

**Planning and Rights of Way Panel 16<sup>th</sup> March 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> Leisure World, West Quay Road, Southampton			
<b>Proposed development:</b> Outline planning application for the demolition of the existing buildings and comprehensive redevelopment of the site comprising residential accommodated (Use Class C3), office floorspace (Use Class E), hotel accommodation (Use Class C1), cinema (sui generis use), casino (sui generis use) and other flexible business uses including retail and restaurants/cafes (Use Class E). With associated car and cycle parking, internal highways, open space, public realm and landscaping and ancillary works including utilities, surface water drainage, plant and equipment. Means of access for detailed consideration and layout, scale, external appearance and landscaping reserved matters for consideration (Environmental Impact Assessment Development).			
<b>Application number:</b>	20/01544/OUT	<b>Application type:</b>	Outline
<b>Case officer:</b>	Jenna Turner	<b>Public speaking time:</b>	15 minutes
<b>Last date for determination:</b>	12.02.2021 (subject to Planning Performance Agreement)	<b>Ward:</b>	Bargate
<b>Reason for Panel Referral:</b>	More than 5 letters of objection have been received	<b>Ward Councillors:</b>	Cllr Bogle Cllr Noon Cllr Paffey
<b>Applicant:</b> Sovereign Centros on behalf of Triton Property		<b>Agent:</b> Montagu Evans	

<b>Recommendation Summary</b>	<b>Delegate to Head of Planning &amp; Economic Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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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 at Appendix 1 of this report. 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 2017. The Council accepts the methodology used in the Environmental Statement, and its conclusions, and is satisfied that the proposed design principles and quantum of development, which formed part of the assessment in the ES and are subject of planning conditions, are acceptable. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the

applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment to be provided in advance of the Planning and Rights of Way Panel Meeting.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure the following – on a phased basis where appropriate:
  - i. In accordance with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013), financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site including:
    - The reconfiguration of the junction of West Quay Road and the application site to provide pedestrian and cycle facilities;
    - The provision of a left-turn lane into the site from West Quay Road, southbound;
    - Pedestrian crossings to the West Quay Road/Southern Road junction to link the site with Central Station Bridge with associated works to traffic signals;
    - Works to traffic lights at the West Quay Road/Harbour Parade North junction;
    - On-crossing and kerbside detection to upgrade the existing pedestrian crossing on West Quay Road, adjacent to Ikea;
    - Enhanced variable message signs on West Quay Road and;
    - Contribution to the Station Boulevard link to improve the linkages to Central Station.
  - ii. The safeguarding of a 20metre strip of land along the western and south-western boundary of the site to be utilised as part of the site-specific flood mitigation upon/alongside which the future West Quay Road realignment could also be located, in accordance with policies AP15, AP20 and AP22 of the City Centre Action Plan and policy C2 of the Transport Strategy, Connected Southampton.
  - iii. A contribution to a flood defence within the safeguarded strip of land to comply with the NPPF and policy AP15 of the City Centre Action Plan.
  - iv. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment (without any affordable housing) and that a review is undertaken should circumstances change and the development delay.
  - v. 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.
  - vi. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document -

Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).

- vii. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- viii. The submission, approval and implementation of a Car Parking Management Plan to ensure a robust management of the temporary car parking spaces within the safeguarded land and the control and management of the service access, including the restriction to allow access to 'non-temporary' residential spaces and servicing needs for the office and residential buildings only.
- ix. Submission, approval and implementation of a Multi-Storey Car Parking Management Plan to ensure that the public car parking is provided and retained with daily charges to at least match the minimum daily charge of the prevailing Council car parking charges.
- x. The submission, approval and implementation of a Travel Plan for both the commercial and residential uses to promote sustainable modes of travel in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy.
- xi. A Waste Management Plan to address the management of refuse storage and collection within the development.
- xii. Construction Management Plan to include the routeing and timing of construction traffic to avoid peak times.
- xiii. A Development Phasing Plan.
- xiv. Provision, retention and management of the public open space together with securing public access in perpetuity.
- xv. The provision of on-site play space in accordance with Policy CLT6 of the Local Plan Review.
- xvi. The provision of a financial contribution towards late night Community Safety Initiatives within the City Centre, having regard to the late night uses within the application proposal and in accordance with policy AP8 of the City Centre Action Plan.
- xvii. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
- xviii. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
- xix. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets.

- xx. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010 as set out in the Habitats Regulations Assessment.
- 3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

## **1. The site and its context**

- 1.1 The application site comprises the Leisure World complex and the long-term vacant Quayside pub/restaurant building, together with the associated surface level car parking. Leisure World currently contains the Odeon Cinema, Grosvenor Casino, Oceana nightclub and other food and drink uses. The wider application site also encompasses the former John Lewis storage and distribution warehouse, and its curtilage, within the City Industrial Park. Currently, there are some 828 surface car parking spaces on the site. The main access to the site is the traffic-light controlled junction from West Quay Road. A secondary service access also exists adjacent to Grosvenor Casino. There is an attractive group of trees to the front of the site, abutting West Quay Road. As these are owned by the Council, they are not subject to a Tree Preservation Order. This development is currently located within Environment Agency flood zone 1, where the risk of flooding is low (a less than 1 in 1,000 annual probability of river or sea flooding).
- 1.2 The sites abuts The Port of Southampton with City Cruise Terminal located to the south. Immediately to the south-east, is the West Quay Industrial Park. The site is also broadly opposite the Ikea store.
- 1.3 Southampton City Council is the freeholder of the site although, it is subject to a long ground lease to UBS.

## **2. Proposal**

- 2.1 The application has been submitted following extensive pre-application discussions with the Planning Department, and other relevant teams within the Council, secured through a Planning Performance Agreement (PPA). The applicant has engaged with the Council's Design Advisory Panel through the PPA process and the scheme has evolved to take on board comments provided.
- 2.2 The application proposals are in outline with access being the sole matter for detailed consideration. **Layout, Scale, Appearance and Landscaping are all reserved from consideration in this application and will be the subject of another set of planning applications in due course.** The application is supported by parameter plans, which set out the maximum extent of the development, and by detailed Design Codes, which provides rules for all aspects of design and which subsequent reserved matter applications will be assessed against. This is an established approach within the UK planning system and is often used for large complicated developments. An Environmental Statement has

been submitted under the Environmental Impact Assessment Regulations 2017 which assesses the significant effects of the development proposal on the environment. The application is also accompanied by a package of indicative information which serves to demonstrate how the parameters sought for approval could be accommodated on the site.

2.3 The submitted parameter plans divide the site into 6 distinct development plots. The following mix and quantum of development has been provided:

2.4

Use		Plot	GEA sq.m	Rooms/Units
Leisure	Cinema (Sui Generis)	1	4,490	
	Casino (Sui Generis)		2,900	
	Leisure (Use Class F2)		2,600	
	Restaurants/Café (Use Class E)		2,500	
	Retail (Use Class E)		490	
Hotel (Use Class C1)		2	11,500	150 keys/80 serviced apartments
Office (Use Class B1)		3	9,800	
Residential + GF Retail (Use Classes C3 + E)		4	57,510	650 units (mix not specified)
Hotel (Use Class C1)		5	6,000	150 keys
Flexible (Use Class E)		6	5,000	

2.5 The submitted parameter plans set out the following maximum building heights for the development:

Plot 1 (Casino, Cinema and Class E): +34.85m Above Ordnance Datum

Plot 2 (Hotel): +51.87 m AOD

Plot 3 (Office): +38.1m AOD

Plot 4 (Residential): +51.9M AOD

Plot 5 (Hotel): +33.9m AOD

Plot 6 (Health & Wellbeing): +33.9m AOD

For comparison purposes, the existing Leisure World building is approximately 28.85m AOD at its highest point and the Ikea building 29m AOD.

2.6 The submitted Design Codes set further parameters with regards to the height and massing of the development, for example, confirming that the massing of buildings must facilitate views from cruise liners in berth from the train station (Design Code MP8) and from key spaces within the development. The Codes

also set out that the residential development within plot 4 must incorporate a variation in height and the office block in plot 3 relates to the height of the Ikea store, opposite. All subsequent Reserved Matters applications will be guided by the Design Codes.

