

Planning and Rights of Way Panel 16th March 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: Bargate Shopping Centre and adjoining land In Queensway, East Street, Hanover Buildings and High Street Southampton

Proposed development: Redevelopment of the former Bargate Shopping Centre and multi-storey car park, 77-101 Queensway, 25 East Street, 30-32 Hanover Buildings, 1-16 East Bargate and 1-4 High Street, excluding frontage) for mixed use development comprising 519 new homes (use class C3) and commercial uses (use class E) and drinking establishment/bar uses (Sui Generis), in new buildings ranging in height from 4-storeys to 13-storeys, with associated parking and servicing, landscaping and public realm (Environmental Impact Assessment Development affects a public right of way and the setting of the listed Town Walls).

Application number:	20/01629/FUL	Application type:	FUL
Case officer:	Rob Sims	Public speaking time:	15 minutes
Last date for determination:	22.02.2021 (26.03.2021 ETA)	Ward:	Bargate
Reason for Panel Referral:	Departure from policies within Development Plan <i>i) AP28 of the adopted CCAP – not retail led</i> <i>ii) LDF CS20 BREEAM only Very Good</i> And 3+ objections	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Bargate Property Limited, C/o Tellon Capital LLP		Agent: Turley	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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. The Council has undertaken a Habitats Regulations Assessment in connection with the development and is satisfied that any adverse impact can be adequately mitigated through the obligations within the Section 106 agreement. The Council has also considered the significant regeneration benefits associated with the development. The Council has considered the impact of the development on the setting of the associated conservation area, listed buildings and scheduled ancient monuments and found the impact to be acceptable following guidance from Historic England and the Council's own advisers.

Other material considerations, such as the proposed reduction in cycle parking, the lack of affordable housing due to the scheme's viability and loss of retail provision (and therefore conflict with Policies AP5-9, AP12-19 and AP28 of the adopted City Centre Action Plan (2015) are considered to be outweighed by the material benefits of the amended proposals. 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 the National Planning Policy Framework (2019).

Policies SDP1, SDP4-17, SDP22, NE4, HE1, HE3, HE6, CLT1, CLT5, CLT14, H1-3, H7, REI7, TI2 and MSA1 of the adopted City of Southampton Local Plan Review (Amended 2015). Policies CS4-6, CS13-16, CS18-21, CS24 and CS25 of the adopted City of Southampton Core Strategy (Amended 2015). Policies AP5-9, AP12-19 and AP28 of the adopted City Centre Action Plan (2015) as supported by the Council's current supplementary planning guidance outlined in the Panel report and the National Planning Policy Framework (2019)

Appendix attached			
1	Development Plan Policies	2	Historic England's Response(s)
3	Viability Assessment – DVS Findings		

Recommendation in Full

- 1) That the Panel confirm the Habitats Regulations Assessment (HRA) to enable the planning application to be determined;

Note to Panel:

At the time of publication the HRA was not finalised and the completed document will be made available for inspection ahead of the Panel meeting to enable a decision on the planning application to take place:

- 2) That the Panel delegate to the Head of Planning & Economic Development to grant conditional planning permission subject to receipt of satisfactory amended plans showing:
 - (i) an agreed landscaping plan around Polymond Tower;
 - (ii) further details and agreement with the Council's Ecologist in respect of ecological surveys/conditions, and

- (iii) the completion of a S.106 Legal Agreement to secure the following:
- a. 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.
 - b. Submission, approval and implementation of a site-relevant Town Walls Management Strategy (including litter, maintenance and security and Public Art Strategy in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013).
 - c. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);
 - d. Submission, approval and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired to a similar standard as the 'existing' carriageway and footpath by the developer at their own cost as required by the adopted SPD relating to 'Developer Contributions' (September 2013);
 - e. Submission, approval and implementation of a Travel Plan for the commercial uses in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy;
 - f. Submission, approval and implementation of a Car Park Management Plan and a restriction of residential parking permits for the development.
 - g. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses;
 - h. Submission, approval and implementation of a Construction Traffic Management Plan indicating off-site routes to be used by associated construction traffic;
 - i. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013) as set out in the Habitats Regulations Assessment
 - j. The submission, approval and implementation of a Carbon Management Plan

setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);

- k. The creation of a 'permitted route' through the development for use by pedestrians and cyclists between the Bargate frontage of the development and Queensway.
 - l. Submission and agreement of a Waste Management Plan.
 - m. 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;
- 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.

Background

The scheme to redevelop the Bargate Shopping Centre has evolved since the Panel first determined a mixed-use retail led scheme in 2016/7, that incorporated a significant student housing offer. A second scheme, which introduced a hotel was then approved under officer delegation. This third iteration of the scheme builds on the previous permissions and moves more towards a residential led proposal. Many of the key drivers behind the scheme's appearance remain the same/similar. This report sets out the key changes from the previous permissions and recommends that the current proposals are again acceptable, taking into account all the relevant material planning considerations, of which there are many.

1. The site and its context

- 1.1 The application site is approximately 1.4 hectares in area, and is located directly to the south of York Walk and the associated Town Walls. This is third planning application relating to the redevelopment of the former Bargate Shopping Centre and associated land.
- 1.2 Planning permission has initially granted under application 16/01303/FUL for a mixed use development comprising of:
 - 152 flats (63 x one bedroom and 89 x two bedroom) (Use Class C3);
 - 185 units of student residential accommodation (451 bedrooms);
 - retail use (Class A1); flexible retail, office or food and drink use

(Classes A1-A3);

- new buildings ranging in height from 4-storeys to 9-storeys.

1.3 Planning permission was then granted under application 18/01515/FUL (the 2019 permission) for mixed use redevelopment of the site comprising of:

- 287 flats (128 x one bedroom, 157 x two bedroom and 2 x three bedroom) (use class C3),
- 240 bed hotel (use class C1)
- Retail use (class A1), flexible retail, office or food and drink use (Classes A1-A3).
- New buildings ranging in height from 4-storeys to 12-storeys

1.4 In implementing these permissions, the previous Bargate Centre was demolished in November 2017 and the site is currently vacant with timber hoarding securing the site. The site also includes units 30-32 Hanover Buildings, 1-16 East Bargate and 1-4 High Street, which front the listed Bargate Scheduled Ancient Monument; and Landport House and units 77-99 Queensway and 25 East Street. The associated buildings outside of the former shopping centre are largely occupied by existing retailers, with office accommodation above.

1.5 The application site is within the city centre, as defined in the Development Plan. The surrounding area is predominantly commercial in character, but there are notable heritage assets within, and adjacent, the application site that also contribute to the existing character of this part of the city centre. The key heritage assets located either within or adjacent to the application site can be summarised as the Old Town North Conservation Area (including the properties fronting East Bargate), the Grade I Listed Bargate Scheduled Ancient Monument, located to the west of the Site, the Grade I Listed Town Wall Scheduled Ancient Monument running along the site's northern boundary (and then in a southerly direction from Polymond Tower), and the Grade II registered 'Central Parks' located to the north of the site.

2.0 Proposal

2.1 Full planning permission is sought for a residential led, mixed-use redevelopment of the site, comprising 519 new homes (use class C3) and commercial uses (use class E) and drinking establishment/bar uses (Sui Generis), in new buildings ranging in height from 4-storeys to 13-storeys, with associated parking and servicing, landscaping and public realm. Essentially the key difference between this application and the previously approved applications is the increase in residential development and reduction in commercial development in order to respond to market conditions. Scheme amendments are also noted and explained within this report

2.2 The development still seeks to physically and visually link the Bargate with the Queensway and to open up public access to the Town Walls that previously were inaccessible due to their location hard up against the previous shopping centre. The key attributes of the new proposals are:

- 519 Residential Units – Private Rented Sector (PRS)
- 2,489sqm commercial floorspace
- A 'Park like' setting to the wall, including the provision of more open spaces/amenity space
- Retail located along the High Street and Queensway (ie. On the outside of the site as opposed to running through the middle)
- Reduction from two north to south pedestrian routes from connecting East Street to one larger gap running north to south and following the line of the original town walls)

2.3 The comparison between the previous and proposed schemes is summarised as follows:

	2016 Planning Permission	2019 Permission	2021 Proposals
Student Beds	451 in 185 flats	0	0
Studio Flats	0	0	68
1 bed PRS	62	128	216
2 bed PRS	90	157	207
3 bed PRS	0	2	28
Total PRS	152 PRS flats	287 PRS flats	519 PRS units
Residential Density	109dph	205dph	371dph
Building Block Heights	A – 4 storeys B - 4 to 7 storeys C – 7 storeys D - 9 storeys E – 9 storeys F - 5-7 storeys	A - 4 storeys B – 7 storeys C – 7 storeys D – 9 storeys E - 13 storeys F – 9 storeys G - 13 storeys	A - 4 storeys (unchanged) B and C - 4 to 8 storeys D, F and G – 7 to 11 storeys E – 13 storeys (unchanged)
Amenity Space	111 balconies (73%)	37 balconies (12.9%) + internal lounge (245sq.m – Block D)	103 balconies (+ 133 juliette balconies) 45% + roof terrace (Block B) and internal lounge space (in blocks B/C and D)

Hotel Beds	0	240 inc.13 accessible	0
Retail / Commercial Units	6,378sq.m	7185.8sq.m	2,489sqm
Car Parking	Residential – 37 spaces (0.24/PRS) Retail – 110 spaces Student – 0 spaces TOTAL – 147 spaces	Residential – 48 spaces (0.17/PRS) Retail – 90 spaces Hotel – 10 spaces TOTAL – 148 spaces inc. 5 E spaces	54 Residential car parking spaces Including: Disabled spaces and EV charging points
Cycle Parking	Residential – 94 spaces (0.62) Student – 226 spaces Retail – 36 spaces Hotel – N/A TOTAL – 356 spaces	Residential – 164 spaces (0.57) Student – N/A Retail – 42 spaces Hotel – 3 spaces TOTAL – 209 spaces	348 Cycle Spaces
Employment	280 jobs	363 jobs	115 jobs
Sustainability	Retail – Excellent BREEAM (2014) Student – Excellent BREEAM (2014) Residential – CfSH 4 Energy/water Energy – 15% reduction in CO2	Retail – Very Good BREEAM (2014) Hotel – Excellent BREEAM (2014) Residential – CfSH 4 Energy/water Energy – 15% reduction in CO2	Retail – Very Good BREEAM (2018) Residential – CfSH 4 Energy/water Energy – 49% reduction in CO2

2.4 A scheme for 519 private flats would normally attract a requirement for 181 'affordable' dwellings. The applicants have submitted a viability appraisal of their scheme that suggests the scheme will only come forward if the Council's obligations in respect of affordable housing are waived. This assessment has been independently tested by the District Valuations Service (DVS) and further details of their findings are provided in the 'Planning Considerations' of this report.

2.5 The submissions indicate that the proposed commercial uses for the site would provide approximately 115 jobs. In addition a large number of

construction jobs would also be provided during the course of building the development.

2.6 Blocks A and E of the 2019 scheme remain unchanged. The individual building blocks are summarised in the applicant's Design and Access Statement as follows:

2.7 **Block A – 4 storeys (24.65m AOD tall)**

This site lies north-east of the Bargate and is intended for a standalone restaurant and residential development. There will be 2 restaurants at ground level, totalling 556sq.m. The residential upper level will provide 24 private dwellings.

2.8 **Blocks B and C – 4 to 8 storeys (22.88m to 35.6m AOD tall)**

This site extends along the southern edge of the application site and combines Blocks B and C. Block B1 (to the west) retains a site frontage facing the Bargate Monument to the west. There would be an underground/croft car park at lower ground floor providing 29 parking spaces. At ground floor the building would front the high street and provide approximately 1,000sqm of commercial (Class E) floorspace. The fourth level of B1 would provide rooftop amenity space. Block B1 also retains the existing art deco façade of the former 'Jongleurs' building. The other levels of Block B1 and the remainder of blocks B and C would provide 225 residential units.

2.9 Between blocks C and D is a 'Polymond Tower Pocket Park', which incorporates a pocket park opposite Polymond Tower. The landscaping and surfacing within the pocket park includes pavements to mark the north to south line of the original town walls.

2.10 **Block D (39.3m), F (26.6m) and G (39.3m) – 7 – 9 storeys (m AOD tall)**

These blocks run from the eastern side of the pocket park to a frontage along Queensway. Block D is an 7-11 storey residential block located within the site, Block F is a 11 storey residential block fronting Queensway with 206sqm of commercial floorspace on the ground floor and Block G is located to the south of the access road and fronts on to Queensway and incorporates 460sqm of commercial floorspace. Blocks D, F and G would provide a 198 residential units.

2.11 **Site E – 13 storeys (47.65m)**

This site sits adjacent the Queensway roundabout with a 406sq.m unit designated for 347 sqm of commercial ground floor level and residential above. The upper floor residential contains 48 private flats.

