

Planning and Rights of Way Panel

Tuesday, 20th
September, 2022
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Coombs (Chair)
Councillor Savage (Vice-Chair)
Councillor Blatchford
Councillor Magee
Councillor J Payne
Councillor Prior
Councillor Windle

Contacts

Democratic Support Officer
Maria McKay
Tel: 023 8083 3899
Mobile: 07385 399156
Email: maria.mckay@southampton.gov.uk

Head of Green City & Infrastructure
Pete Boustred
Email: pete.boustred@southampton.gov.uk

PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

PUBLIC REPRESENTATIONS

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Dates of Meetings: Municipal Year 2022/2023

2022	
24 May	20 September
21 June	11 October
12 July	1 November
2 August	22 November
23 August	13 December

SMOKING POLICY – The Council operates a no-smoking policy in all civic buildings

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

2023	
24 January	18 April 29
21 February	
14 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council, and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

- Any body to which they have been appointed or nominated by Southampton City Council
- Any public authority or body exercising functions of a public nature
- Any body directed to charitable purposes
- Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability, and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

CONSIDERATION OF PLANNING APPLICATIONS

20.09.22 - Panel Agenda Order and Timing updated

Monday, 12 September 2022

Director – Legal and Business Services

This page is intentionally left blank

Public Document Pack Agenda Item 4

PLANNING AND RIGHTS OF WAY PANEL MINUTES OF THE MEETING HELD ON 2 AUGUST 2022

Present: Councillors Coombs (Chair), Blatchford, Magee, J Payne, Prior, Shields and Windle

Apologies: Councillor Savage

16. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

Apologies were noted from Cllr Savage. Cllr Shields represented Cllr Savage for the purposes of the meeting.

17. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the meeting on 12th July 2022, be approved and signed as a correct record.

18. **22/00761/FUL 37-39 OXFORD STREET**

The Panel considered the report of the Head of Green City and Infrastructure recommending refusal in respect of an application for a proposed development at the above address.

Change of use of the existing building from restaurant (Use Class E) to drinking establishment/restaurant (Sui Generis) with associated external alterations to the façade and erection of a 3rd floor with roof terrace bar.

Simon Reynier (City of Southampton Society), David Hurlock (Managing Director Landene Ltd), Colin Beaven (local resident objecting), and James Iles (Director, Pro Vision) (agent) were present and with the consent of the Chair, addressed the meeting. In addition, statements were received from David Hurlock of Landene Ltd and, David Riley-Cole (local resident objecting) and circulated to the Panel prior to the meeting and published online.

During the course of the debate Members noted the lack of an assessment of the potential impact on neighbours from noise emanating from the roof top terrace. Cllr Blatchford noted the council's duty under the Crime and Disorder Act 1998.

The Panel then considered the recommendation to refuse the application. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED to refuse planning permission for the reasons set out in the report.

19. **22/00721/R3CFL KINGSCLERE AVENUE**

The Panel considered the report of the Head of Green City & Infrastructure recommending that planning permission be granted subject to conditions set out in the report.

Change of use of open space and verge to 22 parking spaces facilitated by Grassblock paving (departure from local plan).

The presenting officer reported to Members that one of the sites proposed for car parking had been removed in order to address neighbour concerns, which had resulted in a change of description from 22 car parking spaces to 13 spaces.

The Panel was invited to approve a change to the recommendation from 'conditional approval' to 'Delegate to Officers' to issue consent following the receipt of an amended landscaping plan.

The Panel then considered the amended recommendation. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors Blatchford, Coombs, Magee, Prior, Payne, Shields

AGAINST: Councillor Windle

RESOLVED to delegate to the Head of Planning & Economic Development to grant planning permission subject to the conditions set out within the report subject to receipt of an amended landscape plan.

20. **22/00399/FUL 59 BURGESS ROAD**

The Panel considered the report of the Head of Green City and Infrastructure recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Retention of "As Built" rear Retaining Wall and erection of additional fencing to the rear boundary treatment.

David Johnston (Old Bassett Residents' Association) and Adi Pupilampu Toldfield Architects (agent) were present and with the consent of the Chair, addressed the meeting. Additional correspondence from the Old Bassett Residents' Association was also circulated to Members in written format prior to the meeting and published online.

The presenting officer reported that an additional condition was proposed, in order to secure a time period for installation of the new fencing proposed.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Coombs, Magee, Prior, Payne, Shields and Windle.

ABSTAIN: Councillor Blatchford

RESOLVED that planning permission be granted subject to the conditions set out within the report and any additional or amended conditions set out below:

2. Additional Condition (By Officer)

3) Full Permission Timing (Performance)

The additional fencing 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).

21. **22/00531/FUL 59 BURGESS ROAD**

The Panel considered the report of the Head of Green City and Infrastructure recommending that conditional approval be given in respect of an application for a proposed development at the above address.

Erection of a part single storey, part first floor rear extension with roof alterations to facilitate loft conversion (amendments to LPA ref: 19/01530/FUL).

David Johnston (Old Bassett Residents' Association) and Adi Pupilampu Toldfield Architects (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that there were no changes to the conditions or recommendations of the report.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that planning permission be granted subject to the conditions set out within the report.

22. **22/00668/FUL 5 COTSWOLD ROAD**

Report of the Head of Green City & Infrastructure recommending that conditional approval be given in respect of an application for a proposed development at the above address.

Erection of a single storey rear extension (Retrospective).

Mr Zubka (local resident objecting), Kernan Charles (agent), and Councillor Cllr David Furnell (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

During the debate Cllrs Blatchford and Coombs noted that the alleged damage to the neighbouring property was not a material consideration for the Panel.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors Coombs, Blatchford, Magee, Payne, Prior, Windle

AGAINST: Councillor Shields

RESOLVED that planning permission be granted subject to the conditions set out within the report.

23. **22/00340/FUL 1 GAINSFORD ROAD**

The Panel considered the report of the Head of Green City and Infrastructure recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of a log cabin in rear garden (Retrospective).

Tim Young (local resident objecting), Miss Cheryl Strugnell (applicant), Christopher Carr (supporter) were present and with the consent of the Chair, addressed the meeting. In addition, a report was received from Lloyd Jones MRTPI, Director, LJR Planning, which was circulated to the Panel prior to the meeting and published online.