- 2.7 To the south-western boundary of the site, a strip of land will be safeguarded through the section 106 legal agreement in order to accommodate future flood defences and the West Quay Relief Road, which is planned in the Council's Local Transport Plan.
- 2.8 The primary access to the development would reflect the position of the existing access to Leisure World, with a secondary, controlled access in the location of the existing service access. The development would be served by 1,354 car parking spaces in total. This would be provided as follows:
- Leisure uses would be served by a 600 space multi-storey car park within plot 1
  - Residential accommodation would be served by 376 bays provided across the development, including within residential parking podiums, on street and within the multi-storey car park
  - Office, hotel and health and wellbeing uses would be served by 166 bays within on-street spaces within the development
  - 56 drop-off on-street bays will be provided across the site
  - 156 temporary spaces would be located on the safeguarded land. These spaces would initially be allocated to residential units and removed when the land is required for the flood defence/relief road.
- 2.9 The submitted parameter plans and Design Codes make provision for public realm and open space to be incorporated within the development. The parameter plans include a new Civic Square which, at its entrance, would be no less than 3 metres in width, broadening to 38 metres. The submitted Design Codes confirm that the Square must provide an activity space of at least 500sq.m. The parameter plans also incorporate a linear Green Link which would be a minimum of 18m in width and include 150sq.m of amenity space for the office building. The Green Link provides a pedestrian and cycle route which incorporates tree planting and soft landscaping to create a verdant character. The street widths within the development are also specified on the parameter plans.
- 2.10 The Design Codes provide a considered landscape strategy which incorporates different character areas within the public realm, reflecting the coastal position of the site. The landscape will transition from an 'Urban Forest' character adjacent to West Quay Road, to a 'Boardwalk' character area in the centre of the site, to a 'Shore' character adjacent to the rear boundary of the site with The Port. The character areas are designed to reflect the manner in which an estuarine environment changes away from the foreshore to wetland and then to forest.
- 2.11 A phased approach would be taken to the development. It is intended that the current cinema and casino operators would be re-accommodated within the proposals and the phasing is designed to enable continuous operation as follows:

#### Phase 1

The demolition of the former John Lewis Warehouse and the construction of the new cinema, casino, food and drink units to the north-west of the site and a hotel

(150 rooms 80 serviced apartments) adjacent to the northern boundary with West Quay Road. Following the decanting of existing tenants into the new facilities, demolition of the existing Leisure World buildings would commence.

#### Phase 2

New office building to the north-east of the site, adjacent to the boundary with West Quay Road and 300 residential units.

#### Phase 3

Further 350 residential units and the second hotel adjacent to the south-east boundary of the site.

#### Phase 4

A health and well-being or other commercial facility to the south-west of the site.

- 2.12 Whilst the layout and appearance of the development are reserved from consideration at this stage, the Design Codes also provide some clarity on whether the Council's design aspirations for the site could be achieved within the parameters provided. The Design Codes provide guiding principles on standards for external space, appearance, use of materials and the quality of the development and envisage an industrial maritime aesthetic for the development.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.
- 3.2 The adopted Core Strategy and City Centre Action Plan (CCAP) identify the site as being part of the Western Gateway Quarter of the Major Development Zone, now known as Mayflower Quarter. The Core Strategy confirms that City Centre is the focus for significant new offices, retail, hotel and leisure development, the majority of which can be accommodated in the Mayflower Quarter.
- 3.3 Policy AP20 of the City Centre Action Plan provides an over-arching policy for Mayflower Quarter. It confirms that Mayflower Quarter will form a comprehensive high density, mixed use development to enhance the city centre's regional commercial status. In particular, Policy AP20 requires the maintenance and creation of strategic views from key public areas and to maintain or create views of the Port and cruise ships. The policy also sets out the requirement for the creation of new, high-quality civic spaces and the creation of new, pedestrian and cycle friendly links throughout the Quarter. To ensure development proceeds in a comprehensive manner, the policy sets out the requirement for a Development Scheme Plan for each phase of the development. The purpose of this plan is to demonstrate how the proposal:
- Meets the relevant policies
  - Helps to create the strategic links to key destinations
  - Integrates with the area and city centre

- Maintains the ability to integrate with surrounding phases of development.

- 3.4 Policy AP22 of the City Centre Action Plan specifically relates to proposals within the Western Gateway of Mayflower Quarter. This policy supports the mixed-use redevelopment of the area and requires the creation of a high-quality, distinctive gateway to the city centre and waterfront. The policy supports office, leisure, residential, hotel, food and drink and small-scale retail (under 750 sq.m gross). The policy sets out the importance of complying with the Council's flood risk policies and the policies that safeguard the activities of the Port. It confirms the requirement for creating a civic square and maintaining and creating views of cruise ships in berth. The policy also supports the remodelling of West Quay Road to improve pedestrian and cycle connectivity.
- 3.5 The site is currently identified as an important part of the city's night-time economy by policy AP8 of the City Centre Action Plan. Although this policy provides flexibility for the loss of the late-night hub subject to the merits outweighing the existing benefits of the hub or if the uses are no longer needed.
- 3.6 Also relevant is the Council's Transport Strategy, Connected Southampton 2040 which confirms, in policy C2, that the Council will look to improve the city centre's inner ring road, including options for the realignment of West Quay Road to the west to release the opportunity to downgrade the existing West Quay Road. This would better connect development within the Western Gateway to the Central Station and rest of the city centre.
- 3.7 Policies AP12 and AP18 of the City Centre Action Plan set out the requirement for the provision of a Green Grid within the city centre, including through sites within the Mayflower Quarter. The purpose of the Green Grid is to create an attractive network of pedestrian and cycle links between neighbourhoods, destinations, open spaces and the waterfront. The Green Grid will include tree planting, landscaping, green spaces and/or green walls. Within the Green Grid the Council will require, where appropriate, the inclusion of a sustainable urban drainage network to include water courses, ponds, water features and channels. AP13 of the City Centre Action Plan sets out the requirement of public open space in new developments. It confirms that a Civic Park or series of Civic spaces should be provided within the Western Gateway and also promotes the creation of the Station Boulevard (strategic link) between the central station and sites in the Mayflower Quarter.
- 3.8 The National Planning Policy Framework (NPPF) 2019 confirms at paragraph 213 that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### **4. Relevant Planning History**

4.1 A schedule of the relevant planning history for the site is set out in **Appendix 1** of this report. The Leisure World site was originally developed for warehouses in following planning permission in 1989 and was subsequently changed to leisure use in 1996, for which the site has been used since. The John Lewis warehouse was originally granted planning permission in 1983 and has undergone alterations and extensions since this time. It's authorised planning use is as a storage and distribution warehouse (Use Class B8).

## **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 (27.11.2020) and erecting a site notice (20.11.2020). At the time of writing the report **25 representations** have been received from surrounding residents and interested parties. The following is a summary of the points raised:

### **5.2 Councillor Bogle:**

- This development has aspects which are positive including new investment into the area. My main objection is that this proposal is 'cart before the horse', that it should not pre-date the overall Mayflower Quarter master planning process and could undermine it.
- There are distinct parallels with the process recently gone through in Ocean Village, where the arguments about getting a clearer and more sustainable vision/masterplan for that area contributed to the decision to refuse that application.
- If approval is recommended (and appreciate this is an outline planning application which could evolve considerably once the detail comes through in individual Full planning applications) I would like to see a condition that it follows the principles and overall direction of travel of the Mayflower Quarter masterplan and is subject to amendment accordingly. Ideally, I suggest the decision is delayed until the master plan is ready.
- I also object to the development of housing so close to the port boundary, as there is a high likelihood of noise pollution as well as air pollution from the ships and associated port traffic.

### **Officer Response:**

- *Whilst the City Centre Action Plan discusses the need to develop the Mayflower Quarter in a comprehensive way, it also confirms that "there is no 'in principle' planning reason to prevent an earlier partial or comprehensive redevelopment of the quarter" and recognises that development will come forward in a phased manner over time. The Development Scheme Plan provided with the application demonstrates that the proposal will not prejudice development elsewhere in the area, fulfilling the requirement of policy AP20.*
- *The National Planning Policy Framework (NPPF) provides specific guidance on the circumstances in which planning applications can be considered to be 'premature' to an emerging planning policy document. Currently, the Masterplan is not at a sufficiently advanced stage to be a material consideration in this planning application. Paragraph 50 of the NPPF explains that the refusal of planning permission on the grounds of prematurity will seldom be justified before the end of its publicity period (in the case of a neighbourhood plans). Furthermore, since there are up-to-*

*date Development Plan policies in place concerning the scale, location and the nature of development within the Mayflower Quarter, the proposal would not undermine the plan-making process.*

- *Unlike Ocean Village, the City Centre Action Plan identifies the Leisure World site for the development, including for tall buildings.*
- *The indicative plans demonstrate how residential could be accommodated on the site without being adversely affected by operations within the neighbouring Port. In particular, the residential would be set away from the boundary with the Port with intervening commercial uses acting as a buffer. Soundproofing measures can also be incorporated into the detailed design of the residential buildings.*

### 5.3 **Councillor Noon**

- Welcomes the development and investment into the site with a good mix of residential and leisure.
- Has concerns about the number of applications for hotels in the city centre and the number of hotel bed spaces could reach saturation point sometime in the future.

#### **Officer Response:**

- *Both the City Centre Action Plan and the Core Strategy supports hotel development within the Mayflower Quarter.*

### 5.4 **ABP**

Support the application pending the following further information:

- AP4 of the CCAP confirms that residential near the Port will only be permitted if there are unlikely to be negative impacts on the current or future operations of the Port or the benefits of the scheme outweigh the impact on the Port.
- It is anticipated that the area in the Western Docks will be used more intensively in the future.
- The NPPF confirms that new development should not be an 'agent of change' for existing business operations by resulting in unreasonable restrictions on existing business operations. The proposal has the potential to become an agent of change for the port and so if the application is approved it should be conditional upon the installation of appropriate acoustic measures into the position and design of the proposed structures, namely insulation, glazing and ventilation systems.
- Should future residents be disturbed by activities in the Port, the Council, developer or freeholder should be responsible for providing any mitigation measures.
- Highlight the Council's Green City Plan 2030 and the principles of Net Gain to offset the impact of new developments.