2.12 **Public Realm and External Materials**

A significant portion of the site has been given over to the public realm and this has been increased through this new schemes. Overall the scheme will

deliver circa 1,200sqm of green space (in addition to circa 400sqm of green roofs) circa 1,000sqm more than the previous applications. More widely the scheme will deliver circa 5,540sqm of public realm on site (approx. 39%) which is also a significant increase when compared to the extant permissions (which delivered circa 30%). The previous 2019 scheme included a series of retail kiosks between the town walls and the residential blocks. These have now been removed from the proposals and the gap between the wall and the residential blocks and the Town Walls will be approximately 15metres. The previous shopping centre had a maximum separation, in places, of 5 metres and the previous scheme also retained a gap of approximately 15metres.

- 2.13 A significant change from the 2019 permission and this scheme is that the 2019 permission provided a direct north to south access between Hannover Buildings and East Street via the reopened (and historic) York Gate. This scheme still opens up the northern access to Hannover Buildings through York Gate, however there is no direct route through to East Street. The new route draws pedestrians through the scheme east along the walls and south through the Polymond Tower pocket, which enables them to walk the historic line of the town walls heading south from polymond tower.
- 2.14 Existing highway land is needed to create the development and approval has previously been sought to 'stop up' parts of the site that are needed for building and associated works. A key change to the highway network concerns vehicular access. Currently vehicles enter the site, and the rear of East Street, from The Strand and then leave via East Street using a one way system. The proposed vehicular access is, instead, formed by a new two-way access from Queensway. This access will also service the rear of the existing East Street buildings. This remains largely unchanged from earlier permissions.
- 2.15 The chosen architecture is, again, contemporary in nature but seeks to recognise the differences between development within, and outside of, the existing Town Walls. Building heights are lower within the old town with brick proposed as the prevailing material. Outside of the walls brick would still be used but with a contrasting colour to those within the walls. The blocks outside of the walls (Blocks D – G) would also be higher. The buildings also vary in height giving a 'castellated' appearance to break up the massing of the blocks.
- 2.16 The planning application is supported by an Environmental Statement in order that the significance of the impact of the development, particularly upon the built and below ground heritage, can be properly considered. A pre application was also undertaken in October 2020, which including feedback from Council Officers, Historic England and the Design Advisory Panel.

3.0 Relevant Planning History

3.1 The Bargate Shopping Centre dated from the mid-late 1980s and was approved following a series of planning applications for similar development and since 2016 has been the subject of a number of applications for redevelopment, including the extant 2016 and 2019 planning permissions:

3.2 *M05/1667* Construction of a four level shopping development with link to East Bargate and York Buildings, with multi-storey car park (226 car parking spaces), refurbishment of 1/2 York Buildings and associated roadworks Approve 19.06.1986

16/01303/FUL Demolition of existing buildings (Bargate Shopping Centre and multi-storey car park; 77-101 Queensway; 25 East Street; 30-32 Hanover Buildings; 1-16 East Bargate; and 1-4 High Street, excluding the frontage); refurbishment of basements and mixed use development comprising 152 flats (63 x one bedroom and 89 x two bedroom) (Use Class C3); 185 units of student residential accommodation (451 bedrooms); retail use (Class A1); flexible retail, office or food and drink use (Classes A1-A3); in new buildings ranging in height from 4-storeys to 9-storeys; with associated parking and servicing, landscaping and public realm Approve 10.08.2017

17/01805/NMA Non material amendment sought to planning permission 16/01303/FUL for revisions to design, position and footprint of kiosk A, B and C and retention of medieval wall ramparts. Approve 14.11.2017

17/02426/ADV	Installation of non-illuminated hoarding signs to the perimeter of the Bargate Shopping Centre redevelopment site	Approve	02.01.2018
18/00110/NMA	Non material amendment sought to planning permission 16/01303/FUL to change plant room into public toilet block in car park	Approve	22.02.2018
18/00332/NMA	Non material amendment sought to planning permission 16/01303/FUL for the removal of female WC and installation of a unisex changing facility at basement level.	Approve	15.03.2018
18/00525/NMA	Non material amendment sought to planning permission 16/01303/FUL for amendments to Block A including revised window and balcony locations, minor elevational changes including introduction of window louvres, replacement of balustrade with aluminium feature band and a revision to the access doors, and increase in parapet height surrounding the plant area on top of block A by 1100mm	Approve	13.04.2018
18/00759/DIS	Application for approval of details reserved by condition 17 (privacy screens - units E and F) of planning permission ref 16/01303/FUL for flats, student accommodation and retail	Approve	22.05.2018
18/00761/NMA	Non material amendment sought	Approve	23.05.2018

to planning permission
16/01303/FUL for insertion of
mezzanine level to unit 19,
increase height of block E with
the installation of angled windows
to southern elevation.

18/01515/FUL	Demolition of the Bargate Shopping Centre and multi-storey car park, 77-101 Queensway, 25 East Street, 30-32 Hanover Buildings, 1-16 East Bargate and 1-4 High Street, excluding frontage) refurbishment of basements and mixed use development comprising 287 flats (128 x one bedroom, 157 x two bedroom and 2 x three bedroom) (use class C3), a hotel (240 bedrooms) (use class C1), retail use (class A1), flexible retail, office or food and drink use (Classes A1-A3), in new buildings ranging in height from 4-storeys to 12-storeys, with associated parking and servicing, landscaping and public realm.	Approve 12.12.2019
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4.0 Consultation Responses and Notification Representations

4.1 In accordance with good practice the applicants carried out their own pre-application consultation exercise in October 2020. A total of 61 online feedback forms were received.

4.2 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken, which included notifying adjoining and nearby landowners, placing a press advertisement (posted 11.12.2020) and erecting a site notice (posted 03.12.2020). At the time of writing the report **5 representations** have been received (4 in objection to the development and 1 in support), including an objection from the City of Southampton Society, summarised in the consultee table. A summary of the other comments received is given below.

- Suggest don't build block A as this blocks views of the Bargate Monument Park and of the walls. Redistribute floorspace across the blocks towards Queensway

- Proposals should incorporate demolition of Hanover buildings in order to appreciate the walls and provide more public space
- Request that planning consent for the above-mentioned development includes a requirement for multiple internal nest sites for House sparrow, Starling and Swift. On examination of the site plan and elevations of the proposed dwellings we strongly recommend that installing at least 60 integral Swift bricks is made a condition of the consent if granted.

Officer Response:

Block A has an extant consent and was previously approved in the 2019 scheme. The scheme cannot incorporate Hannover Buildings as the buildings lie outside of the application site and the ownership of the applicant. Impact on the swift's will be considered in the Ecology section below.

Consultation Response:

4.3 The following section summarises the comments made by those affected groups and consultees in response to the application:

4.4 **SCC Design**

Generally I'm happy with the scheme and think that the public realm benefits to the Town Walls and opening up of a pocket park to Back of the Walls on balance outweigh the loss of the southern section of York Street. I guess the issues that have not been addressed based on our dialogue, which I assume have been rejected on cost grounds are:

1. Decking between the blocks to on the south side to provide amenity space and to reduce the visual impact for residents of the car park/service yard. I think it is clear that the at ground level landscape proposals in these areas don't provide amenity that is likely to be used and only marginally improve the visual aesthetic from flats overlooking this space

2. The entrance to Bloc E the corner tower to Queensway is only the width of a doorway, the entrance is not celebrated as a foyer and seems odd for the biggest building in the development and feels a little less safe for residents. Ideally this would've been better if accessed from Queensway.

3. The corner to Block C has remained as apartments at ground floor rather than our suggestion to have a non-resi use here to help activate this new public space 4. From the previous approval we have defined details of the public art, but the new Polymond Pocket Park is still a concept rather than showing the detail of the actual artwork/interpretation to be provided, so this needs to be either provided or conditioned 5. I thought the originally approved scheme had detailed planting plans submitted, whereas this has just a landscape strategy? Have I missed something or is this an oversight? If so then a landscape condition will be needed 6. I'm pretty sure that Steve H requested a view looking down East Street from the High Street to check the developments impact on East Street

On a separate issue for us/Joe/highways, I thought that when the new service route in and out from Queensway was provided we would close the York Street service access to East Street. I would hope that when East Street is redeveloped and the extension to the proposed Polymond Pocket Park is delivered that we would then, services permitting, build over York Street to replace the loss of development created by the proposed extension to the pocket park.

Also, it would be good to know if we have much control over the phasing/delivery. The intention on the approved scheme was that they would start at Queensway and finish around the Bargate mainly because of the progress of the site clearance and archaeological work, but as that's now all done it would be good if we could get the buildings around the Bargate built out first, particularly given the City's bid for UK City of Culture as it would be nice to have that built out ahead of 2025. If not we as a City Council would need to think about what temporary artwork/screen we'd need to erect around the Bargate as we wouldn't really want the backdrop to the historic monument to be a concrete shell of a building

Comments on amended plans 01/02/2021

No objection to the modest amendments to the entrance to Block E

4.5 SCC Archaeology Officer

The consented schemes since 2016 have all offered an opportunity to improve the setting of the walls, although details of landscaping for the public realm adjacent to the walls was left to be decided under landscaping condition. The current application is very different to the consented schemes. It is much improved in several respects although more detrimental in others.

Along the line of the Eastern Town Wall, a wide pocket park is now proposed; this is a considerable improvement on the narrow path of the consented scheme and will open up the area giving views of Polymond Tower from the south, and partly offset the repositioning of Blocks C and D. However, I do not support the proposals for the public realm between York Gate and Polymond Tower

PUBLIC REALM & SETTING OF THE TOWN WALLS

I recommend that the current proposals for the public realm between York Gate and Polymond Tower be rejected and that a landscaping condition be imposed on any consent. It should be possible to achieve the public benefit of the development without damaging nationally important archaeological remains and the setting of the scheduled town wall. I suggest that the applicants revert to the previously agreed design for this area, arrived at after much discussion of these matters. Further to this, there may be other

aspects of the proposed development outside the public realm that would, if approved, render the proposed level reduction around Polymond Tower a fait accompli. Please can this be carefully considered?

Impact of development can be mitigated where necessary by archaeological investigation. However piling layouts should be designed to minimise the impact on archaeological deposits, including waterlogged deposits in the former town ditches, so that archaeological mitigation can be clearly targeted. This is in line with current Historic England guidance on piling.

ARCHAEOLOGICAL CONDITIONS

1. Archaeological damage-assessment [Pre-Commencement Condition]
2. Archaeological evaluation [Pre-Commencement Condition]
3. Archaeological evaluation work programme [Performance Condition]
4. Archaeological investigation (further works) [Performance Condition]
5. Archaeological work programme (further works) [Performance Condition]
6. LANDSCAPING CONDITION. Method statement for landscaping will need to ensure that no digging occurs in the rampart areas for french drains etc. (I note that the tree pits will have root barriers, as previously agreed.)
7. PILING CONDITION. To protect vibrations on the adjacent Town Walls and the Bargate.

Comments on Amended Plans received 01/02/2021

The best option both in terms of setting of the medieval walls and protection of buried archaeological deposits is still the “consented scheme”. This option most closely reflects the levels of the 1990 landscaping, which in turn was designed to broadly recreate late medieval levels contemporary with the back wall of the tower. It seems that scheme is no longer possible due to changes in proposed levels on the main development site to the south.

Applicant’s Preferred Solution. I’ve already commented in detail on this and cannot support it due to the severe impact it would have on both the setting of the medieval walls and on buried archaeological deposits.

Once an option has been approved, the developer will need to provide full details of the groundworks required (level reductions, foundation trenches, etc) to meet the requested archaeological damage assessment condition. Once these details are available, a programme of archaeological works can be drawn up to (if necessary) evaluate and then excavate the deposits that will be impacted by the scheme.

4.6 **Historic England**

See Appendix 2

Addition email Comments received 03/03/2021

Recommended amendments to Polymond Tower public realm plan
Recommend following conditions to cover other remaining issues:

- Detailed plan of landscaping around the Polymond Tower
- A condition to secure a full up-to date survey of the entire monument, including analysis of the aforementioned render and proposals for its conservation and protection, prior to the commencement of works; (the condition should also require the applicant to *undertake* the necessary conservation works, not just concerning the medieval render but any that are specified as necessary within the resultant survey report, for the entirety of the monument within the development).
- A condition concerning the final design and materials used for landscaping and interpretive elements;
- Details of the impacts of Construction (including piling) activities on Scheduled Monuments, for example from vibration, construction activities in close proximity (including monitoring), and landscaping works around heritage assets.
- Scheduled Monument Consent (SMC) for works affecting scheduled monuments within the development site before. To be belts and braces it would make sense to include one here.

4.7 **SCC Highways Development Management**

Location and Principle

The site is situated within a sustainable city centre location with substantial public amenities and transport links in the vicinity. The area contains a general of mixed uses including residential and therefore the proposed development is considered acceptable in principle.