During the debate, officers recommended to vary condition 4 to that as set out below to ensure that together the fencing and/or screening would be 2.3 metres high.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that planning permission be granted subject to the conditions set out within the report and the amended condition set out below:

04. Screening

Within one month from the date of this permission, fencing/privacy screening totalling a height of 2.3m shall be provided between the boundary with No.1a and No.1 over the first two fence panels nearest the properties. Once installed, the fencing / privacy screen shall thereafter be retained and maintained as such at all times.

Reason: In order to protect neighbour amenity from loss of privacy and overlooking.

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 20th September 2022

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
4:30pm				
6	AG	DEL	15	21/01851/FUL Former Debenhams
6:00pm				
7	AL	DEL	5	19/00639/ADV Redbridge Roundabout

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

AG – Andy Gregory

AL – Anna Lee

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)

- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (2013)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 20th September 2022

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
4:30pm				
6	AG	DEL	15	21/01851/FUL Former Debenhams
6:00pm				
7	AL	DEL	5	19/00639/ADV Redbridge Roundabout

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

AG – Andy Gregory

AL – Anna Lee

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)

- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (2013)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 5

DECISION-MAKER:	Planning Rights of Way Panel
SUBJECT:	The Southampton (Pennine Road) Tree Preservation Order 2022
DATE OF DECISION:	20 th September 2022
REPORT OF:	Head Of Service

<u>CONTACT DETAILS</u>			
	Title	Head of City Services	
	Name:	Dave Tyrie	Tel: 023 80 83 3005
	E-mail	David.Tyrie@southampton.gov.uk	
Author:	Title	City Tree Officer	
	Name:	Maria Mushens	Tel: 023 80 83 3005
	E-mail	Maria.Mushens@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

BRIEF SUMMARY

101 Pennine Road is an ex-council house. As a consequence there is a deed of covenant in place requiring approval from the council prior to undertaking any tree work. There is a mature lime tree to the front garden.

The current owner contacted the council in December 2018 seeking permission to carry out work to the tree and therefore was aware of the requirement to obtain prior consent from the council.

Consent was granted in January 2019, eventually with modifications by the council, as the original specification of a 20%-25% reduction was considered excessive. The council agreed up to 1.5m branch reduction to previous cuts, with no cut to exceed 50mm diameter.

In April 2021 the council received an anonymous report of tree work having been carried out.

This work was not authorised by the council and a Tree Officer visited site in June 2021 to find that the tree had been pollarded beyond previous cuts. This is considered poor arboriculture practice as it can damage the health of the tree.

A Tree Preservation Order (TPO) was made in June 2022, to protect the tree against a future perceived threat to the tree, If further excessive work were to be carried out it could affect the health of the tree and the amenity it provides to the area.

An objection to the TPO was received from the tree owner by email and despite further email communication and a telephone conversation with the owner, the council has been unable to overcome the objection.

The matter is now presented to the panel for a final decision on whether to confirm the TPO.

RECOMMENDATIONS:

	(i)	To confirm the Southampton (Pennine Road) Tree Preservation Order 2022
	(ii)	

REASONS FOR REPORT RECOMMENDATIONS

1.	The Tree’s size, condition and location mean it makes a significant contribution to the amenity value of the area, in a location with few amenity trees. The protection provided by a Tree Preservation Order will ensure the long-term retention of these features.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3	To not confirm the TPO would not offer the legal protection which is considered prudent for the reasonable management of the tree.

DETAIL (Including consultation carried out)

1	April 2021 The council was informed that alleged unauthorised work had been carried out on the lime tree at 101 Pennine Road.
2	June 2021 During a site visit the Tree Officer noted that the tree had been pollarded. The cuts had been made beyond the previous cuts. This is poor arboriculture practice as it cuts away the trees energy reserves and can cause harm to the structure and health of the tree.
3	8 June 2022 an assessment of the tree’s suitability for protection was completed and can be seen in Appendix 1 (TEMPO Form). This is an industry wide accepted method of assessing a tree for its suitability for protection by a TPO. This assessment indicated that the tree ‘definitely merits’ protection.
4	14 June 2022 A TPO was made and served. (Appendix 2), to protect the tree from any further potentially harmful work.

5	26 June 2022 The council received an objection to the TPO by email from the Tree owners. (Appendix 3). The main points of the objection relate to nuisances caused by small branch drop, leaf fall and tree sap.
6	30 June Tree officer phoned the tree owner to discuss objection but agreed to write.
7	30 June 2022 The council responded by email to the points in the objection. (Appendix 4)
8	13 July 2022 Email sent asking if the tree owners wanted to withdraw or uphold their objection.
9	The tree officer has attempted to reach the tree owners by phone on several occasions during July and August 2022 to discuss the objection but has not heard back from the tree owners.
10	As the objections have not been withdrawn the matter has been brought to the Panel to make a final decision as to whether to confirm the TPO.

RESOURCE IMPLICATIONS

Capital/Revenue

Cost would be those associated with the administration of confirming the TPO and administration of any subsequent applications made under the TPO.

Property/Other

If the TPO is confirmed, compensation may be applied for in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to a condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

The Council has the power to make a Tree Preservation Order where it appears to them expedient in the interests of amenity to do so. Before confirming the Tree Preservation Order, the Council must consider the representations made.

<u>Other Legal Implications:</u>	
	The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions, but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990)
RISK MANAGEMENT IMPLICATIONS	
	None
POLICY FRAMEWORK IMPLICATIONS	
	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Tree Evaluation Method for Preservation orders Form
2.	The Southampton (Pennine Road) Tree Preservation Order 2022
3	The Objection to the TPO dated 26 June 2022
4	The Tree Officers response to the objection, dated 30. June 2022
5	Photos of the tree and map of location

Documents In Members' Rooms

1.	
2.	
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment :None	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	

2.		
----	--	--

This page is intentionally left blank

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION GUIDE

By Julian-Forbes Laird.