#### **Officer Response:**

*Agree that the development should not compromise existing and future Port operations. Residential blocks within the development would be set away from the boundary with the Port, with intervening commercial uses to act as a buffer. Furthermore, acoustic protection measures can be designed into residential blocks including soundproofing, specification of glazing and ventilation. These can be secured by condition. This approach is consistent with the advice from the Council's Environmental Health Team, who raise no objection to the proposal.*

## 5.5 Barton Willmore on behalf of Hammerson UK Plc/West Quay

- Supportive of development proposals that provide new investment and job opportunities in the city and recognises the role of the redevelopment of Leisure World in delivering the Council's wider regeneration objectives.
- Conserved with the quantum of retail floorspace proposed which exceeds the amount envisaged within the adopted City Centre Action Plan.
- As an edge of retail centre site, the provision of under 750sq.m of retail and food and drink space would be supported. Whilst the application sets out retail is not expected to account for 490 sq.m of the development, the applicant has not offered to control the maximum amounts of retail floorspace provided by the way of a planning condition. Since the introduction of Use Class E, commercial uses could change freely to retail. The application should set out maximum parameters for the retail floorspace or provide a Sequential Test in accordance with National policy.

### **Officer Response:**

*A condition is suggested to ensure the retail component of Class E does not exceed 750 sq.m in accordance with policy AP22 of the City Centre Action Plan and the requirements of the NPPF.*

## 5.6 Ikea

- The proposed development would have a material and detrimental impact in transport and highway terms on the operation of the Ikea Southampton store.
- Ikea therefore objects to the application on transport and highway grounds
- Concern with the access immediately opposite the Ikea access, the increase use of would present a material impact on the operation of the Ikea junction.
- The TA concludes that the development would result in increase in delays along West Quay Road and which would present a material impact on the operation of the Ikea access junction.
- The transport modelling should include an assessment further into the future than carried out (to 2023). At least until the end of the Plan period (2026).
- An assessment of the Sunday peak should be carried out.

### **Officer Response:**

- *It is acknowledged that the development would increase journey times on West Quay Road, although it is not considered that this increase would represent a 'severe' impact that, the NPPF explains, would justify the refusal of planning permission.*
- *The scheme proposes measures to encourage a modal shift from private car use to more sustainable modes of transport, such as walking and cycling. These measures will also be assisted by the Travel Plan, secured by the section 106 agreement.*
- *The section 106 agreement will secure works to West Quay Road to provide a bespoke left-turn lane into the site which will improve the amount of red traffic light time at this junction and thereby improve the flow of traffic.*
- *The section 106 agreement will also secure a car parking management plan, which will also require restricted use of the service access to ensure*

*that higher-levels of vehicular movements at the Ikea junction does not occur. It is likely that this would take the form of a barrier control with number plate recognition, restricted to specified users within the development.*

- *The assessment of the Saturday peak provided is considered to represent the worse case scenario and so an assessment of the Sunday peak would not add further to the understanding of the traffic impacts of the development.*

## 5.7 **GO! Southampton**

- The decision on the application should be deferred until the Mayflower Masterplan is complete and adopted as a Supplementary Planning Document.
- Not clear that isolated leisure and office development is viable in this location.
- The site offers the unique opportunity to reconnect the city to its waterfront and direct access to the nearby cruise terminal.
- Disappointed that the most prominent use on the site is residential
- Go Southampton's preference for Mayflower Quarter is for employment space, including Grade A office space that would improve the city's economy.
- The jobs created would be low-skilled perpetuating the existing employment profile of the city centre.
- There should be less car parking.

### **Officer Response:**

- *As per paragraph 5.2 above, a phased approach to the Mayflower Quarter is supported by the City Centre Action Plan and there is no justifiable planning policy reason to defer the determination of the application.*
- *The mix of uses proposed are in accordance with the policies for the site.*
- *The submitted parameter plans do not prevent a physical connection being made to the neighbouring cruise terminal in the future. At this point in time, it is not an option that is available to the applicant due to the security issues it creates for the operators of the Port, ABP.*
- *The application proposes a genuine mix of uses. Less than 50% of the site area is given over to residential. Moreover, the Council's policies recognise the need for housing growth within the City Centre and Mayflower Quarter. The City has a defined housing need.*
- *The application seeks to re-accommodate existing employment generating uses on the site, which is welcome. The range of uses proposed provides a range of employment opportunities.*
- *The level of car parking proposed does accord with the Council's adopted standards.*

## 5.8 **Southampton Commons and Parks and Protection Society**

- Objects to the proposal since they prejudice the comprehensive redevelopment of the Mayflower Quarter
- The proposed layout is out-dated and vehicle-dominated.
- The application provides inadequate pedestrian connectivity with the rest of Mayflower Quarter and the City Centre.
- The proposed at-grade crossing of West Quay Road is poor.

**Officer Response:**

- *As per paragraph 5.2 above, a phased approach to the Mayflower Quarter is supported by the City Centre Action Plan and there is no justifiable planning policy reason to defer the determination of the application.*
- *The layout of the development is indicative and serves to demonstrate that the maximum amount of development proposed can be accommodated on the site.*
- *The proposal will secure improved pedestrian and cycle connectivity with the central station and city centre (see recommendation 1(i) above). The proposal also incorporates a Green Link for pedestrian and cycle use, which can link to neighbouring sites in the future.*
- *The development future-proofs the site against future possible changes to the city's highway infrastructure, by safeguarding land to the south of the site for a possible West Quay relief road. This transport scheme would be a significant project that would be beyond the scope of this application to deliver.*
- *There is no highway or design objection to providing an at-grade pedestrian crossing.*

**5.9 City of Southampton Society**

- *The plan envisages this area for commerce and leisure and not residential*
- *The application should be deferred until the next Local Plan has been adopted.*
- *The additional traffic will adversely affect access to the Port*
- *The development will be affected by poor air quality*
- *The development will be adversely affected by noise from the 24 operations at the nearby Port.*
- *The development would generate a demand for healthcare which should be catered for.*
- *Insufficient green space for the development*
- *Potential for late night disturbance for residents of the development by the leisure uses*
- *The development is dense and will restrict views of the waterfront*
- *Query if the development will be served by public transport*

**Officer Response:**

- *The Southampton Core Strategy and City Centre Action Plan provide detailed policies in respect of the Mayflower Quarter, which includes residential growth in this area. These policies are consistent with the NPPF and can be considered up-to-date. As such, there is no justifiable planning reason to defer the application.*
- *Neither the Port nor the Council's Highway Team have expressed concerns that the development will hinder their access.*
- *The submitted Air Quality Assessment concludes that the development will not be adversely affected by Air Quality and the Council's Air Quality Team agree with this conclusion.*
- *There are no planning policy requirements for the development to be served by new or improved healthcare infrastructure. The application*

*proposals do indicate that a health and well-being facility could be accommodated on the site, should a suitable operator be found.*

- *The proposal includes a new civic square and green link as required by the policy. The submitted Design Codes require reserved matter planning applications to incorporate private amenity space to meet the Council's adopted standards set out in Policy AP12 of the City Centre Action Plan (for residential developments 0.22 hectares per 1,000 population and for office developments over 25,000 sq m or a pocket park to a standard of 0.05 hectares per 1,000 workers). The use of roof tops and balconies are also encouraged by the submitted Design Codes.*
- *As set out in paragraph 2.6 above, the submitted Design Codes requires subsequent detailed applications to achieve the required views of the waterfront and cruise ships. The information submitted with the application demonstrates that these views are achievable within the parameters proposed.*
- *Currently, the Council's bus operators do not wish to provide a service to the site itself.*

#### 5.10 Old Town Community Forum

- Overly dense development with very tall buildings that would create a barrier to the waterfront
- There is little breathing space between buildings with an urgent need for more green landscaping, given the deficit within the city
- The casino is dominant and would present a poor image of the city
- Too many car parking spaces
- Concerned about air quality and noise for the prospective residents, given the proximity to the port.
- The development should have regard to the new Mayflower Quarter masterplan
- Given the proximity to the Old Town Conservation Area, a more sensitive plan would be welcome.