Access

The proposal will create a new vehicular access off Queensway which will serve the development as well as existing units which has rear access off York Building. As a result however, the road accessed off the Queensway/Hannover Building roundabout will no longer link up with York Buildings. This road will become two-way off the roundabout but due to the limited number of units, this is considered to be suitable subject to adjustments of the highway to accommodate. Furthermore, there will need to be condition to ensure that the building oversailing the new access road off Queensway will need to have a ground clearance of at least 5.31m in order to meet adoptable standards for new roads. From earlier discussions, this access was suggested to be converted to a continuous footway so that priority is given back to footway users given that the level of vehicular movements are lower. However, due to the amount of HGV movements still requiring access over this as well the need to provide clearance for the under croft, this has not been pursued by the applicant. As a compromise, the surfacing and detailed design of this crossing should be of a higher

level to provide a better environment for non-motorised users crossing this access.

The development will create an open route through the spine of the site (from the Bargate monument to Queensway). This will be conditioned so that public will have permitted rights to walk and cycle along here.

As part of the latest proposal, a new internal road layout is proposed whereby the previous 'North - South' route linking East Street with Hannover Buildings is no longer a direct line and will now be dog-legged. The revised route will result in a longer walk and not necessarily the desire line for people coming to and from Hannover Buildings. Part of the justification was due to building and operational logistics but also the fact that the new route will emphasise the line of the old town wall.

Furthermore, there is a benefit that by now having to provide a route along the old town wall and the direct 'North-South' route, more space/width can be provided to the old town wall route. This would provide a higher quality public realm and a more attractive route which hopefully can be continued should land just South along the old town wall will be redeveloped in the future. Therefore on balance, the new route, although has been dog-legged, is considered acceptable due to the positives it brings and potential futureproofing a higher quality route which may be able to extended. However, due to the uncertainty of when the land to the South will be redeveloped, the public realm and surfacing treatment will need to be provided from the public realm between Blocks C and D to East street.

Parking

The parking quantum is lower than the maximum parking standards for a development of this scale. However, due to the sustainable city centre location, this is considered to be acceptable and appropriate due to the amount of public transport available nearby as well as having many public amenities within walking distance. Furthermore, there is little potential for any harmful impacts as a result of parking overspill due to the level of parking restrictions in the city centre.

There is a main car park accessed at the 'back' of the service yard to the West of the of the site. Tracking has now been submitted to demonstrate that two cars can pass safely here.

A revised drawing has also addressed an issue relating to sightlines for the row of parking spaces in Block D/F.

EV charging provision has been asked to be increase to 15% which the latest Transport response note has agreed to.

Cycle Parking

As per previous applications, the Transport team would request that the development should provide sufficient cycle parking to meet policy requirements. However, it is noted that this has been pursued due to a

balanced planning decision. The level of provision has increased and is higher than the previous two schemes which is a positive. However, the highway recommendation would still request a condition to secure more but understand a similar stance may be taken from an overall planning perspective.

Block E is understood to not having cycle parking in its building and would rely on the cycle store in Block D. This is not normally acceptable and if possible, a cycle store should be pursued in Block E – possibly by considering reducing the size of the bin store and amending its layout.

Regarding the main cycle store in Block D, direct access should be provided internally to enable a better and more convenient access rather than to the rear.

Servicing

There appears to be a change to the hardstanding area/car park at the back of Block E (area accessed off the roundabout). Previously, tracking for refuse vehicles had been provided here to ensure they can enter and leave the roundabout in a forward gear. The area required for tracking is now showing a row of parking spaces. This would need to be removed or alternative tracking diagrams for refuse and servicing vehicles likely requiring access here would need to be provided.

Refuse tracking has been provided for the rest of the site although access to the bin collection point in the large service yard (by Block B2) is not clear due to possible historic layers on the pdf plan – which shows various potential obstacles such as a refuse compactor located between where the refuse vehicle is and the collection point, making access difficult.

If the applicant is happy that these can be addressed via conditions, then a waste management plan could be acceptable to agree these finer details.

The level of the commercial units has decreased and the level of loading areas are considered to be acceptable.

Trip generation

Due to major reduction in the level of commercial uses and public parking on site, the amount of vehicular movements to and from the site has substantially decreased when compared to the previous schemes as well as the previous Bargate Shopping Centre.

Although there will still be a high level of sustainable trips generated due to the high density of residential units being provided on site.

Trip Impact Assessment

Due to decrease in vehicular trips, there will be little impact on the highway network in terms of the vehicular trips and capacity issues. Therefore the main consideration is how sustainable modes are managed and directed throughout the site.

Mitigation

A series of mitigation measures will be sought via the Section 106 and the majority of which will remain the same as previous applications. Finer details will be agreed as part of the Section 106 but is summarised as:

- Works to enable the new two-way arrangement of the Strand accessed off the roundabout
- Improvements to pedestrian and cycling environment around the site
- provision of public realm in the vicinity of the site. Especially enhancement to the area between blocks C and D linking with East Street.
- Various highway works to suit design needs of the proposals

Summary

Overall, the proposed application is considered to be acceptable subject to the following conditions:

1. Under-croft Ground Clearance. The ground clearance for any part of the new access road to be adopted will need to be at least 5.31m clear of any oversailing structures.
2. Waste management plan. A management to be submitted and agreed upon in writing to provide details on waste collection arrangements which will need to be adhered to thereafter.
3. Electric Vehicle Charging. A minimum of 15% of overall parking spaces for the development must be active Electric Vehicle Charging points.
4. Cycle Parking. More cycle parking should be provided in accordance with the Council's policy (Parking SPD, 2011). Details to be submitted and agreed upon in writing by the local planning authority.
5. Construction management plan.
6. Servicing management plan. Details of how servicing vehicles access the site and any turning areas required including refuse collection would need to be kept clear at all times for that purpose.

4.8 SCC Ecology Officer

I would like to lodge a holding objection to this planning application.

The Preliminary Ecological Assessment (PEA) indicates that there are a number of potential bat roost locations present on the site and that bat emergence surveys will be required. As these surveys will need to be undertaken before construction commences but cannot be done before May 2021, I would like confirmation of the likely timeframe for any site works with the potential to damage or disturb potential bat roost sites. In addition, surveys for black redstart, *Phoenicurus ochruros* have also been recommended. As black redstart is currently a wintering bird in Southampton these surveys will need to take place before the end of February 2021.

4.9 SCC Housing Management

As the scheme comprises of 519 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 182 dwellings (181.65 rounded up).

Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

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

In this case on-site provision would be sought subject to the findings of the independent assessment of viability. Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

Note to Panel:

The applicant's viability appraisal and the DVS (independent) review have been shared with the Council's Housing Officer

4.10 **SCC Sustainability Officer**

BREEAM

Although we would like Excellent rather than Very Good achieved for the retail, as we have previously consented a Very Good scheme it would be difficult to argue for a change in design in order to meet the policy requirements. As these are to be assessed under the current 2018 methodology, this is an improvement on the previously consented scheme, and I would therefore accept the proposed Very Good.

Energy

With the inclusion of the contribution of Air Source Heat Pump (ASHP) and PV, the estimated reduction in regulated carbon dioxide emissions using SAP 10 carbon factors is approximately 51% below the Part L 2013 compliant baseline scheme for the domestic elements, 16% below the baseline scheme for the non-domestic elements which represents a total site wide reduction of 49% and an annual saving of approximately 393 tonnes of CO₂ (see Figure 4 below). This is a significant improvement over the previous approved proposal which achieved a site wide carbon reduction of 18%.

It is recommended that if the case officer is minded to approve the application conditions are imposed to secure minimum policy requirements,

although it is highly recommended such a prominent scheme seeks to push further than minimum policy and aspire to Southampton Green City Charter aims of net zero carbon.

I am pleased to see that the GHA overheating tool has been completed as recommended to enable any potential issues to be identified.

Green Infrastructure

Whilst there are biodiverse green roofs shown on two of the buildings, there is potential to have green roofs on a greater number of buildings which can be used in combination with photovoltaics to help to regulate temperature which optimizes the functioning of the solar panels. This could help improve the green space factor to achieve a 'pass.'

Water

No mention of rainwater/ greywater recycling which should be included unless unviable in accordance with CS20.

Conditions:

1. BREEAM Standards [Pre-Commencement Condition]
2. BREEAM Standards [performance condition]
3. Energy & Water (Pre-Commencement)
4. Energy & Water (performance condition)
5. Zero or Low Carbon Energy Sources (Pre-Commencement Condition)
6. Green roof feasibility study (Pre-Commencement)
7. Rainwater /Grey-water Harvesting (Pre-Occupation Condition)

4.11 **CIL Officer**

The proposed development is CIL liable. Given the complicated site history and the CIL payments that have been made for the previous applications on the site the applicant is advised to liaise directly with the CIL Officer in respect to the CIL implications on this development.

4.12 **SCC Employment and Skills**

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

4.13 **SCC Contamination Officer**

Appendix F of the Preliminary Environmental Risk Assessment Report does not include copies of the Phase II, III or IV report as describes in section 2.6. Without this information I am unable to comment on whether the conclusions made in the Preliminary Environmental Risk Assessment Report are appropriate. Therefore until this information has been submitted and reviewed I would recommend conditions be attached to any approval granted.

4.14 **SCC Air Quality Officer**

We are broadly happy with the methodology provided. In terms of mitigation, we support the use of the suggested dust construction mitigations in order to maintain low residual impacts. While operational impacts have been classified as negligible, we recognise that the development does contribute to some degree to the continued exceedance of national air quality objectives. As such we would suggest mitigation measures be put in place to further reduce operational impacts.:

4.15 **Licensing Officer**

1) Taxi/Private hire provision. The rank in Queensway and Hanover Buildings are not currently used but if the project is going to have shops and restaurants or bars there ought to be some sort of provision for pick up and drop off for licensed vehicles.

2. I am concerned at the mix of residential and hospitality units. Licensed premises attract noise, whether it is from within the venue which can normally be managed or outside such as customers queuing to get in, stood outside smoking or leaving where it is far more difficult to mitigate the issue. In addition there is a drive to provide outside areas for premises which again will attract noise, food smells and smoke rising up to residential areas above.

4.16 **Crime Prevention Design Advisor**

Access to those areas of the elevations that contain apartments must be prevented. The residential areas of buildings must sit within an area of private space, this should be enclosed within a robust boundary treatment 1.2m high. Any ground floor doors and windows giving access directly into an apartment should be further protected by the provision of a private garden, which is the sole preserve of the resident. These gardens must be enclosed by a robust boundary treatment 1.2m high.

A number of two bed town houses have both an external and internal access door (plot C.LG.09 is an example of this, there are others). If the external door is to be the front door, the footpath should be gated where it meets the public realm. If the external door is a patio door, at the junction with the public realm the boundary treatment should continue so as to provide a continuous rear boundary. An external light should be fitted by the door.

Those gaining access to an apartment block appear to have unrestricted access to all floors, this increases the opportunities for crime and Anti-Social Behaviour (ASB). To reduce the opportunities for crime and ASB unauthorised access to the apartment floors should be prevented. To

provide for this a door fitted with an electronic access control system should be installed at each floor level.

A basement car park is shown below Block B2, there is very little natural surveillance of this car park, which increases the opportunities for crime and Anti-Social Behaviour (ASB). To reduce the opportunities for crime and ASB unauthorised access to the car park should be prevented. This might be achieved by the installation of electronically controlled shutters at the entry / exit point. A height restrictor should be fitted at the entrance to prevent the entry of large vehicles. To improve the natural surveillance of the car park a Closed Circuit Television (CCTV) system should be fitted within the building, with cameras deployed to provide images of the entrance / exit points and the car park. Pedestrian access to the accommodation above the car park should be controlled using an electronic access control system.

To provide for escape from the car park, escape doors should be fitted, these should give direct access to the public realm. If this is not possible and escape is to be via the stairwell that provides access to the residential floors, this stairwell should continue to the surface level to provide for escape, but not allow entry into the residential floors of the building.

There are several post rooms located throughout the development. The post rooms have both external and internal access doors; there is no natural surveillance of the post rooms. This increases the opportunities for crime. To reduce the opportunities for crime the external door should be removed from the approved scheme. All doors giving access into the post rooms should be fitted with an electronic access control system that provides for access by fob. A Closed Circuit Television (CCTV) system should be installed within the apartment blocks with cameras deployed to provide images of the post rooms.

The plans show several large cycle stores; there is very little natural surveillance of these stores, which increases the opportunities for crime and ASB. To reduce the opportunities for crime and ASB these large stores should be subdivided into smaller stores. To improve natural surveillance CCTV cameras should be fitted within each cycle store.

To provide for the safety and security of residents and visitors lighting throughout the development should conform to the relevant sections of BS 5489-1:2020.

Finding appropriate solutions to the design issues highlighted within this letter is fundamental to providing a development where crime, disorder and the fear of crime do not undermine the quality of life or community cohesion.

4.17 Highways England

Having examined the above application, we do not offer any planning

objections to this proposal.

We note that Technical Note prepared by Transport Planning Associated (TPA), dated November 2020, in Appendix C contains 'Framework Residential Travel Plan'. We welcome this strategy as means of maximising the potential for travel by sustainable modes and reducing single car occupancy. We also recommend that Construction Traffic Management Plan (CTMP) is implemented during construction, which should include details of hours of operation and routing of vehicles.