Date: 8/6/2022 Surveyor: MARIA MUSHENS & CS

Tree details
 TPO Ref: Tree/Group No: Species: Lime
 Owner (if known):
 Location: 101 Pennine Rd.

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- ③) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
 3

* relates to existing context & is intended to apply to severe irremediable defects only

b) Remaining longevity (in years) & suitability for TPO:

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
 5

* includes trees which are existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Small trees, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
 5 - recently pollarded.
 Largest tree on Pennine Rd. Also very close and from houses to the rear.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (incl. those of indifferent form)

Score & Notes
 13 + 1

Chiltern green

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
 2

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
 16

Decision:
 Yes

Pollarded under doc consent. Then redone below previous cuts without consent. Not best practice. Therefore perceived threat.

This page is intentionally left blank



Form of Tree Preservation Order Town and Country Planning Act 1990 The Southampton (Pennine Road) Tree Preservation Order 2022

Southampton city council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

1. This Order may be cited as The Southampton (Pennine Road) Tree Preservation Order 2022
- 2.

Interpretation

3. (1) In this Order “the authority” means the Southampton city council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

4. (1) Subject to article 4, this Order take effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -
 - i. cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - ii. cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

5. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 14th June 2022

Signed on behalf of Southampton City Council

A handwritten signature in black ink, appearing to be 'D. King', written in a cursive style.

Authorised by the Council to sign in that behalf

SCHEDULE 1
The Southampton (Pennine Road) Tree Preservation Order 2022

Individual Trees
(encircled black on the map)

No. on Map	Description	Situation
T1	Lime	Front Garden

Groups of trees
(within a broken black line on the map)

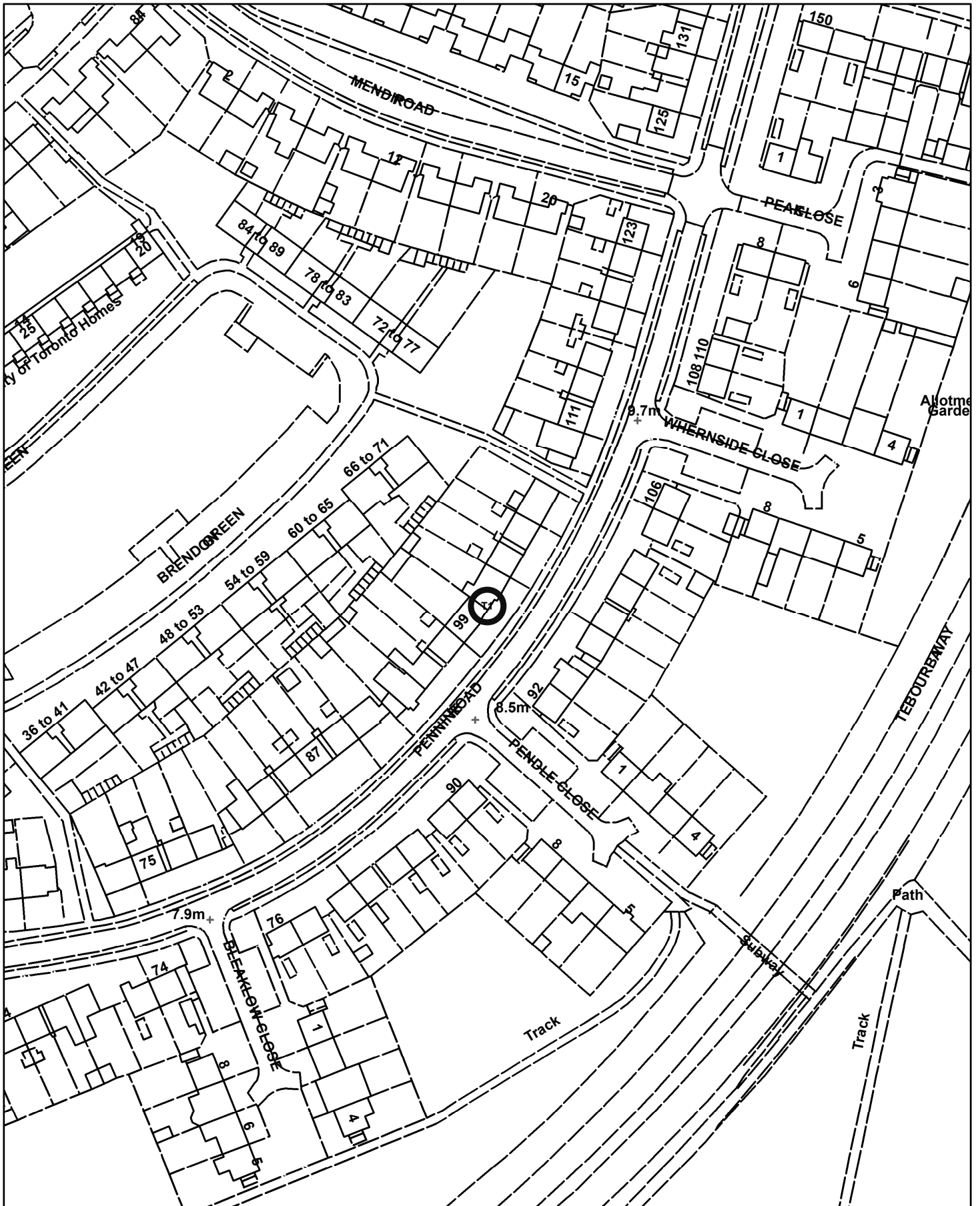
No. on Map	Description	Situation
	None	

Woodlands
(within a continuous black line on the map)

No. on Map	Description	Situation
	None	

Trees Specified by Reference to an Area
(within a dotted black line on the map)

No. on Map	Description	Situation
	None	



© Crown copyright and database rights 2014 Ordnance Survey 100019679
 This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

- Key
- Individual Trees
 - Group
 - Woodland
 - Area
 - Not TPO'd

The Southampton (Pennine Road) Tree Preservation Order 2022

TPO Ref: T2-745

Department: Trees team

Drawn: MM Page 24

Scale: Not to scale



Jon Dyer-Slade
 Head of City Services
 Place Directorate
 Southampton City Council
 3rd Floor One Guildhall Square
 Southampton SO14 7FP

From:



Subject:

T1-Lime situated in front garden of 101 Pennine Road, Millbrook.