#### **Officer Response:**

- *The Council's adopted policies seek high-density development within the City Centre to promote efficient use of land in the most accessible locations in the city. Policy AP16 of the City Centre Action Plan recognises that the site is suitable for tall buildings.*
- *See paragraph 5.9 above. The submitted Design Codes will require subsequent reserved matter applications to meet the Council's amenity space standards.*
- *The casino is re-provided from the existing site. There is no policy objection to the location of a casino on this site. The submitted Design Codes stresses the importance of high-quality design for the Casino to provide a positive gateway to the site.*
- *The level of car parking spaces accords with the Council's standards.*
- *The submitted Air Quality and Noise assessments demonstrates that an acceptable residential environment can be achieved, and the Council's teams agree with this.*
- *The Mayflower Quarter Masterplan is not at a sufficiently advanced stage to represent a material consideration in the planning process.*
- *The design and layout of the development is not for consideration in this*

*application. That said, the submitted Design Codes and Design and Access Statement demonstrate that a high-quality development can be achieved within the parameters requested.*

**5.11 Friends of Town Quay Park**

- Object to the application
- Concern with the impact of port emissions on residents
- Over-development with insufficient amenity space
- Over-provision of parking
- Design is bland

**Officer Response:**

*See officer response in paragraph 5.10 above.*

**5.12 Additional Individual Third Party Comments (not covered above)**

*Concern with the risks from over-crowding within the development. More green space should be provided.*

**Officer Response:**

*The residential density proposed is accords with policy CS5 of the Core Strategy. Local and national policies support high density development on previously developed land inaccessible locations as an important guiding principle. The level of open space and amenity space within the development also accords with standards.*

**Consultation Responses**

**5.13 Highways Agency**

No objection to the proposal subject to the following conditions:

- Submission of a Construction Management Plan
- Submission of a Framework Travel Plan

**5.14 Southern Water**

- The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised (water mains).
- The 150 mm, 6 inches public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance. No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- Suggests a condition to secure measures to protect the public water supply

**5.15 Sport England**

- Sport England would encourage the Council to use CIL receipts from the development towards new and improved facilities for sports.
- Recommend that regard is had to the Active Design Guidance in masterplanning residential development.

**5.16 Natural England**

- Further information is required relating to the Ecological assessment of

impacts of the operational and construction phases of the development on designated sites and detail of mitigation measures to address identified impacts.

**5.17 BAA Safeguarding**

- Suggest a condition to secure a Bird Hazard Management Plan

**5.18 Historic England (HE)**

- In this case, HE do not wish to offer any comments and are content for the proposals to be assessed by the LPA, taking into account their own specialist conservation advice.

**5.19 Hampshire Constabulary**

- Unauthorised access to the multi-storey car park should be prevented with controlled vehicular access and egress
- CCTV should be installed within the multi-storey car park
- Access to residential car parks should also be controlled and CCTV provided and emergency access provided.
- Access to residential blocks should be controlled using electronic access control system.
- Lighting within the development should comply with the relevant British Standards.

**5.20 Hampshire County Council**

- The south western portion of the site lies within the minerals and waste consultation area (MWCA) - sites section. It lies within the applied buffer zone of the safeguarded Western Docks area.
- While the quoted policy does not object to the proposed demolition and redevelopment of the Leisure World site, consideration should be given to any potential impact the development may have on the operation of the Western Docks area and if appropriate buffers and mitigation measures are required.

**5.21 New Forest District Council**

- No comments to make

**5.22 SCC Highways**

There are several highways and transport issues which will need clarification on before the application can be supported.

- Accident data for West Quay Road,
- Justification on the need for the temporary parking need and management plan,
- Further information on the servicing arrangement, including location of refuse stores, and access to the hotel and vehicle turning areas, and
- Arrangement for the Service Road.

Subsequent to the above comments being made, the following has been agreed between the Highways Team and the applicant:

- Accident data provided and this raises no new issues.
- Justification has been provided and accepted. A management plan for the temporary car parking will be secured by the section 106 legal agreement.

### 5.23 **SCC Housing**

- As the scheme comprises of up to 650 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). For 650 dwellings the affordable housing requirement is therefore 228 dwellings (227.5 rounded up).
- In this, on-site provision would be sought subject to the findings of the independent assessment of financial viability.
- Planning conditions or obligations will be used to ensure that the affordable housing will remain at an affordable house for future eligible households, or for the subsidy to be recycled to alternative housing provision.
- The application advises that a proportion of the residential units are intended to be delivered as a Build for Rent scheme. The affordable element of any Build to Rent scheme is expected to be Affordable Private Rent (as per the glossary of the NPPF) with the rents (including service charges) needing to meet affordability criteria and remain affordable.
- The affordable element of the open market units would be delivered via a Registered Provider.

### 5.24 **SCC Sustainability Team**

The applicant confirms further information regarding the sustainability strategy will be provided at each reserved matters stage, this is agreed. Whilst it would be preferable to have more detailed information upfront, as this is an outline application, it is understandable why this information may not be available at this stage. However, since the information is not available at this stage, it is recommended that the energy strategy condition is strengthened in order to ensure passive measures which have been promised are delivered.

- Would like to see the exploration of more vertical green infrastructure. If the proposed green roofs can be secured and the Planning Ecologist is satisfied the proposed condition can be modified to remove this point.

### 5.25 **SCC City Design Manager**

- Supports the comments of the Design Advisory Panel and refers back to pre-app comments.
- Concern with the lack of architectural aspiration for the buildings, which should be as inspiring as Watermark West Quay.
- A strong maritime aesthetic isn't really reflected in the images provided.
- Disappointed that they haven't presented more illustrative CGI images of the proposed development itself, to illustrate the view to the pedestrian entrance to the development and the view of the new civic space and green link and on to a ship at berth. Also, would benefit from night-time imagery.
- Concern with how the Green link will be delivered and the inclusion of the large cycle store in this link.
- That said, unlikely to be harmful enough to refuse on design grounds.

### 5.26 **SCC Design Advisory Panel**

- The panel reiterated the concerns of previous design advisory panels in being concerned that this proposal was still a largely car born, out of town development of large monolithic uses, rather than a pedestrian priority, mixed-use, integrated, fine-grained piece of city centre townscape
- The panel felt that this is the wrong location for a significant leisure development as the site is not easily accessible other than by car.

Locations closer to the railway station and the core of the city centre should be where development such as this should be focussed

- Should the council be supporting another multi-storey car park for developments such as this? This just perpetuates a car born focus for development. Difficult to see that this development has offered anything particularly positive to the pedestrian/cyclist or public transport user
- The civic space and linear green link required by the CCMP are not readily discernible from the proposed master plan
- The loss of the direct route from the station to civic space is a fundamental error in terms of the strategic ambition to connect the station to the waterfront via this site
- The green link appears a token gesture rather than the major public realm element envisaged by the CCMP
- There don't appear to be any ground-based pedestrian eye views, showing what these streets, spaces and buildings will feel/look like for someone moving through the development. Only aerial views are presented. If these represent what the applicant sees as good design then the panel feel that this appears to show a lack of imagination, ambition and aspiration for the proposed development and its architecture. Overall there appears little desire to create a distinctive place like at West Quay South.
- The landscape concept of forest, boardwalk and shoreline is a good one, but it has not been carried out with any great conviction and is not readily discernible when viewing the masterplan. This principally appears to be because, the road network and desire to create zonal blocks of development have prevented any sense of fluidity of this concept transferring through the development.
- The scale and location of the hotel on West Quay Road and the tight public opening is likely to negatively impact on the event space by significant down drafts from the hotel and funnelling of winds focussed into the gap. This could render the space unpleasant and unusable for a significant number of days a year.
- The panel were concerned that the important design/aesthetic issues for the development will have to be negotiated by officers at the Reserved Matters stage, probably with different architects/developers and this is likely to be problematic as the council will have little justification for arguing for improved design quality having approved a design code at outline.
- The Panel did not support this proposal

**Officer Response:**

- *The City Centre Action Plan is supportive of leisure uses on this site and the re-provision of the existing employment uses on the site is welcome.*
- *Multi-storey car parks remain as an efficient way of meeting the car parking demands of development. The development does not exceed the Council's maximum car parking standards for this location.*
- *Policy AP13 of the City Centre Action Plan sets out that the size of each civic space in the Quarter will depend on the role of the space in the city. The supporting information with the application demonstrates the type of activities and landscape character that can be achieved within the space proposed.*
- *The civic space is positioned at the end of the main pedestrian entrance to the development which will align with the improved pedestrian crossing facility on West Quay Road.*

- *The submitted plans demonstrate that a corridor of 18m (between buildings) will be achieved for the Green Link, this route will solely be for pedestrians, cyclist and landscaping. For comparison purposes, the West Quay Road carriageway is approximately 23 metres wide. As such, it is considered that there is sufficient space to ensure the Green Link appears as an attractive piece of public realm.*
- *The submitted masterplan is indicative whereas the Design Codes which set out how the landscape character areas will be achieved, will be a document for approval and will be used to assess subsequent reserved matter applications.*
- *As set out, the design and layout of the development are reserved matters, and there is further opportunity to influence the look of this development before further planning applications are lodged.*
- *It is important to note that the submitted Design Codes require the application of wind mitigation strategies at reserved matters stage. A new wind and microclimate assessment will need to be produced at reserved matters stage and any mitigation measures secured in the detailed design and landscaping.*

#### 5.27 **SCC Historic Environment Officer**

- No above-ground heritage assets or their settings would be adversely impacted by the proposals and no objections would be raised from a heritage perspective.
- Whilst redevelopment is welcome, the proposed layout, the appearance, and the intensification of the design raises concern and it appears that the proposals would simply replace an existing dated development with another series of box-like structures that fails to promote a sense of local distinctiveness. It is disappointing that the development would not improve the links to the waterfront/Mayflower Park and the design ethos for the proposed hotel, due to its regimented window pattern and standard build proportions is not considered a particularly bespoke form of architecture for such a gateway site.
- It is therefore advised that the advice of the Urban Design Officer, and the Design Advisory Panel, is taken on board to secure an improved form of development in this location.