4.18 **Southern Water**

No objection subject to planning conditions and informatives being added to the planning permission. Southern Water advise that they cannot currently accommodate the needs of this application without the development providing additional local infrastructure. Their response goes on to explain how this infrastructure can be provided.

4.19 **Gardens Trust**

In our opinion, the revised application compounds an application which already adversely affected the Grade II* Central Parks, by adding yet more height to the blocks, further increasing visual intrusion, especially from Houndwell Park and further afield from Palmerston and Hoglands Parks. The tall buildings which already obtrude above the tree-line from within the parks will be further compounded by this revised application. The GT OBJECTS to the above application

4.20 **City of Southampton Society**

Objection:

- 1) An excellent opportunity to promote the city as the City of Culture 2025 has been missed. A lot more is required to make this a destination rather than just an access route between the High Street and Queensway.
- 2) Although there is a walkway along the south side of the old city wall, this in itself is not sufficiently attractive to tourists. The walkway is narrow, there is only minimal green space, and because it slopes downhill from west to east, lends itself to abuse by cyclists, skate borders, electric scooters etc. We propose a ban on such activity.
- 3) Leaving more space between the wall and the flats with additional green space will provide a more relaxed atmosphere. With the proposed layout this area could easily be adopted by the children of the flats as their personal play area to the exclusion of tourists and residents of the city.
- 4) The ground floor flats of all the buildings (especially those facing the

wall), must have an area of private space to protect their privacy and their security.

- 5) Further, we fully support the comments made by the Crime Prevention Design Adviser in respect of security of the buildings.
- 6) The provision of only 48 parking spaces for 519 residents is insufficient. Admittedly car ownership among city-centre residents is lower than in the suburbs but no examination has been made of where any car owners may park. Will street parking displace residents from other developments? Will parking permits be issued? Visitors or patrons of the new shops/restaurants could use local short-stay car-parking facilities but this is not appropriate for residents (Planning Officers will be well aware of the recent Refusal - even after Appeal - of an application for a hotel at the old Ordnance Survey site on the grounds of additional street parking being an at the expense of the needs of local residents)
- 7) The reduction in parking spaces has also lead to the loss of public toilets. Again this is a backward step for the city's bid to become City of Culture 2025.
- 8) The internal layout of many of the flats has toilet doors opening directly off the living room and in some cases the kitchen areas. Whilst this may be in compliance of new building regulations, it is a retrograde step in design terms.
- 9) The amount of sunlight in the external communal areas meets the minimum standard of 2 hours per day in the summer weeks, but this is hardly a standard that most of us would find acceptable. As a prime site for the city we should be aiming higher than the minimum standards.
- 10) Once again we raise the question of access to The Bargate, a grade 1 listed building and scheduled monument, via a very steep internal staircase. We are mindful that this is not part of the development site, but significant s106 monies could be allocated to provide an external staircase or some other alternative. With so little being offered to attract tourists to the wall, this is one area that could definitely be improved.

In conclusion, we accept the fall-back position of a near 100% use for residential housing. We also accept that the general layout and height of the proposed buildings has been approved in previous applications. However a lot more could, no should, be done to improve the offering, in particular in relation to making this section of the wall a tourist destination. It is to be regretted that a more imaginative design has not been presented for approval - a design which would have enhanced the historic setting of the ancient city walls. Again it is unfortunate that a developer with more imagination was not chosen for this key city centre site.

Officer's response

Development of this site has long been an aspiration of Policy AP28 of the CCAP. Officers agree with the CoSS that the Council should seek to achieve the highest quality development within this part of the City Centre.

Officers have worked with the applicant from an early pre-application stage through to the submission to achieve such a scheme. In direct response to the CoSS:

1-3) The key benefit of these proposals is to enhance the public realm around the site and provide links west to east and north to south through the city and benefits to the setting of the historic environment. The development would be subject to a management plan regarding the control of litter and security in order to prevent litter issues and vandalism/anti social behaviour. The gap between the town wall the new blocks would be 15m which is the same as previously consented.

4) Details of boundary treatment and defensive spaces will be secured through a planning condition, which will achieve an appropriate balance between private and public spaces.

5) Noted – the comments of the Crime Design Advisor will be incorporated through a condition.

6) The acceptability of the car parking provision is addressed in Section 6 below.

7) The amount of commercial units has been reduced and the loss of a public toilet is not considered to be significant issue.

8) Building Regulations would address this issue

9) Amenity for future residents is addressed in section 6 below

10) Suitable pedestrian access through the site has been secured through this development

The overall planning of the benefits and impacts of the scheme will be considered in Section 7 below.

4.21 **Southampton Commons and Parks Protection Society (SCAPPS)**

SCAPPS objects to this application for a fundamentally different development to that previously granted permission. The primary 'planning gain' in the previously permitted schemes was the opening up of the Town Walls by creating alongside a boulevard linking busy destinations, with retail and hospitality attractions along its length. This revised scheme has lost sight of that objective. The closure of Debenhams (and likely redevelopment of the site for housing) should have resulted in a fundamental rethink of layout and design principles. With no department store at the eastern end of the application site, there will be little to attract people through from The Bargate; & the applicant compounds that loss of a 'draw' by removing from the scheme the specialist retail outlets, bars & cafes along its length. Apart from retail units adjacent to The Bargate and facing Queensway, this revised scheme is a housing development. The revised proposal provides a somewhat sterile 'green' setting for the Walls on a path to nowhere -- there is nothing to draw people to use it as a route to destinations beyond the site, & no active uses (cafes, bars, specialist retail) as in the previous designs to attract visitors. With residential units at ground floor level, the inevitable consequence will be that part of that green space will be taken as private amenity space. SCAPPS made this point in response to the pre-app consultation but it has been ignored. The opportunity should have been taken to redesign the through route

alongside the Town Walls so it gives links to established pedestrian destinations -- through to Hanover Buildings and the main south-north axial path through the Central Parks and, at the east end of the site, through a redesigned road layout at the top of Queensway to the diagonal path across Hoglands. There are substantial pedestrian flows on both these routes; by including in a revised layout easy-to-follow, attractive links with both, some compensation might have been secured for loss of Debenhams. Ground floor uses should be retail/leisure, not housing, to secure activity along this setting for the Town Walls, and avoid the green space appearing 'private', or indeed risking that it does indeed, in whole or in part, become green space with controlled access.

SCAPPS objects to visual impact on the grade II* registered Central Parks. The character and setting of the Central Parks is threatened by the number of recent permissions for tall buildings on adjacent sites which obtrude above the trees in views from within the Parks. It is incontrovertibly the case that the development proposed would be very visible in views from Houndwell Park and in longer distance views from Palmerston and Hoglands Parks. The new design of linked, chunky 8/9 storey blocks would appear as a continuous 'wall' of building rising above the much lower existing frontage buildings on Hanover Buildings. SCAPPS is particularly concerned by adverse visual impact (and overshadowing effect on the Park) from the even higher (13 storey) block on the Hanover Buildings-Queensway corner. English Heritage has acknowledged that the point has been reached when the number of permissions for tall buildings next to the Central Parks is threatening their character.

SCAPPS objects to the excessive number of housing units proposed, over 500. Although the application includes green space along the line of the Town Walls, it will not provide an appropriate amount of outdoor amenity space for the scale of residential development proposed. SCAPPS cannot accept that the application meets planning policy requirements on the amount of usable amenity space. The Central Parks are already suffering from pressure of overuse. The very significant increase in recent years in resident population in the city centre has not been matched by a commensurate increase in public amenity space. The City Council must not continue to accept the argument from developers that proximity to the Central Parks can be accepted as justification for failing to provide on-site public amenity space. There is no provision for children's play.

Additional Comments received 29.12.2020

Addition to SCAPPS objection

SCAPPS objects to visual impact of the amended design on views from within the Central Parks. The applicant's argument on visual impact on the Central Parks is summarised in paragraph 4.34 of the second Heritage Statement (Nov 2020) in the Environmental Statement Part 2, 'Modern large scale built form is now a common feature of the setting of the Parks, particularly Houndwell Park and Hoglands Park. This large scale modern

built form is clearly visible from within the Parks and has, to a degree, affected the way in which the historic interest of the Parks are appreciated but is now an established element of the setting of the registered parks.' SCAPPS fundamentally disagrees with, and challenges, that assessment.

SCAPPS asks account be taken of Historic England's comments 2 years ago on the The Fire House application (18/01820). Historic England raised the issue of taller buildings on the perimeter of the Central Parks, 'several have now been built and others are consented so it is timely to raise a concern for the future in that too many tall buildings around the park would have an adverse impact as they would create a 'walled' effect, restricting views out and undermining the connectivity between the parks and the wider townscape. This is a consideration for the future...'

That 'walled' effect is the exact impact of the current Bargate application -- it would result in a continuous slab of high building visually intruding above the tree line when viewed from within particularly Houndwell and Hoglands Parks, but probably too in longer distance prospects from the axial avenue running north-south through the Central Parks. I have been unable to find in submitted documents any photomontage representation demonstrating visual impact from within the Parks of the proposal.

SCAPPS asks that Historic England be asked to take account of those earlier comments in its comments on this application and that the applicant supply photomontage images showing how extensively from within the Central Parks the proposed development would be visible.

Officer's response

It is recognised that additional height adjacent to the listed Parks will be noticeable and Policy AP28(9) specifically requires enhancement. In their consultation comments. It should be noted that there is an extant planning permission, which proposed a similar level of building heights and impact on the registered parks. Historic England have reviewed the revised proposals but still do not consider that the development would have an adverse impact on the significance of the registered park. The views of Historic England are agreed and the development is considered acceptable in this regard. This is discussed further in Section 6 below.

4.22 District Valuation Service (DVS Viability Appraisal) – Summarised/Conclusions

See Appendix 3

5.0 Development Plan Policies/guidance of relevance:

- 5.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 explains that in considering whether to grant permission for development that affects a listed building or its setting the Local Planning

Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act adds the duty to consider whether or not new development 'preserves or enhances' the character of any conservation area to which it relates.

- 5.2 On this point paragraph 193 of the National Planning Policy Framework (NPPF - 2019) adds that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. NPPF Paragraph 196 confirms that where less than substantial harm is caused to the designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This paragraph should be read in the context of the response from Historic England to the application.
- 5.3 The amended NPPF came into force in February 2019 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 5.4 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (Amended 2015), the City of Southampton Core Strategy (Amended 2015) and the City Centre Action Plan (CCAP - March 2015). The most relevant policies to these proposals are set out at **Appendix 2** to this report. Since the earlier permissions were issued the revised NPPF (2019) has been published but its emphasis on housing delivery that respects heritage assets with good design remains.
- 5.5 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 5.6 Policy AP28 of the adopted CCAP states that retail-led mixed use redevelopment is promoted on the site to the east of Castle Way (corner of Bargate Street / Castle Way), Hanover Buildings and the Bargate Shopping Centre. Appropriate uses include retail (A1), food and drink and upper floor residential, hotel, commercial B1 (a) and (b), cultural and leisure uses. The Bargate Shopping Centre is identified as Primary Retail Frontage however flexibility will be shown to deliver retail or leisure uses next to the Town Walls.

It states that development will be supported where:

- 1) *The access to, views and setting of the Town Walls are improved by opening out the areas immediately surrounding the walls, introducing attractive pedestrian routes and uses with active frontages alongside*

them and improving legibility and linkages with other sections of the Town Walls;

- 2) Proposed uses are in accordance with the retail policy on primary and secondary retail frontages;*
- 3) Active frontages are provided alongside main routes;*
- 4) Improved pedestrian links are created through the site;*
- 5) The Shopmobility facility is retained or provided in a similarly central location;*
- 6) Development fronting High Street provides a high quality entrance to the Bargate shopping centre and enhances the setting of the Bargate;*
- 7) The build edge around Bargate is realigned to follow the historic street pattern and development safeguards the opportunity for, or facilitates, a high-level bridge link. Development should seek to retain and incorporate the Art-Deco façade of the former Burtons building into any new development proposals;*
- 8) Development includes pedestrian links to the East Street shopping area along the line of the Town Walls and the redevelopment of the Eastern site includes a connection through from the High Street to Castle Way continuing the line of East Street; and,*
- 9) Development respects and enhances the setting of the Grade II* registered park.*

For the purposes of determining this application, Policy AP28 has significant weight. Whilst previous scheme's were compliant the reduction in commercial floorspace – whilst understandable in the context of the UK's current retail sector – represents a departure from this Policy. Taking the Development Plan as a whole the scheme is considered to be compliant when assessed in the round.

6.0 Planning Considerations:

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

- Principle of Development and Regeneration Issues;
- Design and Impact on Heritage;
- Highway Safety, Access and Parking;
- Residential Amenity (Existing and Proposed);
- Environmental Impact and Mitigation; and,
- Affordable Housing and Viability.