Date:

26 June 2022 15:50:50

You don't often get email from beckyearly@hotmail.co.uk. [Learn why this is important](#)

Your Ref: T2-745

To whom it may concern.

Regulation 4 Of The Town and Country Planning (trees) regulations 2012.

The Southampton (Pennine Road) Tree Preservation Order 2022.

I am in receipt of your letter dated 14th June 2022 in respect of the Lime tree in the front garden of my property. I note this Lime tree is the subject of a provisional tree Preservation order which took effect on 14th June 2022 and will continue in force on this basis for a further 6 months or until the order is confirmed by the council, whichever is earlier.

I write to make an objection in respect of topping and lopping of the tree without the written consent of the authority.

The reasons for our objection is because the growth and foliage of the tree has a negative impact on the surrounding area for the following reasons:

- In high winds the leaves and smaller branches can often fall and have damaged our car parked on the front of the property/whilst parked on the frontage.
- The sap causes damage to the ground and paintwork on car roof and our property.
- The leaves block both ours and next doors (number 99) gutterings.
- The leaves become slippery when wet and this is dangerous for our 6 year old autistic son.
- The leaves are also a hazzard for pedestrians.
- The leaves blow several yards up the road and make the area look untidy and impossible to keep on top of.

We therefore feel we need to be trusted to maintain and be responsible for the upkeep of the tree to avoid the above.

Please bare our valid points in mind when making your decision.

We look forward to your response.

Many thanks.

Kind regards Mr and Mrs [REDACTED], property owners of 101 Pennine Road, Millbrook, Southampton, SO164QU.

This page is intentionally left blank

Subject:

RE: T1-Lime situated in front garden of 101 Pennine Road, Millbrook.

Dear Mr and Mrs [REDACTED]

Many thanks for taking time to contact the City Council tree team in relation to the new Tree Preservation Order (TPO) placed on the Lime tree at the front of 101 Pennine Road. I hope that this email will explain the rationale behind the making of the order and to answer the points that you have raised.

The property is subject to a deed of covenant, whereby any felling, lopping or topping of the tree must be agreed by the Council prior to being carried out.

Our records show that permission was obtained under this deed of covenant to reduce the crown to previous cuts in 2018. However further work was carried out early 2021 without the consent of the council. A tree officer inspected this work and found that the tree surgeon had pruned beyond the previous cuts. This is potentially damaging to the tree as it removes the wood where the tree stores a large volume of energy, which it needs to defend itself from the wounds made by the cuts and to re grow leaves.

The council has a green city charter and is keen to retain healthy trees across the city for the benefits that they provide. As this tree is the only prominent tree in the immediate area its importance is even more significant.

Trees help keep properties warmer in the winter and cooler in the summer. Areas that have trees also tend to have higher value of property as people prefer to live in a leafier area rather than an area void of trees. Studies have shown that people living in proximity to trees live a healthier life. Buildings are often softened by the presence of trees and remove the stark outline of a large building; therefore, they are generally welcomed in the environment as they have many benefits.

Occasionally trees do cause a disservice as outlined in your objection, from their sap, the natural shedding of small branches, leaf fall into gutters and roads. These issues that you raised are all valid points but can be dealt with by routine household maintenance and in the case of a build-up of leaves on highways by the council's street cleansing programme. It is the council's opinion that the negative aspects which are only seasonal, mentioned in your objection are outweighed by the positive benefits that trees provide.

The presence of a Tree Preservation Order does not mean that no work can be carried out to the tree. Only that consent must be obtained prior to the work being carried out. This is similar to the current situation but makes the status clearer to ensure the long-term retention of this tree for future generations. The council has agreed tree work before and would be supportive of reasonable works in the future.

Currently the tree preservation order is temporary and cannot be made permanent (Confirmed) if there are objections to the making of the order, therefore if you are not satisfied with my response and wish to uphold your objection, then the matter must be presented to a panel of elected member at the Planning & Rights of Way panel.

This is a publicly held meeting in which your objection would be presented along with my report that details the reasoning behind the making of the TPO along with my responses to objections

received. You will be invited to this meeting and will be given an allotted time to put your objection to the members of the panel. Once all representation has been heard, the member will vote on whether or not the council should confirm the order.

Please can you respond to me in relation to how you wish to proceed with this objection. If you are happy with my response, you can withdraw your objection, however if you wish to take the objection to the Planning and Rights of Way panel, then please state that you wish to uphold your objection. If no response is received, then this is taken as an upholding of objection.

If the objection is upheld, then I will start the process of writing my report, which you would receive a copy of along with the date of the meeting. This must be within 6 months of making of the order, therefore could be around September – December.

If you have any questions regarding my response of wish to discuss any further points, please do not hesitate to contact me. My mobile number [REDACTED]

Kind Regards

[REDACTED]

City Tree Officer
City Services
Southampton City Council
Hours of work Tuesday, Wednesday ,Thursday, Friday and alternate Mondays
+44(0)23 8083 3005
email:trees@southampton.gov.uk



SOUTHAMPTON2025.CO.UK #SO25

You don't often get email from beckyearly@hotmail.co.uk. [Learn why this is important](#)

1.North Aspect



2.South Aspect



3. Across the Road



4. From Pendle Close



5. Arial View of Location 101 Pennine oad



This page is intentionally left blank

Agenda Item 6

Planning and Rights of Way Panel 20th September 2022 Planning Application Report of the Head of Planning & Economic Development

Application address: Former Debenhams, Queens Buildings, Queensway			
Proposed development: Demolition of the existing vacant department store and redevelopment of the site to deliver a residential-led development with the erection of 3 blocks 7-17 storeys in height comprising 607 residential units and 2 no. ground floor commercial units (Use Class E) to East Street, and associated car parking and landscaping and public realm (amended description).			
Application number	21/01851/FUL	Application type	Major residential led mixed use development
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	24.10.2022 (ETA)	Ward	Bargate
Reason for Panel Referral:	Application which the Head of Planning & Economic Development considers to be of particular interest, strategic importance and wider public interest.	Ward Councillors	Cllr Sarah Bogle Cllr John Noon Cllr Darren Paffey

Applicants: Southampton Estates Ltd	Agent: DPP Planning Ltd
--	--------------------------------

Recommendation Summary	Delegate conditional approval to the Head of Planning & Economic Development
-------------------------------	--

Community Infrastructure Levy Liable	Yes
---	-----

Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment
3	DVS Viability Review dated 03.03.2022		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, HE2, HE6, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) Policies CS1, CS2, CS3, CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP5, AP7, AP8, AP9, AP12, AP13, AP15, AP16, AP17, AP18, AP19, AP20, AP21, AP24 of the City Centre Action Plan (2015) and the National Planning Policy Framework (2021).