#### 5.28 **SCC Archaeology**

- The main risk from the proposals come from the construction impacts of the development on any surviving submerged peat and alluvial deposits below the made ground. A site-based investigation is required and, depending on the results of this work, it may be necessary to carry out further investigation. Conditions are suggested to secure the investigation and work programme.

#### 5.29 **SCC Environmental Health Pollution and Safety**

- No objection. Request more detail on the following:
  - Mitigation and insulation measures required to meet WHO guidelines for noise in internal environments.
  - The ventilation of residential units may require mechanical ventilation
  - A demolition and construction management plan with phasing plan to include vibration predictions
  - Details of location and noise levels for the extraction and plant

for commercial units.

- No fires during construction.

5.30 **SCC Air Quality** – No objection. Initially requested clarification on a number of points, which has been provided to the satisfaction of the Air Quality Team.

5.31 **SCC Environmental Health (Contaminated Land)**

- No objection. The proposed land use is sensitive to the affects of land contamination and records indicate that the site may be affected by historic land contamination. Suggests conditions to assess and secure any remediation.

5.32 **SCC Ecology**

- No objection provided the biodiversity impacts are satisfactorily mitigated and a net gain is achieved.
- A biodiversity mitigation plan will be required
- Welcome the intention to produce a biodiversity strategy
- The effect on the herring gulls nesting on the roof of the existing distribution centre needs to be considered
- Encourage the use of properly designed biodiverse green roofs
- Encourage the use of more ambitious green infrastructure measures
- Lighting should not exceed 0.5 lux, preferably LED using warm white (2700k to 3000k) luminaires with a peak wavelength higher than 550nm.
- CEMP needs to be secured
- Proposed mitigation for recreational impacts is acceptable. However, mitigation measures to address nutrient enrichment will need to be more specific to conclude no likely significant effects.

*N.B Further information regarding herring gulls has been provided.*

5.33 **SCC Flood Risk Management Team**

- This development is currently located within Environment Agency flood zone 1, however has been identified as an area that will be at risk of a 0.5% AEP flood within the 100 year design life for development containing residential dwellings. Finished floor levels of all blocks are to be set no lower than 4.1mAOD which is the flood estimate for 2085 inclusive of the 300mm freeboard allowance. Flood resilience measures (FRA Para 4.5.6) and appropriate waterproofing (FRA para. 4.6.2) are to be incorporated into the building design and therefore expected to be demonstrated within a full planning application when brought forward.
- To ensure that site remains safe from the risk of flooding beyond 2085, it is agreed that a 20m strip of land to the western boundary of the site will be safeguarded for placement of a future strategic flood defence, alongside a financial contribution in line with Southampton City Centre Action Plan Policy AP15. The use of land and contribution for the future strategic flood defence is as set out within the prepared S106 agreement.
- In accordance with Policy CS20 of the Southampton Core Strategy (Amended 2015) and the written statement made by the Secretary of State for Communities & Local Government, dated 18 December 2014, any major development proposals must incorporate the use of a sustainable

drainage system to manage surface water runoff, unless demonstrated to be inappropriate.

- For this site, the outline proposal is to utilise a combination of blue roofs, permeable paving with sub base storage, rain gardens and underground geocellular storage to formulate a current estimated requirement of 2732-3976m<sup>3</sup> storage. The proposal is to limit peak runoff to 72l/s including 40% allowance for climate change. The use of above ground rain gardens is welcomed as this supports additional benefits of biodiversity, habitat creation, water quality improvements and amenity. Consideration could be given to use of tree pits to provide further attenuation and amenity.
- When this development is brought forward to full planning stage, a detailed drainage strategy will be required

#### 5.34 **SCC CIL Officer**

- The development will become CIL liable at the reserved matters stage.
- If the floor area of any existing building on site is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development (the approval of the last reserved matter).

#### 5.35 **SCC Employment and Skills**

- An Employment and Skills Plan obligation will be required for this development and applied via the section 106 legal agreement.

### **6. Planning Consideration Key Issues**

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

- The principle of development;
- Flood risk;
- Design and effect on character;
- Residential amenity, including relationship with the Port;
- Parking highways and transport;
- Air Quality, sustainability and relationship with the Green Charter;
- Affordable Housing and mitigation of direct local impacts;
- Likely effect on designated habitats and;
- Environmental Effects.

6.2 Access is the sole detailed matter for consideration in this application, along with the quantum, principle and mix of uses proposed. Other matters, such as scale, appearance, layout and landscaping must be considered 'in principle' using the indicative information provided. In essence, the assessment is whether the type and level of development proposed can be accommodated whilst meeting the policy aims for the area, outlined in section 3 of this report.

#### 6.2 **Principle of Development**

6.2.1 The application site is located in the Western Gateway of the Mayflower Quarter and both the adopted Core Strategy and City Centre Action Plan envisage significant growth within this location, for a variety of different uses. The range of uses proposed as part of this application are all supported by adopted policy

framework, subject to retail floorspace being restricted to no more than 750 sq.m as befits the location of the site, not within the primary or secondary retail area.

- 6.2.2 Through the careful approach to the phasing of the development, the application facilitates the re-provision of some of the existing employment-generating leisure uses on the site. The modernised and improved offer would enhance the attractiveness of the site as a key leisure destination within the city centre. Currently, there are estimated to be 158 staff (FTE) employed on the site. The Environmental Statement estimates that the proposal will generate 692 construction jobs and a further 942 jobs once the development is completed and operational, to the benefit of the city's economy.
- 6.2.3 It is envisaged that the site could accommodate up to 650 residential units which would make a significant contribution to the city's housing need. The Core Strategy sets out the need for 16,300 homes within the city by the end of 2026, and the City Centre Action Plan indicates that approximately 5,450 dwellings could be accommodated in the city centre up to 2026. The Partnership for South Hampshire has indicated that Southampton has a gap in its longer-term provision of housing (up to 2036) of 3,128 dwellings. The residential proposed would help to address this shortfall. Furthermore, the provision of a genuine mix of uses will create activity on the site at different times of the day, which fosters a sense of safety, security and vitality.
- 6.2.4 The mix of residential units is yet to be determined but will be assessed at reserved matters stage in accordance with Policy CS16 of the Core Strategy, which requires an appropriate proportion of family dwellings (with 3 bedrooms and outdoor space) to be incorporated. In terms of the level of residential development proposed, policy CS5 of the Core Strategy confirms that in city centre locations, densities of over 100 dwellings per hectare (dph) are supported. When considered in terms of the area of plot 4 (within which the residential element would be located), a density of 459 dph would be achieved, which accords with policy CS5 and makes good use of this previously developed site.
- 6.2.5 The Council is currently preparing a Masterplan for the Mayflower Quarter. A draft of the Masterplan is yet to be completed and public consultation has not been undertaken. As such, the Masterplan cannot be afforded weight in the consideration of this planning application, and determination of the application cannot be held up. It is likely, however, that at the time of reserved matters submission, the Masterplan will have accrued greater planning weight by this time and, if this is the case, would then become a material consideration. As noted above, the Council already has up-to-date and detailed policies in place which guide the nature, location and scale of development within Mayflower Quarter. The proposal can be fully assessed against those policies without undermining the plan-making process. Furthermore, the policies in the City Centre Action Plan accept that development in the Quarter will occur in bespoke phases. The Leisure World and warehouse site form a discrete development parcel and the submitted Development Scheme Plan demonstrates that the proposals would not limit the development potential of neighbouring sites. If executed well, the scheme has the potential to kick-start development within Mayflower Quarter by both improving the character and raising the profile of the area. Moreover, the benefits to the city's economy and the contribution to housing delivery is also welcome. The principle of development is, therefore, considered to be acceptable.

### 6.3 Flood Risk

- 6.3.1 The application site lies within the Flood Search Zone as highlighted within the City Centre Action Plan. This means that, whilst in the present day the site is not within an area of high flood risk, this will change during the lifetime of the development. Policy AP15 of the City Centre Action Plan sets out the requirement for a strategic shoreline flood defence on the southern section of Mayflower Quarter or, land raising of sites to ensure that developments are safe from flooding and that the strategic flood defence for the city centre is provided.
- 6.3.2 No habitable accommodation is proposed on the ground floor of the development. The application proposes finished floor levels of +4.10m AOD which would not protect the means of access to the development from predicted flood levels for its 100 year design life. As such, the development also safeguards a 20 metre strip of land to the south of the site, within which a future flood defence can be accommodated. A contribution towards the full delivery of this defence will also be secured through the section 106 legal agreement. The application is also accompanied by a Framework Flood Warning and Evacuation Management Plan which can be implemented when the site becomes at risk from flooding in the future. The purpose of the plan is to ensure that residents and users of the site have adequate warning prior to a flood event and provide clear guidance on the best course of action during that event, including highlighting means of escape and areas of safe refuge. The implementation of the Management Plan will be secured through the section 106 legal agreement. As such, the Council's Flood Management Team have raised no objection to the application and the proposal is considered to be acceptable in this respect.