Principle of Development

6.2 The principle of mixed-use redevelopment of this previously developed site was established through the 2016 permission, which included residential development. This permission is extant and could be built out. Similarly the swap to hotel use under the 2019 permission remains extant and was considered to comply with the City Centre Action Plan allocation and city

centre location. Policy AP28 advocates a 'retail led mixed use redevelopment' of the site, however this application is a residential-led mixed use development and therefore deviates from the requirements of Policy AP28.

6.3 The applicant seeks to justify the deviation from a retail led scheme to a residential led scheme as a response to the market conditions, including the declining demand for retail units within city centre (not helped by Covid19). Their justification for this departure from previous schemes and the residential led development are:

- Current market conditions prevail including reduction in demand for retail units
- Funding for hotel difficult to secure
- Loss of Debenhams removes viability of retail except at High Street and Queensway
- Private Rent Sector operators seek 500 unit threshold

6.4 These changing market conditions and decline in retail clearly post date the adoption of policy AP28 and has been accelerated by the Covid 19 pandemic. From a broader planning perspective, this shift away from retail uses has been consolidated by the introduction of the new 'Class E' use class in September 2020 which allows more flexible use of commercial units without planning permission. However a residential led scheme is at odds with Policy AP5 of the CCAP, which includes this site in its assessment of likely retail delivery with an estimated 4,875sqm of retail space, as well as Policy AP28, which requires a retail led mixed use development. This, in itself, does not mean that the scheme cannot be supported as all material considerations need to be taken into account as part of the overall assessment.

6.5 Planning law requires that applications for planning permission must have regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but constitutes a material consideration in any subsequent determination. The NPPF sets out a presumption in favour of sustainable development running through both plan-making and decision-taking. The three dimensions to achieving sustainable development are defined in the NPPF as: economic, social and environmental. Paragraph 11 of the Framework indicates that, for decision taking, where Local Plan policies are up to date: development proposals that accord with the Development Plan should be approved without delay. Both the adopted Local Plan and the NPPF require a positive approach to decision-taking to foster the delivery of sustainable development. These three dimensions of sustainable development are also central to the Council's Development Plan principles, including the City Centre Action Plan. Only where material considerations indicate otherwise, including the delivery of sustainable development that an

application contrary to the Development Plan can be considered acceptable.

- 6.6 The degree in which this proposal meets the three dimensions to achieving sustainable development will be concluded at the end of this report, however there are a number of headline benefits that derive from this revised scheme, In respect of residential uses the LDF Core Strategy Policy CS4 confirms the need for additional housing across the city, and explains that an additional 16,300 homes will be provided to the end of the current plan period to 2026. CCAP Policy AP9 suggests approximately 5,450 dwellings will be built in the city centre between 2008 and 2026. The current application proposes 519 new residential units ranging from studios to three bed units, which would significantly assist in meeting this need. The Central Parks are within easy walking distance and future occupiers of the building will have the advantage of good access to the commercial facilities of the city centre and the applicant's need to increase density to assist in the delivery of the scheme. Furthermore the proposed density of 370 dwellings per hectare (deph) complies within the requirements of Policy CS 5 (Housing Density) to provide over 100dph in city centre locations.
- 6.7 Despite being residential led, this remains as mixed use scheme, and continues to includes land uses that partially meet the aims of Policy AP28, such as the provision of some retail and leisure uses (Class E) and food and drink establishments to be located along the Bargate and Queensway frontage. This would still provide the opportunity for a range of commercial uses to contribute towards the vitality of the City Centre, with a strong physical connection with the high street and 'civic' setting of the Bargate Monument. The new commercial uses would also provide 113 new jobs, as well as potential construction worker jobs, which would benefit the local economy and secure local apprenticeships through the s.106.
- 6.8 In addition this revised scheme substantially increases the amount of public amenity space within the site, including a wider west to east pedestrian route from Bargate to Queensway. The buildings are set further back from the town walls, and provide openings from the north from York Gate. The scheme also provides a pocket park opposite Polymond Tower and involves the use of new surfacing to allow the demarcation of the town walls heading south from the tower. The perceived benefits will be weighed up against any harm to the historic character and integrity of the Listed Walls and Bargate Scheduled Ancient Monument, however they should also be recognised as socio-economic and cultural benefits of the scheme. This revised scheme also provides enhanced amenity space for future residents, including roof top amenity space overlooking the Bargate Monument.
- 6.9 Furthermore the proposals include improved environmental sustainability benefits in line with BREEAM, energy reduction methods (PV panels and ASHP) (leading to CO2 reduction), green roofs and water consumption restrictions.
- 6.10 In terms of the proposed Section 106 agreement, it is recognised that the development is a high cost scheme and the applicant is proposing to make

direct provision of public realm and open space improvements whilst attempting to also meet all of the standard contributions set out in the Council's Planning Obligations SPD. In terms of affordable housing, there will be no provision and the scheme's overall viability is discussed later in this report. Therefore, despite being contrary to part of the Development Plan, and the disappointment of the previous schemes not being built out, this revised proposal incorporates a number of positive material considerations, which should be weighed in favour of the development when assessed against the Development Plan as a whole.

Design and Impact on Heritage:

Layout and Design

- 6.11 The planning submission and supporting documents are very thorough and there is sufficient information to understand and assess the level of design quality. The key changes to the scale and appearance of the buildings are as set out above and described above, however a key change to the physical appearance of the scheme is the reduction in the height of the buildings within the town walls. This revised scheme takes a 'castellated' approach involving varying building heights, as opposed to the 2019 scheme which saw a gradual increase in buildings from Bargate to Queensway. The residential mix also changes, with a greater variety of housing mix, including the provision of new 3 bedroom units (28 compared to 2 previously). This amendment reduces the number of north facing flats and increases the opportunities for dual aspect thereby improving the residential living environment.
- 6.12 Furthermore differing brickwork will be used inside and outside of the walls to provide a distinction between old and new. The design principles that led to the earlier permission have again been largely followed and the amended design approach is considered to be acceptable given that the land is separated from the listed parks, and is needed to support a deliverable scheme with the benefits of providing further access to a significant section of listed town wall. Material details for the new buildings and public realm surfacing and hard and soft landscaping in and around the site will be secured through a planning condition.
- 6.13 Policy AP16 (Design) of the CCAP supports the site's allocation under Policy AP28 for a major mixed-use development and is supportive of applications that '*strengthen the unique distinctiveness of the city's heritage*'. The applicants engaged in our pre-application service, and also involved Historic England from the start of the process, which has led to the support of officers and some positive comments from this key consultee. The Council's Design Advisor has expressed their support for the proposals and, subject to the below consideration of the impact on the historic environment, the proposed scheme is considered to development a high quality design solution.

Impact on the Historic Environment

6.14 The statutory tests for the proposal, as set out in sections 16 (Listed Buildings), 66 (Listed Buildings) and 72 (Conservation Areas) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the heritage assets, their setting or, any features of special architectural or historic interest (Listed Buildings) and; whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

6.15 In this instance the heritage assets directly affected by the proposals are the Bargate Monument and the section of Town Wall running east from Bargate and including the Polymond Tower, as well as the Old Town North Conservation Area, incorporating the western part of the site. The NPPF requires heritage assets and their significance to be identified and the level of harm assessed. Where harm arises, clear and convincing justification should be put forward for consideration. The below highlights the relevant requirements relating to heritage assets within the NPPF:

Para 189 states local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting- This is set out in the submitted Heritage Statement and the Council's Conservation Area Appraisal.

Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 192 describes that in determining applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution their conservation can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness;

Paragraph 193 is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (it should be noted that a scheduled

monument is one of the highest level of designation). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance;

Paragraph 194 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 6.16 In their consultation response as set out at **Appendix 3**, Historic England confirm the significance of the heritage assets affected by this development:

The Bargate is deemed to be one of the finest town gateways in England and this is recognized in its Grade I and scheduled status. Collectively with the Town Walls it tells the story of the construction, evolution, and status of the medieval old town, and it has great communal and aesthetic value as an iconic symbol of Southampton. The evidential value of the Town Walls and Bargate are also high, as their fabric holds information regarding construction techniques and materials of medieval and later phases of alteration. The north eastern element of the Town Wall to the east of Bargate is a significant section of wall due to the presence of three tower turrets, with Polymond Tower marking the corner point where the walls turned southwards. Consequently the wall here has great historical value in demonstrating the extent and scale of the medieval town.

Historic England have confirmed that the 'castellated' approach for the buildings within the walls is generally supported as this allows visual penetration through the buildings towards the walls. Furthermore they consider that consolidation of a larger north to south opening and pocket park around Polymond Tower and associated improvements to public realm around the town walls represent significant benefits of the proposals compared to the previous scheme. Within their initial response (12th January 2021) they raise concern that Block B1 had edged closer to the Bargate than previous schemes and have sought clarification on that point, especially as that part of the site lies within the Conservation Area. However the applicant provided further justification in February 2021 stating that: *'The current scheme retains the open vista created by the consented scheme albeit with a minor reduction in width arising from the need to maximise (within the confines of the ownership) the commercial floorspace...(which) define the spaces both inside and outside of the historic line of the wall and maintain visual connection between the two spaces from the previous consent.'* This was seemingly accepted by Historic England in their amended response dated 18th February 2021. On the principle concern raised by amenity groups it is recognised that additional height adjacent to the listed Parks will be noticeable and AP28(9) specifically requires enhancement. Historic England do not consider that the proposals impact significantly on the setting and appearance of the parks and therefore the amended proposals can be supported in this regards.

6.17 In respect of other matters, Historic England have confirmed that the following issues can be secured through a condition:

- Public realm designs around the Polymond Tower, including archaeological sensitivities – these are currently being revised by the applicant. A detailed scheme for approval can also be secured through a planning condition;
- A condition to secure a full up-to date survey of the entire monument, including analysis of the aforementioned render and proposals for its conservation and protection, prior to the commencement of works - (the condition should also require the applicant to *undertake* the necessary conservation works, not just concerning the medieval render but any that are specified as necessary within the resultant survey report, for the entirety of the monument within the development).;
- A condition concerning the final design and materials used for landscaping and interpretive elements;
- Construction (including piling activities) could have a direct impact on Scheduled Monuments, for example from vibration, construction activities in close proximity, including monitoring and landscaping works around heritage assets – details of these impacts should be secured through a condition.
- Conditions requiring the applicant to seek Scheduled Monument Consent (SMC) for works affecting scheduled monuments within the development site

6.18 Similar to previous schemes, Historic England have concluded that the development of this scale in proximity to the monument and town walls results in a *'high level of harm that is less than substantial through impingement on the setting of the Scheduled Monuments. As a consequence of this the design and realisation of public realm around the wall becomes a vitally important element of the scheme, to ensure the heritage benefits that offset the harm are meaningful'*.

6.19 Para 196 of the NPPF states that: *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* It is important to note that 'less than substantial harm' doesn't mean that the harm caused to the heritage assets is a less than substantial consideration. Less than substantial harm still has to be justified and outweighed by the benefits of the proposal in line with paragraphs 193, 194 and 196 of the NPPF. In this instance it is considered that the harm caused by the dominance of the development to the character and setting of the heritage assets are outweighed by the clear public benefits of the proposals. Aside from the applicant's contention that this amended scheme presents the most viable scheme (addressed later), the proposals would bring forward substantial public realm and landscaping improvements around the Bargate and Town Wall. This includes opening up of the historic York Gate, exposure of the length of the town walls and Polymond Tower and provision

of dwell space (pocket park) around Polymond Tower. The improvement around Polymond Tower also go some way to fulfilling the Council's cultural ambition to provide a 'walk the walls' tourism experience by opening up and marking the southern return of the town walls within the pocket park. These improvements represent significant public benefits that directly enhance the setting of the heritage assets and allow for greater public appreciation of them. Therefore, these benefits outweigh the less than substantial harm caused by the proposed development.

- 6.20 On this basis, in accordance with sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposal would preserve the character of the listed walls, the Bargate and the Conservation Area, despite the development potentially dominating the setting to both the walls and the appearance of the Conservation Area. Following the removal of the existing shopping centre building in 2017, and the proposed provision of substantial improvements to the public realm immediately adjacent to the heritage assets, the new development offers significant improvements to the city centre's current townscape and vitality, especially through the improvements to the historic environment and can be supported.