Recommendation in Full

1. Delegate to the Head of Planning & Economic Development to approve the Habitats Regulations Assessment, to secure a bat emergence survey and any necessary mitigation and grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. In accordance with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013), financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site including:
 - Hanover Square - Contribution towards new public space to connect development with Bargate site and the Parks. Removal of the roundabout to create a new public square, traffic restrictions so it is bus, taxi, cycle access only.
 - Houndwell Place Cycle Route - Delivery of continuous footway across St George’s Road, contribution to segregated cycle route on Houndwell Place from St George’s Road to Queensway.
 - Houndwell Place, St George’s Street and East Street - Loading restrictions and provision (TRO & Implementation) around site boundaries to stop loading/unloading away from designated loading bays and loading restrictions in any provided loading bay(s). Changes to the P&D parking bays TRO.
 - Queensway - Contribution towards delivery of new streetscape, including improvements to crossing of Queensway to East Street and carriageway changes on Queensway between Hanover Square and East Street.
 - Houndwell Place & East Street - Improved footway works in line with Streetscape Design Manual, including street trees
 - Legible Cities - Contribution to update of Legible Cities base map with development, wayfinding totem(s) and finger posts.
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

- iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives during both the construction and operational phases, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vi. Affordable housing provision taking account of the current Development Plan and current viability with ongoing reviews taking into account vacant building credit.
 - vii. Notwithstanding the current submissions the submission, approval and implementation of on-site Public Art in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013),
 - viii. Submission, approval and implementation of a Travel Plan for both the commercial and residential 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.
 - ix. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
 - x. Notwithstanding the current submissions the submission of a scheme of works and management plan for the public permitted routes, public plaza and other public areas around the site for access by pedestrians and cyclists.
 - xi. Provision, retention and management of the public open space and on-site play space together with securing public access in perpetuity in accordance with policy AP13 of the City Centre Action Plan .
2. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Head of Planning & Economic Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
 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.

1 The site and its context

- 1.1 The application site has an area of 1.02 hectares and comprises the 'Queens Building' (Debenhams) department store, which has occupied the site since 1959 after it replaced the earlier Edwin Jones department store which was destroyed in the blitz. The department store 'Queens Building' and takes its name from a historic north-south public route which existed between East Steet and Houndwell Place. The Debenhams group occupied the site since from 1928 until the retail chain collapsed into administration in 2020, and the store did not reopen after covid lockdown in March 2020. The building has a post-war modernist design and is 3-storeys with a basement. The building is not listed or locally listed
- 1.2 The site occupies a prominent location within the heart of the city centre site with frontages onto key strategic routes along Queensway and East Street Queensway and also Houndwell Place. The site is situated adjacent to the Central Parks located to the north, which have Grade II* listed status on the Historic England Register of Parks and Gardens of special historic interest. The existing department store building occupies full site coverage with vehicular access taken from East Street and George Street via Houndwell Place. On-street pay and display parking bays are located within St George Street, Houndwell Place and East Street.
- 1.3 The area has a mixed commercial and residential character, and the site is identified as primary shopping frontage within the City Centre. The Holyrood residential Estate is located due south beyond East Street with access via Orchard Lane.
The surrounding area has been subject to much change and regeneration in recent years, such as the residential-led redevelopment of the Fruit & Vegetable Market and the major mixed use development of the Bargate Shopping Centre which is currently under construction. Adjoining buildings to the east (43 - 46 East Street) comprise shops with flats over and this site has planning permission for the erection of a second floor extension and two additional floors to create 9 additional flats (application ref 18/00745/FUL). Capital House is located to the east and comprises a 13-storey building which has been converted into student accommodation with a new build 5-storey development fronting Evans Street. The East Street shopping centre site to the south-east has been cleared and is subject to a pending planning application for hotel development. Gatehouse Apartments, a 5-15-storey (Build to Rent) residential development is located at the corner of Queens Street and East Street. Planning permission has also been granted for a 5-11 storey student scheme at 81-85 East Street.

2 Proposal

- 2.1 This application seeks full planning permission for Demolition of the existing vacant department store and redevelopment of the site to deliver a residential-led scheme with the erection of 3 blocks 6-17 storeys in height comprising 607 residential units and 2 no. ground floor commercial units (Use Class E) to East Street, and associated car parking and landscaping and public realm. The planning application has been amended to reduce the height of buildings to East Street to 7-storeys and as a consequence the number of dwellings has been reduced by 7, from 614 to 607.
- 2.2 The key components of the scheme are as follows:
- 607 new dwellings including 598 apartment and 9 townhouses.

- 420 sqm of ground floor commercial space to East Street (flexible Class E use);
- 108 car parking space including 16 active electric vehicle charging spaces and 7 accessible spaces.
- 480 cycle parking space.
- Delivery of public realm including a public plaza with an area of 2006sqm and new pedestrian public routes through the site.
- Total private outdoor space to residents of 1266sqm

2.3 The apartments have been designed as managed 'build-to-rent' units. Residents are provided with access to a number of shared internal and external amenity spaces. The proposal provides 1065 sqm gross of communal/private internal amenity and 1266sqm of private external space in the form of a roof terrace on Block C and amenity decks over the Courtyard parking areas for Blocks A and B and private terraces serving Townhouses on Queensway

2.4 The proposed accommodation has the following housing mix:

	1-bed	2-bed	3-bed	Total
No	231	325	51	607
Mix	38%	54%	8%	100%

2.5 The proposed layout comprises three component blocks (A-C) laid out in a perimeter block arrangement, permeated with public pedestrian access routes from East Street, Queensway and Houndwell Place which seek to align with pedestrian routes desire lines from Orchard Place and the Bargate development. The public routes through the site intersect a central landscaped Public Plaza, which will provide 2006sqm of additional public open space. Pedestrian access into the site will be controlled with daytime public access and secure gated access for residents during night time hours in the interests of site security. The indicative landscape scheme shows approximately 40 new trees to be planted within the site.