### 6.4 Design and effect on character

- 6.4.1 Whilst scale, appearance, layout and landscaping are reserved from consideration, a judgement must be taken as to whether the development can be accommodated on the site whilst achieving the standards of design expected by the policies in the Development Plan. The submitted parameter plans and Design Codes are central to this assessment. The existing Leisure World building has a significant effect on the character and appearance of the city centre due to the height and cuboid form of the building, which has a notable presence on the city centre skyline. The utilitarian appearance of the existing building, with its monotonous form and grey, metal clad elevations gives a poor impression of the leisure offer on the site and has a deleterious effect on the character of the surrounding area. The effect of the building is compounded by the large swathe of unbroken surface car parking which creates a car-dominated appearance and represents an inefficient use for the site. The redevelopment of the site is, therefore, welcome in terms of creating the opportunity to dramatically improve an important part of the city centre.
- 6.4.2 In terms of scale, policy AP17 of the City Centre Action Plan supports tall buildings within the Western Gateway. The policy defines tall buildings as having 5 or more storeys in height. The indicative plans show that, within the height parameters sought, the maximum height could equate to buildings of 14-storeys on the site, which would accord with Policy AP17. The context of the site contains buildings of significant scale and massing including West Quay, Ikea (29m high), the Carnival offices (6-storeys) and the Moxy Hotel (8-storeys). As such, it is considered that the maximum building height parameters proposed could be

accommodated on the site and achieve a development that is both context-sensitive, whilst providing sufficient scale to create a presence that can celebrate this gateway location. It is important to note that the submitted Design Codes add controls to ensure that there is a variation of building heights across the development to ensure a monotony of scale is not provided.

- 6.4.3 A further consideration in relation to the scale and massing of the development is the requirement to retain and create views across the site to the water, including to cruise ships in berth. The submitted parameter plans indicate the location of the important view corridor which will be integral to distributing the scale and massing of the development at the reserved matters stage. The submitted Design Codes build on this and require the development to achieve views to the waterfront, including to cruise vessels in berth. The Design Codes also promote rooftop access, including within the hotel uses, to further foster views from the development to the water. The new Civic Square is designed to achieve views towards the Port though the new liner link route (the central access route that runs through the site). This route will incorporate an attractive public realm, reflecting the coastal location of the site which will also foster public views to the water. The submitted Design Codes reinforce this requirement. Moreover, it is important to note that a verified image has been provided with the application which demonstrates that the development would facilitate the creation of views to ships from the Central Station. On this basis, the maximum scale of development is considered to be acceptable.
- 6.4.4 The public realm will be fundamental to ensuring that the development creates a distinctive sense of place which 'lifts the spirits' and whilst landscaping is a reserved matter, the application carefully considers the approach to landscaping and the public realm. As set out above, at this early stage the application provides a framework to shape the approach to landscaping and the public realm which will reflect the industrial maritime location of the site in an exciting and comprehensive way. The suggested approach of creating Urban Forest, Boardwalk and Shore character areas across which will reflect the natural transition of an estuarine environment, will achieve a distinctive sense of place. Clear changes in the type of planting, materials and street furniture will be used to signpost these character areas. The Design Codes also provide rules for the architecture of buildings to further reinforce the different character areas.
- 6.4.5 The scheme incorporates the elements of the public realm required by the relevant Development Plan policies including the Civic Square and Green Link. As set out above, the size parameters and nature of these spaces are considered to be acceptable. The delivery of these spaces will be secured through the phasing plan in the section 106 agreement.
- 6.4.6 In terms of the elevational design of buildings, the submitted Design Codes and Design and Access Statement set out the intention to create an industrial maritime design aesthetic and provides guidance on how this can be achieved through for example, the use of coloured metal panels, corten, exposed steel columns and perforated cladding. The Design and Access Statement points to the architecture of traditional maritime warehouse house buildings in the city together with the rhythm and pattern of stacked shipping containers as potential design cues for the development. The Design Codes recognises the prominence of the

site when viewed from the water and require the design to appear positive when viewed from this perspective. The principles set out within the Design Codes are considered to provide robust and clear rules that should result in a distinctive and exciting sense of place within the scheme. The Council will be asked to consider the detail as part of subsequent planning applications and can, therefore, influence the finished scheme at the appropriate time in the future.

#### 6.4 Residential amenity

6.4.1 A key consideration of the application proposal is the relationship of the residential element with the neighbouring Port of Southampton. The Port is a significant part of both the local and national economy. As set out in the NPPF, it is important to ensure that new development does not act as 'an agent of change' for the Port by introducing potential noise complaints that could hinder the operation of the Port. The Port is a 24hour operation and has extensive permitted development rights to develop and intensify as required. The submitted parameter plans propose that the residential plot would be located approximately 64 metres from the boundary with the Port, which intervening commercial plots. The Design Codes secure this approach confirming that subsequent applications must adhere to parameter plans to shield the residential development from the noise pollution from ABP. The submitted Environmental Statement outlines mitigation measures including glazing specification, ventilation and suitable soundproofing measures to the facades of buildings to ensure that the residential development is not adversely affected by noise and disturbance from the Port. The appropriate acoustic mitigation measures would be secured at the detailed design phase in consultation with the Environmental Health Team. Overall, it is agreed that residential accommodation can be provided within Plot 4 without being subject to significantly harmful noise disturbance. As such, the development should have a harmonious relationship with the Port.

6.4.2 The non-residential uses on the site have the potential to generate noise and disturbance to residential occupiers. Policy AP8 of the CCAP permits hours of opening until 3AM in Leisure World which is potentially disruptive to residents. That said, the mitigation measures to address noise disturbance from the Port would also mitigate the impacts of commercial uses on the site. Whilst the site would not have a tranquil residential environment, residents would be attracted by other benefits of city centre living such as accessibility to jobs, retail, services and leisure opportunities.

6.4.3 The qualitative aspects of residential design will need to be addressed at the reserved matters stage. That said, the submitted layout plans indicate that the level of residential development can be achieved within a good quality residential environment. The indicative information shows a courtyard style development with residents served by both private balconies and internal podium communal amenity space area. The quantum of amenity space is secured by the Design Codes, to comply with the CCAP standards. The Design Codes also envisage a stepped approach to the scale of the residential blocks which will enable sufficient daylight and sunlight to penetrate. Children's playspace can be secured on-site by the s.106. Overall, the parameters indicate that a satisfactory residential environment can be achieved for the level of development sought.

#### 6.5 Parking highways and transport

6.5.1 The Council's Transport Team have advised that the development will have a significant impact on journey times along West Quay Road. West Quay Road is a

sensitive transport corridor that currently suffers from capacity and journey time issues, particularly on a weekend peak. Any new developments of this nature and scale will inevitably generate a significant level of impact. There is limited opportunity to increase the capacity of West Quay Road. That said, as noted above, the applicant is receptive to providing a left-turn lane into the site on the southbound carriageway, which will improve the junction by reducing the amount of red traffic light time required to facilitate pedestrian crossing.

- 6.5.2 Although the future West Quay Relief Road would provide the ideal solution to mitigate the development’s impact, as well as wider benefits, this is not a committed project at this current time and therefore cannot be given weight in the planning process. That said, the safeguarding of land within the site to facilitate the delivery of the relief road in the future is welcome. Furthermore, as set out in recommendation 1(i) above, a package of works will be secured through the section 106 agreement which will provide improvements to the highway and promote sustainable transport. These measures are centred around improvements to the public realm, pedestrian and cycle connectivity to the site and surrounding area and active travel facilities to and from the site. The overarching aim is to provide safer and more attractive spaces that support and encourage active travel modes and change the highway environment in order to prioritise walking, cycling and disabled users.
- 6.5.3 With several highway improvements, the impact on traffic flow impact on West Quay Road could be reduced. The mitigation (S106 & S278) package will help achieve other Council objectives to improve linkages to the rest of the City Centre. The mitigation package will also significantly improve the highway from a sustainable & active transport point of view. The measures will improve safety for non-motorised users as well as help create a higher quality public realm to make active travel more attractive.
- 6.5.4 In terms of parking, the table below sets out the level of car parking proposed for the respective uses and compares with the Council’s maximum car parking standards. This does not include the temporary spaces on the safeguarded land which would be removed once the safeguarded land is required for the flood defence and West Quay Relief Road. The table demonstrates that across the development as a whole, the maximum level of car parking permitted by the City Centre Action Plan is achieved. The proposal is, therefore, considered to be acceptable in this respect.