Archaeology

- 6.21 The application site is in Local Area of Archaeological Potential 8, as defined in the Southampton Local Plan Review 2015 (Policy HE 6 Archaeological Remains) and Core Strategy 2015 (Policy CS 14). This is an area of high archaeological sensitivity, adjacent to the medieval town walls and the Bargate, and located partly within the medieval walled town. Much archaeological work took place on the site in the 1980s, associated with construction of the Bargate Centre. Archaeological deposits were entirely removed from most of the footprint of the Bargate Centre, notably its deep basement. However, in 2016/2017, archaeological deposits were known to survive or potentially survive in several parts of the application site. Since 2017, archaeological investigations have taken place associated with the previously consented schemes for the application site. On-site investigations have been completed in some areas, although post excavation work and reporting is still ongoing.
- 6.22 The Council's Archaeology Officer has stated that as none of the archaeological conditions have been fully discharged – given that that works have largely stopped on site - conditions are still required to secure completion of the site work and of the full archaeological work programme to publication. These conditions are considered necessary given the archaeological sensitivity of the site.
- 6.23 With comments similar to those raised by Historic England, the Archaeology Officer has raised concerns regarding the proposals for the public realm between York Gate and Polymond Tower as it will cause substantial damage to medieval deposits and the impact of the proposal on archaeological remains has not been properly assessed. This detail

regarding the depth of steps or land levels around Polymond Tower, in particular, is a key detail to agree in order to address the impacts on archaeological deposits. This can be secured with an amended plan, as set out by the above recommendation, involving further discussion with the Archaeology Officer and Historic England. The Archaeology Officer has confirmed that beyond the public realm, the impact of development can be mitigated where necessary by archaeological investigation, including piling layouts designed to minimise the impact on archaeological deposits. Subject to compliance with these conditions the proposals are considered acceptable in terms of their impact on archaeology considerations.

Highway Matters

Site Access

- 6.24 A Transport Assessment (TA) has been submitted as part of the Environmental Statement and the Council's highways officers largely accept the findings. In terms of site access the proposed works to the Queensway will reduce the carriageway width and create a new principal access point for all car borne trips, and a substantial amount of the development's servicing needs will also take place from this new access; as will the existing requirements of the East Street retailers. Exit from the site on to Queensway will also be restricted to left turn only. There was some discussion between the applicant and the Highway Officer regarding amending the access on to Queensway to be come more pedestrian friendly, however the applicant has stated that as HGVs would still use the site, a formal access is still required. Notwithstanding a more pedestrian orientated access would be preferable, the Highways Officer has agreed a compromise would be to secure surfacing details of the access to provide an appropriate balance. The views of the Highway Officer are agreed and subject to securing additional details of the access on to Queensway, the SCC Highways Officer considers the development to acceptable. It is considered that the proposals would meet the requirements of Policy TI2 in this regard. Site specific transport improvements, including alterations to Queensway, can mitigate any adverse impact on the highway network and can be secured through the Section 106 agreement.

Car Parking

- 6.25 In terms of car parking the CCAP explains that the managed provision of parking is important to attract new development to the city centre; to encourage a switch to walking, cycling and public transport in a highly accessible city centre location; and to minimise land take thus creating high quality urban places. Paragraph 4.194 adds that *'there is already a sufficient capacity of car park spaces in the city centre. Therefore, the aim is to maintain the existing overall level of car parking rather than to increase it. However there will be a need for some targeted additional car parking, particularly to encourage and directly associated with office development'*. The primary change in Transport matters between the consented and proposed development is the reduction in the residential unit to parking ratio from 0.17

spaces per unit to 0.10 spaces per unit (54 Residential car parking spaces including EV charging points).

- 6.26 According to the maximum parking standards provided within the Parking SPD, the proposed development would usually be required to provide 547 parking spaces to meet the requirements of each new unit (491 spaces for the 1/2 bed units and 56 spaces for the 3 bed units). Whilst the proposed parking provision of 54 spaces is clearly less than Council's adopted maximum standards, the high accessibility and city centre location overrides such the maximum requirement, as less residents are likely to require a car. Paragraph 4.198 of the CCAP acknowledges that '*city centre living is likely to encourage some people not to own a car*' and the most recent Census (2011) advises that 43.6% of households in the Bargate Ward do not have access to a car, with 43.1% having access to 1 car only. Furthermore the applicant has stated that 'PRS tenants typically have low car ownership rates due to the nature of the tenure type'. In this instance there will be restrictions on residents securing permits in city centre controlled parking zones and occupants will, therefore, base their decision to purchase/occupy on the knowledge that parking to serve the development is restricted. Furthermore residents parking permits generated by the development will be restricted through an appropriately worded planning obligation. The proposals have been amended during the course of the application in order to provide better access to parking spaces. Considering the above justification and the City Centre location of the site, Officers are content that the below standard parking provision in this location is not considered to warrant a reason for refusal. The applicant has also confirmed that an appropriate strategy and design solution for ensuring security of the car park will be implemented, however this will be subject to the bespoke requirement of the end operator. The Highways Officer considers an appropriately worded condition would secure these details. Furthermore a condition will be imposed in order to secure a 15% requirement for EV charging points (spaces) with infrastructure to secure more.

Cycle Provision

- 6.27 In terms of cycling parking 348 secure spaces are proposed at a ratio of approx. 0.75 spaces per unit. This represents a positive improvement compared to the previous schemes which were consented at 0.62 (2016 permission) and 0.57 (2019 permission) spaces per unit. In addition 30 additional short stay cycle spaces alongside dedicated internal storage facilities for residents. However, this provision of cycle parking falls below those standards of the Development Plan, which requires one space per unit. Notwithstanding that the revised proposals represent a significant improvement to previous schemes and other forms of sustainable transport modes lie in close proximity to the development site, a condition will be imposed to try and secure increased cycle parking within the site in order to meet the standards set out in the Council's Parking Standards SPD. In terms of accessibility, cycle storage areas are located primarily to the rear of the blocks (southern side), with access provided through the lobby/concierge at ground floor or near rear exit points of the buildings. Block E is not shown to

benefit from any cycle storage and therefore would rely on the cycle store in Block D. The above condition to provide further cycle parking would also catch the requirement to provide a cycle store within Block E. Subject to compliance with these conditions, the level of provision and access arrangements are therefore considered to be appropriate and acceptable in this instance. These spaces can be secured with the attached planning condition.

- 6.28 In terms of pedestrian and cycle accessibility across the development, the difference in levels between the Old Town/Bargate area of the city and Queensway is a significant challenge for this development. It has, however, been handled well by a graded pedestrian link thereby removing the need for excessive steps throughout the core of the scheme. Stepped and ramped access in to the site is limited to the west, adjacent to the Bargate, which also allows raised views of the development from west to east, including the setting of the walls., This design solution makes the development more inclusive than is currently the case. New pedestrian routes through the scheme from York Gate and down through to Queensway and south along the old line of the town walls would significantly enhance the public realm in this part of the city. The applicant has clarified with the Highways Officer that the use of the landscaping area at the interface between the pocket park and The Strand would ease the transition between the two surfaces, and paved surfacing of the area from the rear of the site towards East Street would allow for a more pedestrian friendly connection between the two developments. Details of surfacing will be secured through a planning condition.

Refuse arrangements

- 6.29 Refuse and recycling storage areas have been provided across the site, which would enable collection from the rear service yard. The applicant has designed the service yard to enable sufficient turning of a refuse vehicle within the site. This has been demonstrated with a swept path analysis. The applicant has confirmed that bin collection points close to the highway will be located where the proposed bin stores are more than 10 m from the refuse vehicle (i.e. Block B close to the car park and Block G) with bins moved forward from the bin stores by management on collection days. The Highways Officer has requested an additional tracking plan to show turning for refuse vehicles servicing Block E, however as this part of the scheme remains unchanged, the submission of an amended plan outside of a planning condition is not considered essential in this instance. This tracking plan will be secured through the servicing management plan. On this basis the refuse and recycling provision and access is considered to be acceptable, subject to receipt of a service management plan demonstrating how servicing vehicles access the site and any turning areas. This management plan will be secured through an appropriately worded planning condition.

The Strand

- 6.30 Finally, the above recommendation requires the stopping up of existing public highway. Principally this involves The Strand service road that will be

severed by the proposed pedestrian link, but also includes parts of the site that would be needed to facilitate an enlarged building footprint (particularly for sites A and E), which both remain unchanged from previous schemes. As this part of the proposal remains the same as previously approved, there is no objection to this part of the proposal.

- 6.31 On this basis, subject to conditions and meeting the S106 obligations, the proposals are considered to be acceptable in terms of Highway issues.

Residential Amenity (Existing and Proposed)

- 6.32 The immediate surroundings of the application site are predominantly commercial in character and the proposed mixed use development would be compatible with that character. The residential neighbours immediately adjoining are those living above commercial uses in the city centre, particularly above the neighbouring High Street neighbours and above the Hanover Buildings commercial uses. These neighbours would inevitably be more affected by the significant changes which will result from this scheme. These neighbours have been notified in writing of the application and no objections have been received from these addresses.

- 6.33 In terms of amenity for future residents, the city centre location and access to City parks, and the provision of balconies and internal resident lounges, provides a good proportion of amenity space. Of the 519 units, 103 'step out' balconies would be provided in addition to 133 Juliette balconies. This equates to 45% of the overall development, which is an increase from the previous schemes. In addition residents would be provided with a roof terrace (above Block B1) and internal lounge spaces within blocks B/C and D. This provides 840sqm of amenity space for future residents. In addition all dwellings would comply with the minimum floor space sizes given in the National Described Space Standards. It is worth noting that the Council have not formally adopted these space standards; however they are used as a general indicator of the suitability of living accommodation and compliance in this case is welcomed.

- 6.34 In terms of overlooking between the new residential properties, the minimum distance between habitable rooms within the new blocks would be 18m (between block B and C). Paragraph 2.24 of the Council's Residential Design Guide states that for 3/4 storey housing and other 4 storey housing, a distance of 35 metres should be sought. However paragraph 2.2.5 states the Council may apply the above standards more flexibly, depending on the context of the site e.g. in inner city locations where back-to-back distances are characteristically less than those detailed stated. Whilst the proposed development would be fall short of this distance, the inner city location of the site and the fact that new occupiers would 'buy' in to this relationship are considerable factors which overcome this conflict. All units are afforded suitable outlook without being oppressively overlooked. In addition the applicant has submitted a Daylight Sunlight Availability Report. This confirms that the percentage of units achieving at least the minimum recommended values is higher than the approved scheme, and this is despite

the development now incorporating a higher proportion of residential dwellings. On this basis future occupiers would be provided with an acceptable level of amenity.

- 6.35 The application has been assessed as satisfying the requirements of saved Local Plan Review Policy SDP1(i), which seeks to protect existing amenity, whilst providing a decent standard of living accommodation within an attractive centrally located development.

Trees

- 6.36 As with the approved schemes, the development proposes to retain 3no. trees on the High Street fronting Block A. An Arboricultural Development Statement was submitted to discharge Condition 30 of permission 16/01303/FUL for tree retention and safeguarding. This was approved in December 2017 under LPA ref: 17/01698/DIS. A condition will again be imposed to ensure construction of the proposed development is carried out in accordance with those details previously agreed. In addition 42 new trees are proposed to be incorporated into the landscaping scheme. The number of new trees proposed by this application represents an improvement to the overall scheme, details of which (size and species), will be secured through a condition.

Sustainability

- 6.37 The application proposes a number of improvements on the previous schemes in terms of sustainability credentials. As confirmed by the Sustainability Officer, the development would deliver a Very Good BREEAM scheme for the non-residential uses, which when assessed against the 2018 methodology is an improvement on the previously consented scheme. This is below the Council's requirement for 'Excellent' but is justified for the reasons given in this report. An energy strategy has been also been developed to achieve greater (circa 49%) than the 35% reduction in CO2 emissions required over Part L 2013 building regulations via a range of passive and active energy efficiency measures (such as use of a highly efficient electric heating system, thermal glazing, insulated pipe work, and low energy lighting. Furthermore, the use of green roofs has been included with the proposals. As confirmed by the Sustainability Officer, the proposal therefore accords with SCC's Core Strategy Policy CS20 in this regard. The residential units have also been designed to achieve the equivalent water and energy savings requirements to follow the principles of the newly emerging Home Quality Mark. Details of water efficiencies will be secured through a planning condition.

Environmental Impact, Mitigation and Ecology

- 6.38 The Environmental Statement (ES) addendum accompanying the application has been the subject of full public consultation with the relevant national organisations, and other third parties, and is taken into account in assessing

the application and preparing this report. Overall, the development would not have an adverse environmental effect subject to the imposition of appropriate conditions. The ES includes sections on air quality, noise and vibration alongside those matters discussed above. The air quality assessment identified that the application site lies outside an Air Quality Management Area. The assessment concluded that although the effect of the proposed development during the construction could be minor/moderate adverse, this will be offset through agreed construction traffic routes with SCC. There will be no significant effect in compliance with Local Plan Policy SDP15. The noise and vibration assessment concludes that any potential noise effects from the development can be suitably controlled.

Ecology

- 6.39 The Site comprises the cleared former Bargate Shopping Centre, with much of the footprint now bare, it currently contains very limited opportunity for biodiversity, and it is not nationally or locally designated as a site of interest in terms of biodiversity. However the Council's Ecology Officer has noted that there are a number of potential bat roost locations present on the site and that bat emergence surveys will be required. These surveys will need to be undertaken before construction commences but cannot be done before May 2021. As such confirmation of the likely timeframe for any site works with the potential to damage or disturb potential bat roost sites will be required. In addition, surveys for black redstart are required. These details were addressed through the applicants Environmental Statement, which states that surveys would be carried out between April and June 2021 and further comment on this approach is awaited from the Ecology Officer. A verbal update will be given at the meeting. They will also comment on the requirement for a condition for surveys relating the requested requirement for multiple internal nest sites for House sparrow, Starling and Swift. In addition, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the Council's Ecology Officer. These details are considered necessary in order to achieve biodiversity enhancements and can be secured through a planning condition. Officers therefore request that the application is delegated back to Officers to secure these mitigation details, following the necessary response from the Biodiversity Officer ahead of supporting a favourable recommendation.