2.6 Block A

Block A occupies the eastern part of the site and fronts East Street and frames a courtyard parking area, accessed from St Georges Street. The building is 7-storeys to East Street and comprises 190sqm of commercial floor space at ground floor along with a residential entrance lobby to the East Street frontage with apartments above. The western flank of the building, adjacent to the vehicular and public pedestrian from East Street, is 8-storeys and comprises Town Houses on the lower floors with apartments above. The rear wing, adjacent to Houndwell Place rises to 9-storeys with an entrance lobby and ancillary storage (including bin and cycle storage) and plant at ground floor with apartments above. Additional bin and bike storage also frames the courtyard parking area. The parking area contains 31 car parking spaces with tree planting in the middle and is covered by a residents' amenity deck with a void in the centre to allow the trees to grow up through. The amenity deck is designed to provide 286sqm of communal space and 98sqm of defensible private space for those flats facing the amenity deck.

2.7 Block B

Block B addresses East Street and Queensway and frames a courtyard parking area which is accessed from East Street and Houndwell Place. The ground floor east street frontage comprises 230sqm commercial unit and residential entrance lobby apartment over.

The building is 7-storeys in scale to East Street. The wing adjacent to the East street public pedestrian and vehicular access is 7-storeys and contains undercroft secure car parking with bin storage behind at ground floor level with apartments above. The Queensway frontage has been designed with a raised (half storey) ground floor level to create raised thresholds and private defensible terraces for townhouses at ground and first floor level with apartments above. Plant and cycle storage is located at lower ground floor level. The courtyard parking area contains 43 parking spaces with tree planting in the middle, plus an additional 7 parking bays to the side of the courtyard and the aforementioned 8 secure under-croft spaces. The parking court in this area is also covered with an amenity deck for residents also with a void in the centre to allow the trees to grow up through. The amenity deck is designed to provide 315sqm of communal space and 136sqm of defensible private space for those flats facing the amenity deck.

2.8 Block C

Block C addresses the corner of Queensway and Houndwell Place with a curved façade. This block incorporates an undercroft access to Houndwell Place and to provide views of the Central Parks. The ground floor to Queensway provides a resident's entrance lobby and internal communal space. The building is 17-storeys to mark the corner stepping down to 12-storeys and then 10-storeys along Houndwell Place. The block contains a ground floor parking area comprising 19 car parking spaces and accessed from Houndwell Place, with apartments over the top.

2.9 The architectural approach is consistent between all three blocks with the buildings to be clad in yellow buff brickwork with windows grouped between string courses to provide horizontal emphasis brick banding detail to reflect the existing Queens Building and other new build schemes within the area. The buildings are capped with a parapet at roof levels. A ground level storey of full height glazing sitting between brick clad piers, interspersed with louvres and grilles to screen utility areas and car parking. The Townhouses have raised entrances accessed via steps to create raised terraces enclosed with metal balustrades, alternative level access is provided from the internal communal corridor, which is served by the lifts within the circulation cores by each of the communal entrances.

3 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (March 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The Core Strategy under policy CS1 (City Centre Approach) identifies the city centre as the location for major development to enhance the City's regional status and supports high quality development proposals for a wide range of uses including retail, office, leisure, cultural, hotel and residential.

3.3 The site is allocated under policy AP24 of the City Centre Action Plan for retail-led mixed use development including retail (A1 use), food and drink (A3, A4, A5 uses) with residential, hotel and offices supported above the ground floor. This is a site specific policy covering East Street Shopping Centre (now demolished) and Queens Buildings (Debenhams).

- 3.4 Supporting text to policy AP24 at paragraph 5.62 of the City Centre Action Plan indicates that the Queens Buildings (Debenhams) looks out over Hoglands Park and contributes to the setting of the park. The site is located on an important east west connection across the city centre and should include an active frontage. The supporting text goes on to indicate that development should have a positive relationship to the parks and building heights facing the park could be seven or more storeys.
- 3.5 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.6 The Council's Strategic Planning Policy Team have reviewed the application in general terms and strongly welcome the redevelopment of the site for a high density city centre scheme, and support this being residential led on upper floors. Advising that this scheme will locate more people close to shops, facilities, jobs, and public transport (adding to the vibrancy of the city centre, and the ability to make active and/or sustainable travel choices). It will also help meet the Council's high housing need (incorporating the Government's 35% uplift). In addition, it should be noted that AP17 provides support for tall buildings adjoining the Central Parks (individually designed for variety, which contribute positively to the setting and respond to the scale of the parks). This general support is not intended to indicate any more detailed view on important design / heritage issues to be considered and resolved.
- 3.7 The National Planning Policy Framework's (2021) section on city/town centres promotes vitality and viability – facilitating diversity to respond to rapid changes in retail / leisure, allowing a suitable mix of uses (including housing) which reflects distinctive character (para 86a).
- 3.8 The City Centre Action Plan (2015) policies map designates the whole Debenhams site as within the primary shopping area and primary shopping frontage. Policy AP24 which includes Debenhams allocates the site for retail led mixed use (with residential and other uses supported on upper floors). However the proposed uses across the ground floor frontages overall do not predominately consist of retail or similar uses. The proposal is therefore contrary to policy AP5 and AP24.
- 3.9 The applicants have submitted a commercial report which places significant emphasis on both the effects of the Covid-19 pandemic, of new schemes (e.g. Watermark and Guildhall), and of the ongoing rise in internet shopping. As a general point, the local plan review will consider whether or not any adjustments should be made to the designated primary shopping area based on long term considerations. The pandemic and the new schemes may reflect relatively short term trends over a few years.
This is not to downplay their significance, particularly that of the pandemic which has of course caused acute disruption / hardship in the retail / leisure sector. It is perhaps too early to tell whether over the medium and longer term there will be a full recovery, or whether there have been some more permanent shifts in shopping / leisure patterns. More generally, the growth in internet shopping is a well-established trend which has been factored into the retail need projections which

informed the CCAP, and in any case this is less likely to affect the leisure sector. Southampton is a regional centre serving a wider catchment with a growing population.

