aesthetic or illustrative value of the Town Walls or the Old Town Conservation area. On balance, the scheme appears to offer a re-development option which is generally sympathetic to the character of the heritage assets and which offers potential enhancements of its aesthetic and communal values in particular.

5.10 **BAA** – The proposal could conflict with the safe operation of aircraft unless the following condition can be satisfied.

1. No light, reflection or glare of any kind shall be exhibited from the development at any time which (a) is liable to endanger aircraft taking off or landing from Southampton Airport; or (b) may be mistaken for an aeronautical ground light and liable to endanger aircraft. Southampton International Airport Limited shall have sole discretion to determine if a particular condition or structure is liable to endanger aircraft and have it adjusted or removed at the expense of the developer and/or land owner.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Southampton International Airport through confusion with aeronautical ground lights or glare.

Mitigation: Page 48 of the Design and Access statement makes reference to “reflective surfaces,” and the roof will be fitted with Photovoltaic arrays. A glint and glare study should be carried out taking into consideration both the PV arrays and reflective building materials used to demonstrate that the building will not interfere with aircraft safety. This is aligned with interim advice as issued by the Civil Aviation Authority (CAA) on solar PV installations.

5.11 **Southern Water** – Nothing to add to the comments made at the outline application stage.

5.12 **Environment Agency** - No objection in principle to the proposed development as submitted. A condition in relation to surface water management should be attached to any permission granted. (Response - a condition to this effect was included on the outline permission so no further condition is required at this stage).

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.
2. Design issues including the impact on the character and appearance of the area and the setting of the Town Walls.

3. Landscaping and public realm issues.
4. The likely impact on neighbouring occupiers.
5. Transportation issues

6.2 Principle of Development

The principle of this development has been accepted by the previous outline permissions for this site. The amount of floorspace across the whole site, the access arrangements and the parameters of the building in terms of its siting and height have been agreed and this application fits within these limits. The proposed uses are consistent with the outline planning permission. The issues associated with additional retail use within the Primary Shopping Area and a new cinema were addressed at the outline stage and no new issues arise with this application. 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.

6.3 Design issues

Members attention is drawn to the comments of the Council's City Design Team in paragraphs 5.4 - 5.6 of this report and those of English Heritage in paragraphs 5.8 and 5.9. It has always been recognised that the proposals for the Watermark site would be for very large buildings which would have a significant impact on the appearance of this key site within the city centre. The scale, layout and appearance of the building forming part of this submission are very similar to the indicative images presented as part of the last outline application. The principle of tall buildings has been established through the various design documents, including a masterplan, taken forward through Policy MSA6 and established through the previous permissions. This reserved matters submission demonstrates that a high quality design and a striking new building would be provided. 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 heritage assets. The proposed building would have a significant impact on views into and out of the adjoining Old Town Conservation Area. However, it is considered that the impact would largely be positive and enhance the attractiveness of this central part of the city. The proposed building is no closer to the Town Walls than approved at the outline stage (approximately 40 metres away). Because of this and the significant enhancements to the public realm the status of the Town Walls as a listed building and scheduled monument would be safeguarded.

6.4 Landscaping and Public Realm

The creation of the plaza fulfils a long standing policy requirement of the Council to provide a vibrant and high quality public space. 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 area of public realm to be delivered as part of Phase 1 has been enlarged compared with the outline application and this is welcomed. 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. The hard-surfaced landscaping with the use of high quality paving, including Purbeck Stone at the base of the walls, 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 and a variety of lighting types are proposed to help create a safe and attractive environment all year round. 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 inclusion of a series of gently sloping stone steps will allow for casual public use and a more inclusive public space. The application will result in the loss of a large number of mature and semi mature trees, although several of the existing trees will be retained at the southern end of the site fronting Western Esplanade where they partially screen the QSDC car park. The outline permission granted in 2010 accepted that all the existing trees could be removed. The loss of trees is often regrettable, but in this case, not all are in good condition and they would not be compatible with the design concept which is for a predominantly hard-surfaced events space. There will be some replacement planting, although the numbers have intentionally been kept to a relatively few trees to allow for views of both the waterfront and the Town Walls to be maintained. The provision of new tree planting in Bargate Street following the infilling of the subway will be a welcome improvement to this part of the streetscene.

6.5 Impact on neighbouring occupiers

The immediate surroundings of the application site are predominantly commercial in character and this large scale mixed use development would be compatible with that character. The residential neighbours immediately adjoining are those in Forest View and Cement Terrace, but the amenities of these neighbours are likely to be more affected by the future development of the buildings on Phase 2, rather than this building, which is some 60 metres away from the nearest house. The properties in Forest View are set on higher ground and although the scale of the new building will result in a markedly different outlook for those neighbours who overlook the site, there will be little direct impact in terms of loss of light or overlooking. 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 and there are restrictions on the hours of use as part of the outline approval.