	<b>SCC Standards</b>	<b>Proposed</b>	<b>Difference</b>
Residential	669	376	-293
Hotel	100	166	-75
Office	93		
Wellness/Health	48		
Casino	48		
Cinema	96	500	+347
Retail	7		
Restaurants	12		
Leisure	38		
<b>Totals</b>	<b>1,142</b>	<b>1,142</b>	<b>0</b>

## 6.6 Air Quality, Sustainability and Green Charter

- 6.6.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.6.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.6.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
  - Minimise the impact of climate change
  - Reduce health inequalities and;
  - Create a more sustainable approach to economic growth.
- 6.6.4 The site is not within an Air Quality Management Area but lies approximately 500 metres from the Town Quay Air Quality Management Area. An Air Quality Assessment has been provided with the application. It sets out that air quality is expected to gradually improve in future years due to the renewal of the vehicle fleet with cleaner vehicles emitting less pollutants. In addition to this, National policies, such as the intention to ban new combustion engine private vehicle sales by 2040, would also assist. The Assessment concludes that, with or without the development in place, concentrations of pollutants would be below the relevant objectives and as such the development would also be suitable for the uses proposed. The Council's Environmental Health Team have agreed with these conclusions.
- 6.6.5 The application is accompanied by a detailed Sustainability Strategy which confirms that, for non-residential properties, BREEAM Excellent is targeted and a pre-assessment estimator has been provided which confirms that this could be achieved. The Strategy also sets out the intention to use passive design and energy efficiency measures to reduce the carbon emissions of the development. An investigation of the feasibility of providing either on-site district heating system or connecting to the Southampton District Energy Scheme was carried out. This was shown to offer lower benefits when compared to the proposed strategy and so is unlikely to be taken forward at the Reserved Matter stage. The measures proposed would meet the requirements of Policy CS20 in terms of energy savings and the development is, therefore, acceptable in this respect.

## 6.7 Affordable Housing and Mitigation of Direct Local Impacts

- 6.7.1 Policy CS15 of the Core Strategy sets out the expectation for developments of this scale to achieve 35% affordable housing. In this case, the expectation would be for 228 dwellings to be provided on the site. Policy CS15 does, however, confirm that *'the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)*.
- 6.7.2 The applicants have submitted a detailed viability appraisal of their scheme which concludes that the development shows an overall deficit of approximately £22m after a developer profit and is, therefore, unable to deliver affordable housing. In accordance with Policy CS15, the application has been assessed by the District Valuation Service (DVS) who provide the Council with independent advice on the viability. Whilst DVS have found an improvement in the submitted figures, they confirm that the scheme still would produce a deficit. The DVS report concludes that, on the basis of the proposed mixed use scheme including ground rents but excluding the value of the MSCP the appraisal shows a deficit of £22,488,241 which converts to a reduced profit of 7.83% and is not viable against the target profits. A full copy of the DVS will be provided to the Panel ahead of the meeting.
- 6.7.3 Given the deficits involved it would be right to question why the scheme is coming forward at the current time. Clearly, this is a matter for the applicant and as the scheme is at outline stage it will be some time yet before the full development potential will be realised on the ground, by which time circumstances may change. The s.106 clauses will build in review mechanisms in line with our normal practices. In response to this matter the applicant has set out the following:

**Potential Market Growth** – *The DVS report confirms the scheme would become financially viable with a 14% increase in revenues. Whilst this would be a significant increase for a smaller scheme intended to be built over shorter period of say 12-24 months, the proposed scheme is different and will be delivered in phases over the next 6-7 years. The applicant is prepared to take a longer term view on financial returns as its intention is to retain income streams from the completed development. Whilst this is not directly relevant to the assessment of viable planning obligations (which must not be applicant specific), these forecast stable long term income streams enable the applicant to progress a development when the financial appraisal is showing a present day deficit.*

**Pre-Let Elements** – *The applicant is currently in pre-letting discussions with leisure and hotel operators for the first phase scheme which is due to start on site in Q2 2022. The intention is to commence development with certain pre-lettings secured. The applicant would also aim to pre-let a proportion of the office space before commencing the second phase in 2024 and would build out the residential BTR speculatively.*

*More widely, the applicant believes in and wishes to be a part of the long term prospects of both Southampton and the Mayflower Quarter vision. As a long term investor, the desirability of being not just a stakeholder but a first mover in a wider*

*regeneration story is appealing as it will both enable and benefit from the future social, environmental and economic improvements which will be realised as the vision is progressed. The applicant sees the scheme as a long term opportunity to hold a strategically important, well diversified, high quality asset within a vibrant new neighbourhood in a strategically important city.*

- 6.7.4 The applicant has expressed an interest in applying for Exceptional Relief from CIL in respect of the land provided for the West Quay Relief Road and, possibly, the Strategic Flood Defence. The applicant has also indicated that if Exceptional Relief is granted that they would look to secure some Affordable Housing. It is important to note that the decision of whether or not to grant Exceptional Relief takes place after planning permission is granted and rests with the Executive Director for Place at the Council in consultation with the relevant Cabinet Member, Executive Director: Finance & Commercialisation and Service Director: Legal & Business Operations. As such, any potential gain in affordable housing at the expense of a reduced CIL contribution holds no weight in the decision-making process on this application. Any such request could, of course, be declined.
- 6.7.5 Whilst failing to secure Affordable Housing is a weakness of the application proposal, the adopted Development Plan allows for viability to be considered when determining the level of affordable housing. The proposal also brings other benefits to the city, including job creation and the delivery of homes (with associated spin offs) and the much-needed regeneration of this site. As such, and in light of the advice from the DVS, it is recommended that the development be supported on the basis of the current viability position which does not support Affordable Housing. Alternatively, the Panel may decide that it would be better to wait for the economic conditions to improve, and seek affordable housing to meet our significant need when a fully policy compliant viable scheme is achievable. Clearly the risk with this approach is that the site may remain vacant. A refusal on this basis could result in an appeal where the Council would need to justify its reasons in light of the DVS findings.
- 6.7.6 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted 'Developer Contributions' Supplementary Planning Document. Given the wide-ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application as summarised within the above recommendation.
- 6.8 Likely effect on designated habitats
- 6.8.1 The site is located immediately adjacent to the Solent and Dorset Coast potential Special Protection Area (SPA), approximately 245m from the Solent and Southampton Water SPA /Ramsar site and approximately 5.1km from the New Forest Special Area of Conservation (SAC)/ SPA/Ramsar site. The proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SAC/SPA/Ramsar site. In accordance with Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) an Appropriate Assessment of the Development is required

before planning permission can be issued. This Assessment will be circulated in advance of the Panel meeting.

## 6.9 Environmental Effects

6.9.1 The Environmental Statement (ES) accompanying the application has been the subject of full public consultation, including with the relevant consultation bodies identified in the EIA Regulations. The submitted ES has been relied on throughout this report and is central to the assessment of the planning application, addressing such key issues such as Air Quality, Noise, Ecology and Transport. Overall, it is agreed that, subject to the suggested conditions and section 106 measures, the development would not have an adverse environmental effect.

## 7. Summary

7.1 The redevelopment of the Leisure World and adjoining warehouse site represents the first step in realising the Mayflower Quarter as envisaged in both the Core Strategy and City Centre Masterplan. This outline application provides a robust framework against which future reserved matter planning applications can be assessed, and will ensure that the development fulfils the requirements and aspirations of the Council for this area. The application presents the opportunity for significant benefits including the regeneration of an area and the replacement the existing Leisure 'box' with a more urban and efficient form of development, which reflects the industrial maritime heritage of the city. Furthermore, the employment generating activities, the delivery of housing and the provision of an enhanced leisure destination in the city centre is welcome.

## 8. Conclusion

8.1 It is recommended that outline planning permission be granted subject to a Section 106 agreement and conditions set out below.

### Local Government (Access to Information) Act 1985

#### Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

JT for 16/03/21 PROW Panel

## **PLANNING CONDITIONS to include:**

### **1. Outline Permission Timing (Pre-Commencement)**

Before any development is commenced, approval of the details of the Appearance, Landscaping, Layout and Scale of the development (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing. An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this Outline Permission. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

### **2. Site Levels (Pre-Commencement)**

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

### **3. Archaeological investigation (Pre-Commencement)**

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

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

### **4. Archaeological work programme (Performance)**

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

Reason: To ensure that the archaeological investigation is completed.

### **5. Land Contamination investigation and remediation (Pre-Commencement & Occupation)**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be

submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
  - historical and current sources of land contamination
  - results of a walk-over survey identifying any evidence of land contamination
  - identification of the potential contaminants associated with the above
  - an initial conceptual site model of the site indicating sources, pathways and receptors
  - a qualitative assessment of the likely risks
  - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

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

## **6. Use of uncontaminated soils and fill (Performance Condition)**

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

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

## **7. Unsuspected Contamination (Performance Condition)**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that, has not previously been identified, no further development shall be carried out unless otherwise first 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 in writing. Any changes to the agreed remediation actions will first 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.

## **8. Southern Water Public Water Supply Protection and Diversion**

Prior to the commencement of the development hereby approved, details of measures to protect the public water supply main shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Southern Water. The development shall be carried out in accordance with the agreed details.

Reason: To secure the sewage infrastructure on site.

## **9. Southern Water Drainage (Pre-commencement)**

Prior to the commencement of the development hereby approved details of foul and surface water disposal shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory form of development.