- 3.10 This longer term balance of considerations should not prevent managed flexibility from being considered on a case by case basis as a departure from the adopted plan in the light of current circumstances where this is justified by the location of the site concerned.
- 3.11 The former Debenhams store had the critical mass to help to anchor the Bargate / East Street shopping area. The CCAP was prepared on the basis that the whole site was fully occupied by the Debenhams department store at the time and the subsequent closure of Debenhams is a significant change. Without the critical mass of Debenhams, the site is considered to be relatively 'off pitch' in commercial retail terms. It lies at the end of an eastern arm of the primary shopping area, away from the main pitch in commercial terms (Above Bar / WQSC). Therefore it is considered reasonable to consider aspects of the site afresh.
- 3.12 However, this remains a key city centre site fronting the grade II* registered parks and forming part of a key link between the primary shopping area and the St Marys community (specifically the link via both the Bargate redevelopment and via East Street, which contains a range of independent shops which form an important part of the city centre's offer). It is important that the site's East Street frontage is predominately put to commercial use, and an attractive frontage is created to the park. Queensway and East Street form part of strategic links in AP19. It remains important that each of the three street frontages (Houndwell Place / Queensway / East Street) have active frontages. This is set out in AP16, AP17, AP19 and AP24.
- 3.13 Furthermore, the NPPF (2021) places a strong emphasis on design, including for example the creation of high quality, beautiful and sustainable buildings and places as a fundamental planning requirement (para. 126); and that developments establish a strong sense of place, using the arrangement of streets, building types and materials to create attractive, welcoming and distinctive places (para. 13). As referred to above, the NPPF promotes vitality and distinctiveness in city centres (alongside diversity / a mix of uses to respond to changes) (para 86a).
- 3.14 In this context, it is important to consider where it is important to retain commercial active frontages, and (where some flexibility in this regard is appropriate) how in broader terms active and/or attractive frontages will be created.
- 3.15 The provision of non-residential commercially active frontages along most of the East Street frontage is strongly welcomed (and it is noted that most of the remaining frontage is active in a broader sense – lobbies / entrance to internal open space). A flexible approach can be taken to the commercial use class (e.g. class E and similar).
- 3.16 It is understood that the Bargate redevelopment will include an entrance from Queensway. There is therefore a good case for the southern part of the site's Queensway frontage to include an active commercial frontage, to form part of a link from the Bargate redevelopment through to St Marys. However if attractive (non-commercial) frontages can be provided to Queensway and provided the active commercial frontages along East Street are retained, the policy team would support flexibility regarding whether the Queensway frontage need also be commercially

active. The car parking at ground floor fronting the parks will require careful consideration in terms of design and landscaping to ensure appropriate screening in the interests of the setting of the parks

3.17 So in overall terms, given the general location of the site and the provision of commercial frontages along most of East Street, and subject to providing attractive frontage to Queensway, the Planning Policy Team are content with the losses of retail frontages / floorspace within the primary shopping area.

4. Relevant Planning History

4.1 In 1954 Planning Permission (1044/J) was granted for the 'Queens Buildings' Department Store to replace the earlier Edwin Jones department store which was destroyed in the blitz.

5 Consultation Responses and Notification Representations

5.1 The planning application is supported by a Statement of Community Involvement which sets out the applicant's community engagement ahead of the planning submission. The Statement indicates that, Councillors, key stakeholders and 1,347 local properties were notified with a newsletter with opportunity to engage with the developer's consultant team.

5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners, placing a press advertisement (11.02.2022) and posting site notices (11.02.2022). At the time of writing the report 4 **representations** have been received raising the following issues:

5.3 Overshadowing & overbearing.

Officer Response - The scheme has been amended to reduce the height of Blocks A and B to East Street from 8 to 7-storeys. This height reduction coupled with the greater depth of set back from the carriageway on the northern side of the street has meant that East Street can accommodate the proposed scale in urban design terms, as agreed by the Council's Urban Design Manager. The development will have a separation distance of 17m across East Street and this will maintain reasonable daylighting to Gatehouse Apartments having regard to the character and density of the neighbourhood.

It is noted that the submitted Daylight and Sunlight Assessment recognises that some windows on the north side of Gatehouse Apartments will fall short of the recommended BRE daylight standards however this is caveated to acknowledge that BRE guidance is not always appropriate within constrained urban locations with higher densities. Furthermore, the design of Gatehouse Apartments contributes to the daylighting impact due to the recessed nature and shadowing caused by balconies within the northern elevation of that development.

Any daylighting impact needs to be considered as part of the overall planning balance and is considered to be outweighed by the merits of bringing this site forward for housing delivery as proposed.

Loss of privacy.

5.4 Officer Response - *The proposed development will provide a 17m separation distance across a public street and as such windows fronting the public realm will*

not be subject to adverse inter-looking having regard to the character and density of the neighbourhood

5.5 Detrimental impact of neighbouring amenities.

Officer Response - Planning permission cannot be refused because of noise associated with construction work however conditions can be imposed to ensure appropriate construction environment and noise controls as recommended by the Council's Environmental Health Officer.

Construction works obstructing public footways

5.6 Officer Response - Any temporary footway restrictions during construction would need to be authorised by the Council's Highway Engineers to ensure appropriate pedestrian safety.

5.7 Loss of existing building.

Officer Response - The historic and architectural value of this existing landmark department store within the cityscape is recognised. However the existing building does not have any statutory heritage protection and is not listed or locally listed. The developer would be entitled to demolish this building under permitted development rights without requiring planning permission, subject to receiving prior approval from the Council in relation to ecology and the method of demolition and making good the site.

The developer was asked to undertake an early stage design options looking at building retention however this was ruled out based on the nature of the residential development proposal and scheme viability.