6.6 Transportation issues

The means of access to this development was approved at the outline stage. The only new vehicular access is from Harbour Parade to the servicing area.

Highways officers are satisfied with the layout of this servicing area subject to management controls which can be covered by a condition. 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, has been a significant challenge for this development. The closure of the subway in Bargate Street has been approved as part of the previous outline permissions and no new issues arise with this submission. This application maintains the previously approved route for cyclists, which will be through the development 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. The current application demonstrates good pedestrian movement between the different levels of the scheme by the sloping promenades, lifts, staircases and escalators.

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. This application provides the first phase of a mixed use development which will significantly contribute to the status, offer and attractiveness of the city centre and create a distinctive and inspiring new destination. The proposal is consistent with the longstanding policy framework and the outline permission and will deliver significant public realm and accessibility benefits. The application has been the subject of extensive discussions with Council officers and with English Heritage, 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. High quality materials are proposed which could help raise the architectural standard for future developments in the city. 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.

8. Conclusion

It is recommended that reserved matters permission for Phase 1 be granted subject to conditions.

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(d), 4(r), 4(v), 4(ll), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a) and 9(b).

RP2 for 24/06/2014 PROW Panel

PLANNING CONDITIONS

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until samples and a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings; the signage location and specification; terraces, balustrading, canopies and interface with steps; shopfronts and tenants' terrace paving/cafe furniture; assembly drawings for interface between existing shopping centre and DZ1 on Harbour Parade. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

02. APPROVAL CONDITION - Details of public realm works (Pre-Commencement Condition)

No works within Development Zone 2 shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) Hard and soft landscape - specification and colours for all materials; paving pattern; specification for all trees; precise location of trees on the link to Harbour Parade; tree pits and shrubs, soil, planting and management plan; protection of hedges whilst they mature; and details of phasing of public realm works.
- b) Street furniture - specification and colours for all materials
- c) Lighting - specification for all products and trial testing of illuminating the Town Walls
- d) visitor cycle hoops - location and specification
- e) bollards and similar features - location and specification

Reason

To ensure satisfactory treatment of these important details.

03. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees shown as being retained shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works

commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

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

04. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

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

05. APPROVAL CONDITION - Landscaping detailed plan [Performance Condition]

The whole of the landscaping scheme shown on the approved drawings shall be completed prior to the occupation of any building on the site or during the first planting season following the full completion of building works whichever is sooner.

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

The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

06. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

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

07. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme.

Reason

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

08. APPROVAL CONDITION - Restriction on use (Performance Condition)

The following commercial units as shown on the approved plans shall only be used for purposes within Class A1, A3 or A4 of the Town and Country Planning (Use Classes) Order 1987 as amended or any subsequent amending Order - WM 03, WM 04, WM 05 on Level 02 and WM 06, WM 07, WM 08, WM 09 and WM 11 on Level 03.

Reason:

To ensure the development provides an appropriate active frontage to the new public space in accordance with the aspirations for the development set out in the applicants Design and Access Statement and other supporting documents.

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

The building hereby approved shall not be first occupied until a servicing management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail how deliveries will be controlled to prevent the need for HGV's to be waiting adjacent to the delivery bay to gain access and how security vehicles can service the various units without the need to drive within the public realm area. The servicing arrangements shall be carried out in accordance with the approved scheme.

Reason

In the interests of highway safety and the pedestrian environment.

10. APPROVAL CONDITION - Clear glazing (Performance Condition)

The areas shown on the approved drawings as being clear glazing to the commercial units shall be installed as such before first occupation and retained thereafter to allow views into the relevant unit.

Reason

To ensure genuinely active frontages are retained to this important new building and to allow for surveillance of the adjoining public spaces.

11. APPROVAL CONDITION - Impact on Southampton Airport (Performance Condition)

No light, reflection or glare of any kind shall be exhibited from the development at any time which (a) is liable to endanger aircraft taking off or landing from Southampton Airport; or (b) may be mistaken for an aeronautical ground light and liable to endanger aircraft. Southampton International Airport Limited shall have sole discretion to determine if a particular condition or structure is liable to endanger aircraft and have it adjusted or removed at the expense of the developer and/or land owner.

Reason:

To ensure the development does not endanger the safe movement of aircraft or the operation of Southampton International Airport through confusion with aeronautical ground lights or glare.

12. 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.