## **10. Sustainable Drainage (Pre-Commencement)**

No building within an individual phase hereby permitted shall be occupied until surface water drainage works, for that respective phase, have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version). The results of the assessment shall provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

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

## **11. Details of building materials to be used (Pre-Commencement)**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out on each respective development phase until a written schedule of external materials and finishes for that phase, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. The schedule shall include terracotta cladding to Block H with varied shades and banding widths. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary, this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

## **12. BREEAM Standards (Pre-commencement)**

With the exception of site clearance, demolition and preparation works, no development works shall be carried out on non-residential uses until written documentary evidence demonstrating that the commercial and retail development will achieve at minimum Very Good against the (2018) BREEAM Standard, including 5 credits in Ene 01, and a minimum 60% overall, (or Excellent under the 2014 assessment), in the form of a design stage report, is 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).

## **13. BREEAM Standards (Performance)**

Within 6 months of any part of the commercial and retail development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard, including 5 credits in Ene 01, and a minimum 60% overall, (or Excellent under the 2014 assessment), 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).

#### **14. Sustainable measures (Pre-Commencement)**

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report including detail on the following:

- Set out how exploration of embodied carbon has informed decision making on materials
- Set out how energy storage will be integrated into the development
- Complete the GHA overheating tool as a means of identifying potential issues and demonstrate how these issues can be overcome.
- Life cycle assessment to be conducted
- Post-occupancy evaluation and energy performance
- Identify rainwater and greywater systems. If not included robust evidence supplied to demonstrate why they are not technically feasible.
- Detail on the re-use of existing materials to be provided through the pre-demolition audit

The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

Reason: To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20, the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6, Southampton's Green City Charter and Plan (2020)

#### **15. Energy Strategy (Pre-Commencement)**

Prior to the commencement of the development hereby approved a confirmed energy strategy shall be submitted to and approved in writing by the Local Planning Authority which included the enhanced passive measures, and zero or low carbon energy technologies that will:

- Aspire to net zero carbon, with a minimum reduction in CO2 emissions of the greater of at least 17% over part L Building Regulations Target Emission Rates (using Part L 2013 carbon factors), or minimum national building regulation requirements at the time;
- Have a total Energy Use Intensity (EUI) equal to or less than 35 kWh/m<sup>2</sup>/yr (GIA) for residential and for non-domestic buildings a minimum DEC B (40) rating should be achieved and/or an EUI equal or less than: 70 kWh/m<sup>2</sup>/yr (NLA) or 55 kWh/m<sup>2</sup>/yr (GIA) for commercial offices;
- Space heating demand should be less than 15 kWh/m<sup>2</sup>/yr for all building types.

The measures set out in the agreed strategy shall be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010), and the Southampton City Charter and Plan (2020).

#### **16. Ecological Mitigation Statement (Pre-Commencement)**

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 before any demolition work or site clearance takes place. The agreed mitigation measures shall be thereafter retained as approved.

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

### **17. Protection of nesting birds (Performance)**

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

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

### **18. Green roof feasibility study (Pre-Commencement)**

Prior to the commencement of each respective phase of the development hereby approved, a detailed feasibility study for the installation of a green roof shall be submitted to and approved in writing by the Local Planning Authority. If the approved feasibility study demonstrates that a green roof can be accommodated within the development, before the relevant phase first comes into use or occupation, a green roof shall be completed in accordance with a specification and management plan to be first submitted to and approved in writing by the Local Planning Authority.

The green roof must be installed to the approved specification before the relevant phase first comes into use or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme shall be maintained for a minimum period of 5 years following its complete provision. If the green roof dies, fails to establish or becomes damaged or diseased within a period of 5 years from the date of planting, shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To reduce flood risk and manage surface water runoff 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.

## **19. Submission of a Bird Hazard Management Plan (Pre-commencement)**

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of the management of the roof area and any solar panels within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 3 ‘Wildlife Hazards around Aerodromes’

The Bird Hazard Management Plan shall be implemented as approved on 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 Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Southampton Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

## **20. Tree Retention and Safeguarding (Pre-Commencement)**

Prior to the commencement of any development, including site clearance and demolition, details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be provided in accordance with the agreed details before the development commences and retained, as approved, for the duration of the development works. No works shall be carried out within the fenced off area. All trees shown to be retained on the plans and information hereby approved and retained pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations.

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

## **21. Road Construction (Pre-Commencement Condition)**

Before the development of each phase commences, the following information for the relevant phase shall be submitted to and agreed in writing by Local Planning Authority:

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

The development shall be carried out in accordance with the agreed details.

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

## **22. Electric Vehicle Spaces (Pre-Use)**

Prior to the development hereby approved first coming into use, details of parking spaces with charging facilities for electric vehicles for spaces that serve that phase of development shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The spaces and charging infrastructure shall be thereafter retained as approved and used only for electric vehicles.

Reason: In the interest of reducing emissions from private vehicles and improving the city's air quality.

### **23. Noise - plant and machinery (Pre-Use)**

The non-residential uses hereby approved shall not come into use until details of measures to minimise noise from plant and machinery associated with the relevant phase of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and thereafter retained as approved.

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

### **24. Noise Mitigation Measure – Residential (Pre-commencement)**

No development on the residential uses shall commence until mitigation measures for the respective phase, to protect residents from external noise sources have been submitted to and agreed in writing by the Local Planning Authority. The measures shall thereafter be implemented as approved.

Reason: In the interest of residential amenity and to ensure that the development does not act as an 'agent of change' for the Port of Southampton.

### **25. Hours of Delivery Restriction (Performance)**

No deliveries shall be taken or despatched from the retail uses outside of the hours of 07:00 to 22:00 daily.

Reason: In order to control the use in the interests of amenity.

### **26. Hours of work for Demolition / Clearance / Construction (Performance)**

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

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

Saturdays                                      09:00 hours to 17:00 hours (9.00am to 5.00pm)

And at no time on Sundays and recognised public holidays.

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

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted hours shall

be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery within each phase.

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

### **27. Retail Floorspace Restriction (Performance)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument amending, revoking and re-enacting these Orders, retail floorspace within the Class E uses hereby approved shall not exceed 750sq.m.

Reason: To ensure that the amount of retail floorspace does not adversely affect the viability and vitality of the core shopping areas within the city centre.

### **28. Approved Plans (Performance)**

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

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

**POLICY CONTEXT**

**Local Development Framework Core Strategy Development Plan Document  
(Amended Version March 2015)**

- CS1 – City Centre Approach
- CS2 – Major Development Quarter
- CS4 – Housing Delivery
- CS5 – Housing Density
- CS6 – Economic Growth
- CS7 – Safeguarding Employment Sites
- CS13 – Fundamentals of Design
- CS14 – Historic Environment
- CS15 – Affordable Housing
- CS16 – Housing Mix and Type
- CS18 – Transport
- CS19 – Car and Cycle Parking
- CS20 – Tackling and adapting to Climate Change
- CS22 – Biodiversity and Protected Species
- CS23 – Flood Risk
- CS24 – Access to Jobs
- CS25 – Delivery of Infrastructure and Developer Contributions

**City of Southampton Local Plan Review (Adopted Version 2<sup>nd</sup> Revision 2015)**

- SDP1 – Quality of Development
- SDP4 – Development Access
- SDP10 – Safety and Security
- SDP11 – Accessibility and Movement
- SDP12 – Landscape and Biodiversity
- SDP13 – Resource Conservation
- SDP14 – Renewable Energy
- SDP15 – Air Quality
- SDP16 – Noise
- SDP19 – Aerodrome Safeguarding
- SDP22 – Contaminated Land
- NE1 – International Sites
- NE4 – Protected Species
- HE6 – Archaeological Remains
- CLT6 – Provision of Children’s Play Areas
- H1 – Housing Supply
- H2 – Previously Developed Land
- H7 – The Residential Environment
- TI2 – Vehicular Access

**City Centre Action Plan (Adopted March 2015)**

- AP4 – The Port
- AP8 – The Night Time Economy
- AP9 – Housing Supply

AP12 – Green Infrastructure and Open Space  
AP13 – Public Open Space in New Developments  
AP14 – Renewable or low carbon energy plans  
AP15 – Flood Resilience  
AP16 – Design  
AP17 – Tall Buildings  
AP18 – Transport and Movement  
AP19 – Streets and Spaces  
AP20 – MDZ  
AP22 – MDZ Western Gateway

**The Community Infrastructure Levy Charging Schedule April 2013**

**Supplementary Planning Documents:**

Developer Contributions Supplementary Planning Document April 2013  
Parking Standards Supplementary Planning Document September 2011  
The Residential Design Guide 2006  
NPPF2019

**Relevant Planning History**

**Leisure World Site:**

882422/E: Redevelopment of the site by the erection of a warehouse and ancillary offices and associated car parking – Conditionally Approved 19.01.89

951069/W: Change of use to Leisure with car parking – Conditionally Approved 10.05.96

970362/E: Erection of a restaurant with managers accommodation above – Conditionally Approved 16.07.07

970996/EX: Variation of condition to enable use as public house – Conditionally Approved 19.11.97

02/00509/FUL: 10 metre high side extension and new entrance – Conditionally Approved 17.04.03

20/00606/SCO: Request for a Scoping Opinion under Regulation 15 of the EIA Regs for the redevelopment of the site for a mixed-use development No objection 01.07.2020

**John Lewis Warehouse Site:**

160/M34: Erection of two industrial building (11,677 sq.m) to include ancillary offices and car parking – Conditionally Approved 20.05.1983