Protected Species

- 6.40 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites:

Solent & Southampton Water SPA

The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity.

New Forest SPA

The New Forest is designated as a SPA and Natural England have raised concerns that new residents will put pressure on the Forest for recreational activity. To mitigate this the application relies upon the significant CIL contribution that will support the application and the Council's commitment that at least 5% of all CIL monies will be ring-fenced to support the improvement of 'Suitable Accessible Natural Green Space' (SANGS) in Southampton (with potential for direct payments to support the Forest itself).

- 6.41 The Habitats Regulation Assessment provided, which is necessary as part of this determination process before the Council, as the 'competent authority' under the Habitats Regulations, confirms that direct impacts have been identified, but that mitigation is possible. The Habitats Regulation Assessment concludes that there will be no adverse effects on the European sites (Solent Waters and New Forest). Providing the planning obligations are secured (as discussed above) this application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).
- 6.42 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. As with the previous two consents, the development will need to mitigate against its direct impacts and to achieve this a s.106 legal agreement is recommended to secure the same contributions as set out above. Given the constraints of the site, the form of development and the creation of a public setting to the Town Walls, and the proximity of the development to the recently upgraded children's play facility in Houndswell Park it is not possible to secure on-site children's play equipment within this development. This conclusion was also reached for the previous permissions.

Affordable Housing and Viability

6.43 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. In terms of the 519 private flats there is an expectation that 186 flats (35%) will be provided on site.

6.44 Policy CS15 suggests that *'the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)*. The applicants have submitted a detailed viability appraisal of their scheme, which includes no affordable housing. This is a weakness of the scheme but has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at **Appendix 3**.

6.45 DVS provided two assessments on the viability on the proposed scheme including the provision of nil Affordable Housing:

1) For Sale Scheme – On the basis of a scheme including 519 for sale units, 50 parking spaces, ground rents and 2,490 sq m of retail the scheme excluding a land value - shows a deficit of £6,569,070 and if the BLV is included there would be a total deficit of £17,917,903 including finance.

2) PRS Scheme – On the basis of a scheme including 519 PRS units, 50 parking spaces and 2,490 sq m of retail the scheme excluding a land value - shows a deficit of £9,710,365 and if the BLV is included there would be a total deficit of £20,073,450 including finance.

DVS therefore conclude that: *'Clearly both of these schemes (For Sale and Rental scheme) are unviable and undeliverable unless costs reduce and values increase.'*

6.46 Whilst there are some discrepancies between the final figures and variables (such as rental values, build costs, S106 and CIL contributions and for sale rental profits (17.5% rather than 20%)), the headline conclusion from DVS is that: *'...there are major issues in respect of the viability of both of the proposed schemes...if the Council wish to proceed at less than policy we would suggest that any section 106 agreement include a review mechanism.'*

Even when factoring no affordable housing, a 'for sale' scheme would make approximately 12% profit (approximately £14.9m) which is still significantly below the stated profit mark of 17.5% used by DVS and the NPPF. Furthermore a purely rental scheme would make a profit of 6% (£6.9m) which is even further below the acceptable profit margin. The conclusions of the DVS report that the scheme is unviable are therefore agreed.

6.47 In terms of deliverability, despite the conclusions of the Viability Appraisal, the applicant has reiterated their commitment to the delivery of mixed use development on the site with the following statement:

'Our investors have made a significant commitment to this Site, with considerable sums invested in seeking to bring forward the current scheme. We are committed to seeking to deliver this development on what is a challenging site during exceptional times. Our viability appraisal shows to bring the site forward we face significant additional cost challenges in responding to the heritage assets here. We have shown our commitment to the Site through the payment of CIL to date of circa £2M and through the investment in extensive archaeological investigative works at the Site.'

- 6.48 It is recommended that the DVS report is accepted and the Council supports the delivery of this project on the basis of the current viability (ie. With nil affordable housing). 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.

7.0 Summary

- 7.1 The opportunities for the city presented by this planning application are considerable. The existing shopping centre has been demolished and represented a missed opportunity in fully appreciating the importance of the Town Walls. The redevelopment of this site has long been recognised as a key element in the regeneration of the city centre and the proposals, represent an exciting change to this part of the city. The application proposes a comprehensive residential led mixed use development, which will significantly contribute to the status, offer and attractiveness of the city centre as a place to live and a retail and leisure destination.
- 7.2 The application has been the subject to two previous extant permissions, as well as extensive discussions with Council officers, and amendments have been made to overcome initial concerns with the revised residential led approach. The development will create a new 'sense of place' around the new pedestrian route, where formal and informal events could be held. This will provide a focus that allows the Town Walls to create a dramatic setting for the development. An attractive and inclusive pedestrian environment will be created which will help to improve accessibility within the city centre.
- 7.3 The proposed buildings are large and assertive and as a result would result in a dominant setting to the Town Walls, the Bargate Monument and the Old Town Conservation. However, this in itself is not harmful. The development will open up additional views and experiences of the Town Walls and would deliver public realm improvements on the previous schemes. Whilst Historic England consider that 'less than substantial harm' would be caused to the setting of these heritage assets, the delivery of these public realm improvements on top of the removal of the old Bargate Centre and opening up of separation distances from the wall, would represent public benefits that would outweigh the identified harm. Coupled with the provision of a

substantial contribution towards housing supply in the city, these accrued benefits outweigh the lack of affordable housing, only securing BREEAM 'Very Good' and the shortfall in car and cycle parking to serve the development.

- 7.4 The issue of 'recreational disturbance' associated with the residential accommodation has been addressed in the Habitats Regulation Assessment attached to this report. The mitigation measures can be secured through the Section 106 agreement, and there is an opportunity to direct a significant CIL contribution back into the development to further ensure a quality scheme and wider public realm are realised.
- 7.5 In conclusion, this is an important project for the City Centre given what it can offer to the setting of a Grade I asset and, as consented, the scheme is recognised as having serious viability issues. Flexibility should be afforded the scheme to maintain its momentum and realise the scheme's unique benefits, especially to the sensitive historic environment. Whilst the scheme is contrary to part of the Development Plan, including Policy 28 of the CCAP, as it delivers a residential led mixed use scheme, the development would deliver significant social, economic and environmental benefits that would outweigh the conflict with the Development Plan. Moreover the scheme is a more responsive development to the current circumstances of the City, which could not have been anticipated at the time of adopting the relevant development plan policies relating to the site.

8.0 **Conclusion**

- 8.1 It is recommended that 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), 1(b), 1(c), 1(d), 2(b), 2(d), 4(a), 4(b), 4(d), 4(g), 4(r), 4(ll), 4(uu), 4(vv), 6(a), 6(b) and 7(a).

RS for 16/03/2021 PROW Panel

PLANNING CONDITIONS:

1.Full Permission Timing Condition

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

Reason:

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

2.Approved Plans

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

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

3.Phasing

None of the buildings hereby approved, with the exception of Site A, shall be occupied or otherwise brought into operational use until the approved works for the following are completed:

- a) Off-site works to the Queensway including the new access point into the site;
- b) Amended off-site works to The Strand;
- c) The associated service yard and turning space;
- d) The car parking contained within the basements;
- e) The pedestrian link from East Bargate to Queensway; and
- f) Any works to finish the exposed side elevations to those buildings on Queensway affected by the above works and retained thereafter ahead of the next phase have been substantially completed as specified in this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is carried out comprehensively in accordance with the application, to ensure that demolition works do not result in harm to the visual character of the Old Town North Conservation Area and to ensure a high quality public realm and pedestrian environment is created in accordance with the City Centre Action Plan Policy AP28.

4.Construction Environment Management Plan

Prior to the commencement of any below or above ground construction works a written Construction Environment Management Plan (CEMP) in respect of any construction phase identified by the above phasing conditions shall be submitted to and approved by the Local Planning Authority.

The CEMP shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are

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.

6.Land Contamination investigation and remediation

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved 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.

7.Use of uncontaminated soils and fill (Performance)

Only clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to

validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

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

8. Unsuspected Contamination (Performance)

The site shall be monitored by the applicant for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

9. Archaeological damage-assessment (Pre-Commencement Condition)

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

10. Archaeological evaluation (Pre-Commencement Condition)

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

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

11. Archaeological evaluation work programme (Performance Condition)

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

Reason: To ensure that the archaeological investigation is completed.

12. Archaeological investigation (further works) (Performance Condition)

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

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

13. Archaeological work programme (further works) (Performance Condition)

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

Reason: To ensure that the archaeological investigation is completed.

14.Piling Methodology

Prior to any piling operations being undertaken for each phase of the development a piling/foundation design risk assessment and method statement (including monitoring) for the preferred piling/foundation design/designs in respect of such relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall progress in accordance with the agreed details.

Reason: To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed, particularly in respect of residential amenity and the integrity of the scheduled ancient monuments that form part of the site and its setting.

Condition Informative 1: Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2: Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

Note to Applicant: It should be noted that the maximum PPV level permitted in the vicinity of Southampton's medieval town walls is 3 mm/s, as measured on the monument itself. A detector needs to be fixed to the monument to measure this.

15. Full up-to date survey of the entire monument (pre commencement)

Prior to commencement of the development hereby approved, a full up-to date survey of the entire monument, including analysis of the render and proposals for its conservation and protection. Once approved the necessary conservation works must be undertaken in accordance with the approved details and include all works that are specified as necessary within the resultant survey report, for the entirety of the monument within the development.

Reason: In the interests of preserving and enhances the heritage assets within the site.

16.External Materials

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works above ground level shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary for that development phase, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls,

windows with reveal, doors (that shall be fitted not to open outwards into the public realm), balcony details, rainwater goods, screening to the retained sub-station, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality when read against the important local heritage assets.

17.Privacy - Blocks E and F

The agreed privacy mitigation, in the form of off-set projecting bays, shall be installed prior to the first occupation of the affected flats within Blocks E (south elevation) and retained thereafter.

Reason: In the interests of residential amenity.

18.Building Heights

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority.

Reason: To ensure that the impact of the development in relation to the natural features and historic context of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity and to protect the setting of the Bargate monument.

19.Roof Plant

Notwithstanding the information submitted with the amended plans details of all roof plant, and the measures to be taken to soundproof such equipment and/or enclosure shall be submitted to and approved by the Local Planning Authority prior to either its installation or the occupation of each of the buildings to which the plant relates (whichever is sooner). The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation.

With the exception of what is shown on the approved plans there shall be no additional roof plant added above the height of the approved parapet level for Site A.

The development shall be implemented in accordance with the agreed details. The machinery and plant shall not be used until the approved soundproofing measures have been implemented in accordance with the agreed details

Reason: To ensure that the impact of the development in relation to the natural features and historic context of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity and to protect the setting of the Bargate monument.

20.External Ventilation & Extraction Details

Details of suitable ventilation, extraction and filtration equipment for each of the non-residential units, if required, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in, and occupation of, each unit. The details shall include a written scheme for the control of noise, fumes and odours from extractor fans and other equipment. The equipment shall be installed and maintained

in accordance with the agreed information and made ready for use prior to the first use of the unit to which the details relate.

Reason: To ensure that adequate provision is made for the ventilation of the commercial use which does not impinge on the residential amenity of neighbouring residents or the external design of the building hereby approved, or its historic setting, and to accord with the Environmental Statement.

21. Glazing- Soundproofing from external noise

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation is required to provide the necessary sound insulation to enable achievement of the internal noise levels stated within BS 8233: 2014, as follows:

Living Rooms - 35 dB Daytime (LAeq,16hr)

Bedrooms - 35 dB Daytime (LAeq,16hr) and 30 dB Night-Time (LAeq,8hr).

The above specified glazing shall be installed before each of the flats are first occupied and thereafter retained at all times.

Reason: In order to protect occupiers of the flats from traffic noise.

22. Car Parking – Detail

The parking spaces for a minimum of 54 vehicles, including at least 5 disabled spaces and aisle widths of at least 6 metres, shall be marked out in accordance with the approved plans prior to the first occupation or operational use of the development hereby approved. These spaces shall be retained as approved in accordance with a car parking management plan that shall have been agreed in writing by the Local Planning Authority ahead of first operational use of the development hereby approved. A minimum of 8 (15%) parking spaces shall be fitted and retained with an electric car charging point for use by residents and their visitors. Provision for future infrastructure should also be provided and agreed in writing by the Local Planning Authority .

Reason: In the interests of ensuring appropriate car parking is provided and to mitigate any conflict that may otherwise arise between residents and visitors to the associated parking, and to ensure compliance with the assessment made by the Environmental Statement.

23. Car Parking – Ventilation

The undercroft car park hereby approved shall be ventilated in accordance with details first submitted, and approve to the Local Planning Authority unless otherwise agreed following further negotiation in respect of the landscaping and archaeology conditions attached to this permission.

Reason: In the interests of public health and to support the details provided within the Environmental Statement.

24. Cycle Parking

Prior to occupation of the buildings, a detailed plan demonstrating cycle parking in accordance with the standards set out within the Council's Parking Standards Supplementary Planning Document (2011) unless otherwise agreed in writing by the Local Planning Authority. Once the quantum and location of cycle parking has been agreed in writing, the cycle provision shall be carried out in accordance with the approved details prior to first occupation of the approved buildings. Thereafter these

cycle spaces and associated facilities shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason To promote cycling as a sustainable mode of transport.

25.Landscaping, lighting & means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of any site works (excluding any further demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i) Proposed finished ground levels or contours to demonstrate a level access is achievable across and through the development for all users (including those in wheelchairs, with mobility issues and parents with pushchairs) and particularly along the east-west route from the Bargate to Queensway and the north-south route from Hanover Buildings through York Gate to Polymond Tower and the service yard connecting the site to East Street; means of enclosure; servicing and surface car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, bollards, information panels, lighting columns etc.)
- ii) a detailed levels and surfacing plan of the landscaping and level changes around Polymond Tower;
- iii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iv) Tree species, tree pit details – including root retaining barriers - and soil volumes;
- v) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- vi) details of any proposed boundary treatment, including retaining walls;
- vii) a landscape management scheme; and,
- viii) confirmation that the submitted landscaping scheme accords with the plans submitted in respect of an s.278 works

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

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

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

26.Means of Enclosure - Permitted Development Removed

Notwithstanding the details of the proposed scheme and the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority either in response to this condition or through the submission of a planning application.

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

27.Satellite and antennae - Permitted Development Removed

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no satellite dishes or other antennae shall be erected within the application site unless otherwise agreed in writing by the Local Planning Authority either in response to this condition or through the submission of a planning application.

Reason: To safeguard the open character and appearance of this location.

28.Lighting

The external lighting associated with this development shall be carried out in accordance with those amended details submitted, and hereby approved, in respect of LPA ref: 18/00185/DIS unless otherwise agreed following further negotiation in respect of the landscaping and archaeology conditions attached to this permission. The lighting installation shall be maintained in accordance with the agreed written scheme.

Furthermore, the development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and on the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

Reason: To protect the amenities of the occupiers of existing nearby residential properties, to assist with safety and security and the setting of the Town Walls and to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

29.Ecological Mitigation Statement

Prior to development commencing, the developer shall submit a programme of habitat and species mitigation and enhancement measures, including method statement for avoiding impacts on bat roosts, black redstart, swifts and starlings will be required, 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

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981

(as amended) in the interests of preserving and enhancing biodiversity.

30. Bird Hazard Management Plan

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:

- Management of the roof area and 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':

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.aoa.org.uk_wp-2Dcontent_uploads_2016_09_Advice-2DNote-2D3-2DWildlife-2DHazards-2D2016.pdf&d=DwlGaQ&c=pbUzoxRZCRvayVvkYvkiMO6u1jPMdBrTZxWyx_2PsKs&r=E_GbQSaRMExEzL-2Vmtui9pO-MEfVbYuRNtQhMcOOk8&m=IWI_xCd1ivnLD3t6lXhV4iDLjWHI21jbU6CvZepQ3JM&s=IThUtFWx2rPhl6nsTE6UB-hbtF4s01EtgAnwMEJPf7U&e=

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.

31. Tree Retention and Safeguarding

The 3 Fastigate Oaks on the East Bargate frontage to be retained (on the edge of the application site), pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations in accordance with those details agreed under LPA ref: 17/01698/DIS. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

32. BREEAM Standards - Pre-Commencement

Before the development commences, written documentary evidence demonstrating that the non residential units will achieve at minimum Very Good against the BREEAM

UK New Construction 2018 technical standard, in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

33.BREEAM Standards – Certification

Within 6 months of any part of the hotel and retail units first becoming occupied, written documentary evidence proving that the student accommodation and retail units have achieved at minimum Very Good against the BREEAM UK New Construction 2018 technical standard in the form of post construction report and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

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

34.Energy & Water

Before the development commences, written documentary evidence demonstrating that the residential development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

35.Energy & Water – Certification

Within 6 months of any part of the residential development first becoming occupied, written documentary evidence proving that the residential development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

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

36.Zero or Low Carbon Energy Sources

Energy Sources (Pre-Commencement Condition)

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO2 emissions of at least 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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

37.Green Roof

A detailed study for the provision of green roof shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. A specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification shall be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015).

38. Rainwater /Grey-water Harvesting (Pre-Occupation Condition)

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

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

39.Sustainable Drainage Systems

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority prior to the commencement of development on the affected building (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details). Before these details are submitted an assessment

shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

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

40.Foul and Surface Water Drainage

No development shall commence (excluding any further demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied with the drainage arrangements and to ensure the development will not result in an increased risk of flooding in the area, as set out in Southern Water's detailed responses, or to heritage assets as explained by the Council's Planning Archaeologist.

41.Sewers

No further development shall commence until details of how the existing sewer and water infrastructure shall be protected during that associated development phase have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details

Reason: As further capacity is required to accommodate the proposed intensification of development and to protect existing infrastructure during the demolition/construction phase.

42.The Provision of Lifts

The platform lift serving the development, hereby approved, shall be installed prior to the first occupation of the building to which they relate, and shall thereafter be maintained in good working order during the lifetime of the development.

Reason: In the interests of providing full access to the development.

43.Safety and Security

No development shall take place within such part of the site to which a phase relates,

(excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) until a scheme of safety and security measures for that phase/building including:

- i) CCTV coverage to all areas including the parking, service yards and post rooms
- ii) concierge arrangements with 24 hour on-site management;
- iii) door types of the storage areas;
- iv) outer communal doorsets and the flat access doorsets;
- v) ground floor windows;
- vi) Electronic access control through the communal access doors;
- vii) security of the car parking areas; and,
- viii) a lighting plan.

has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of each building to which the agreed works relate, and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety and security of all users of the development and as the basement provides access to residents and the public.

44. Operating Hours of Commercial Use (Class E) & Floorspace

The ground floor commercial floorspace hereby approved shall be restricted to uses within Class E. The proposed unit incorporating a Sui Generis shall be agreed in writing with the Local Planning Authority prior to occupation of that unit. All non-residential uses, hereby approved shall not be open to the public outside the hours of 06:00 to midnight on any day. Any bar areas or takeaway facility associated with the approved uses shall remain 'ancillary' to the principal use.

Any associated external seating shall be agreed in writing with the Local Planning Authority prior to their first use. These details shall include the design of the tables, seating, umbrellas and associated paraphernalia etc. The details shall be implemented only as agreed prior to each initial, and subsequent, occupation.

Reason: To protect the amenities of adjoining and prospective residential occupiers, the vitality and viability of the city centre and to define the extent of the Class E commercial uses as required by CCAP Policy AP28 that seeks to ensure a retail led development is delivered whilst respecting the setting of the Town Walls.

45. Shopfront Design Strategy

Prior to the first occupation of each phase of development a 'Signage Strategy' for any non-residential uses within that phase shall be submitted to and approved in writing by the Local Planning Authority for use in the determination of any subsequent applications for Advertisement Consent. The Strategy shall include details of a universal fascia size, means of projection, the use of materials and the form of illumination. The development shall proceed only in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority on submission of an application for Advertisement Consent.

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or

any Order amending, revoking or re-enacting these Regulations, the occupiers of the non residential uses hereby approved shall retain clear glazing on the ground and mezzanine floor along the length of the shop frontages hereby approved (without the installation of window vinyls or equivalent) unless otherwise agreed in writing with the Local Planning Authority upon submission of an application to either vary this condition, or secure Advertisement Consent.

Reason: In the interests of visual amenity, natural surveillance, and to protect the setting of heritage assets by securing some uniformity in the signage of the development whilst not preventing a successful corporate branding.

46. Signage Strategy

Prior to the first occupation of each phase of development a 'Signage Strategy' for any non-residential uses within that phase shall be submitted to and approved in writing by the Local Planning Authority for use in the determination of any subsequent applications for Advertisement Consent. The Strategy shall include details of a universal fascia size, means of projection, the use of materials, the form of illumination, and limits on the use of window graphics and vinyls at first floor level. The development shall proceed only in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority on submission of an application for Advertisement Consent.

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the non-residential uses hereby approved shall retain clear glazing on the ground and mezzanine floor along the length of the shop frontages hereby approved (without the installation of window vinyls or equivalent) unless otherwise agreed in writing with the Local Planning Authority upon submission of an application to either vary this condition, or secure Advertisement Consent.

Reason: In the interests of visual amenity, natural surveillance, and to protect the setting of heritage assets by securing some uniformity in the signage of the development whilst not preventing a successful corporate branding.

47. Operational Management Plan

Prior to the first occupation of each building (Sites A-G) a management plan relating to how the buildings and their associated spaces will be managed, including the resident's amenity areas and associated roof terraces, main pedestrian routes and the basement car parks, shall have been submitted to and approved in writing by the Local Planning Authority.

The management plan(s) shall include details of outdoor seating, any rooftop amenity space furniture and associated facilities including litter bins and management, the management of special events and the policing of anti-social behaviour alongside the day to day operational requirements of the building.

All occupiers of the residential accommodation shall be given secure, unfettered, free access to the resident's amenity areas and associated roof terrace during the lifetime of the development. The use of the development shall be carried out in accordance

with this agreed management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure control over the management and operation of the development in the interests of the amenities of the area and the residents of the scheme.

48. Air Quality Mitigation

The development hereby approved shall be carried out in accordance with those amended air quality mitigation details submitted, and hereby approved, in respect of LPA ref: 18/00185/DIS and Chapter 6 of the Environmental Statement unless otherwise agreed following further negotiation in respect of the landscaping and archaeology conditions attached to this permission. The development of the buildings in the associated phase shall be completed in accordance with the agreed details prior to first occupation with the necessary measures retained for the lifetime for the development thereafter.

Reason: In the interests of improving air quality within the City and mitigating the scheme's direct impacts in accordance with Local Plan Policy SDP15.

49. Façade Retention & Repair - Site B

No further demolition or construction works shall take place on Block B until a Façade Retention Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Statement should detail how the façade to be protected and retained during the demolition and construction phases and how it can be incorporated into the final scheme. The development shall proceed in accordance with the agreed details with the repair works completed in full prior to the first occupation of Site B.

Reason: To ensure that the façade is protected during the demolition phase and subsequently repaired in the interests of visual amenity and the setting of existing heritage assets.

50. Refuse & Recycling

Prior to the commencement of development (excluding any demolition, site clearance, site enabling works or associated investigative works that may take place prior to the further submission of these details) on each Site building (A-G), details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a commitment to a private refuse operator due to the current capacity proposed and further details of the proposed bailer/compactor (in terms of design, hours of use and noise mitigation). The storage shall be provided in accordance with the agreed details before the relevant building is first occupied and shall thereafter be retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse bins shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

51. Servicing Management Plan

The development hereby approved shall be carried out in accordance with a service management that shall be agreed in writing with the Local Planning Authority prior to the first occupation of each use unless otherwise agreed. The agreed Plan shall include details of how servicing vehicles access the site and any turning areas required including refuse collection would need to be kept clear at all times for that purpose and be in place before the relevant building is first occupied and shall thereafter be implemented as approved during the lifetime of the development.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

52. Ground clearance for the access road

The ground clearance for any part of the new access road to be adopted shall be at least 5.31m clear of any oversailing structures.

Reason: In the interests of highway safety.

53. Balconies

The balconies serving the development hereby approved shall be installed prior to the first occupation of the residential units to which they relate, and shall be constructed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority during the lifetime of the development.

Reason: In the interests of residential amenity.

Informatives to include:

Note to Applicant - Scheduled Ancient Monument Consent required

You are advised that part of the development will require Scheduled Ancient Monument Consent and you should contact Historic England for further advise about obtaining the necessary approvals.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

Note to Applicant - Southern Water - Informative

The applicant is advised to note the comments from Southern Water in relation to this application. In particular they advise that a formal application for connection to the public water supply and a formal agreement to provide the necessary sewerage infrastructure are required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire SO21 2SW - Tel. 0330 303 0119.

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available to read on the website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements

The proposed development would lie within Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy.

Note to Applicant – Southampton Airport

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard 'Code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues', available at
<http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>

Note to Applicant – Hampshire Fire & Rescue

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations. Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

- High reach appliances currently operated by the HFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows. Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

- Additional water supplies for fire-fighting may be necessary. You should contact the Community Response Support, Hampshire Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (risk.information@hantsfire.gov.uk) to discuss your proposals.
- HFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises.
- HFRS is fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.
- HFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.
- Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a 'controlled burn' may take place. This of course could lead to the total loss of the building and its contents.
- Premises' occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.