The replacement buildings have been designed by award winning architects Hodder + Partners and have been designed to reference the existing Queens Building and to respond to existing buildings in the neighbourhood. A design review was undertaken, and the Design Advisory Panel had no objection to the proposed architecture and scale and density of the scheme.

5.8 Loss of value to neighbouring flats

Officer Response - Loss of property value is not a material planning consideration and therefore such concerns cannot be given any weight in the decision making process.

5.9 The site should be retained for retail use

Officer Response - The application is supported by a commercial report to justify the loss of existing retail and to depart from the retail-led site policy allocation. The scheme retains ground floor commercial frontage to East Street and this approach is supported by the Council's Planning Policy Team.

5.10 600+ residential accommodation = total inadequate parking spaces of national car ownership at 1.8% per household; Will lead to over spill on existing roads.

Officer Response – Planning policy supports reduced or nil car parking in this highly accessible city centre location. Existing on-street parking controls will guard against increased on-street parking pressures and associated adverse highway safety impacts.

5.11 How will Town houses be sited in conjunction with tower blocks of flats?

Officer Response – The Townhouses are designed to occupy the upper ground and first floors with apartments over. The proposed half story increase above street level

to Queens way enables the creation of raised defensible space to street level whilst still maintaining windows and front doors facing the street to create activity and natural surveillance.

- 5.12 **Commercial units are already vacant/boarded up in West Quay AND QE2 mile. How will commercial/retail units differ to the existing depleted shopping units?**

Officer Response - The proposal seeks a significant reduction in retail floor space on this site recognising the challenges facing the retail sector with shopping habits changing. The scheme incorporates 2 no. small commercial units to East Street to maintain a commercial frontage to this shopping street. The units will be Class Use and therefore suitable for a range of use types such retail, food and drink, creche and office accommodation.

- 5.13 **There is inadequate infrastructure within Southampton of schools, hospitals/surgeries or major local employment.**

Officer Response – The city has an identified housing need, and the new Local Plan (City Vision) will need to address the strategic infrastructure and employment demands to support the associated population growth.

- 5.14 **The reality is, new residents will commute out of Southampton onto primary routes and Motorways to work, creating more congestion and pollution.**

Officer Response – The proposed 420sqm of commercial floor space (a substantial net reduction when compared to the existing department store floor space) will have a negligible capacity impact on the commuter road network.

- 5.16 **Proclamations that residents will overwhelmingly walk, cycle or use buses to travel is a fallacy.**

Officer Response - Planning policies seek to discourage car use and lower levels of car parking can be considered for sites which are well served by public transport and accessible on foot or by bike. Existing on-street parking controls are in place to prevent problematic parking overspill.

- 5.17 **Southampton is in the top league for excessive pollution levels. Condensing apartments and vehicular traffic on this site, in addition to existing vehicle traffic will increase pollution levels.**

Officer Response – This would lead to a reduction in car vehicle trips into the city when factoring in the travel demands associated with the existing retail space. The applicants transport consultants have submitted evidence to suggest there would be a reduction of approximately 1,151 vehicle trips per day when compared against the existing Debenhams department store. That said, it is difficult to reach an agreed position on the existing vehicle trip level because some would be linked trips as part of a shopping trip to the city centre. Furthermore the proposal creates car parking on site which will create greater number of vehicle movements within the vicinity of the site. The scheme provides 15% Electric vehicle charging points with all other spaces designed as passive spaces for future EV connection, as mitigation. Overall the proposal will not have a demonstrably harmful air quality impact.

- 5.18 **There is no adequate amenity space on this site.**

Officer Response – As managed Built to Rent accommodation the majority of the private amenity space for residents is provided within external communal areas

within the amenity decks to Block A and B and the roof garden to Block C, there are also some private terraces for the Town houses fronting Queensway and the flats framing the amenity decks. The combined amount of external amenity space amounts to 1266sqm which equates to 2sqm per unit which is not uncommon in a high density neighbourhood. It should also be noted that residents will have access to the public plaza which has an area of 2006sqm which is available to residents and would be securely gated for residents only use at night.

There is also potential for additional communal roof terraces which could provide an additional 1266sqm of amenity space but this is subject to the roof top plant and sustainability requirements still to be confirmed.

- 5.19 **There is no guarantee that any percentage of affordable housing will provide a home for existing Southampton residents on this site. Refer to SCC existing waiting lists for accommodation.**

Officer Response – The tenant selection process from the housing waiting list is a matter outside the control of the planning system.

- 5.20 **There are multiple buildings already rising up /completed for student accommodation, how many more are necessary?**

Officer Response – This development is not proposed to be for student accommodation and is instead Build to Rent to open Market housing within use class C3. Whilst there is nothing to stop the proposed flats being occupied by students, normally on purpose-built student blocks developers would request a student occupancy restriction which is not the case within this application.

- 5.21 **Objection from City of Southampton Society**

We approve of the redevelopment of the site for conversion to 607 residential units and 2 retail outlets fronting East Street retail, specifically

- More housing and still the possibility of some Affordable Housing, or at least cheaper housing in Block A.

- The National Design Guide (Section U2 - 115) states "Well designed neighbourhoods provide a variety and choice of home to suit all needs and ages. This includes people who require affordable housing or other rental homes, families, extended families, older people, students and people with physical disabilities or mental health needs".

- A mix of units comprising: 1 bed (231), 2 bed (325), 3 bed (51), including Town Houses.

However we do have CONCERNS, namely:

- Shadows cast over Hoglands Park, particularly by the 17 storey Block C building - Although a lot of the shadows will fall on the trees in the south of the park, grassed areas will also be effected probably as far as the skate-park and possibly even the MUGA.

-A series of Shadow Diagrams is essential to determine the extent at different times of the day and year.

Officer Response – The application is supported by shadow diagrams to show the shadowing impact during the day during 21st March (taken as an average circumstance). This does show increased shadowing of the skate-park area during the afternoon. However shadow diagrams for 21st June when the sun is higher in the sky show only a negligible increase in shadowing in the afternoon.

Taken with the shadowing from existing trees and the size of the Central Parks has a whole the modest increase in shadowing to the skate-park area is not considered adversely harmful to an extent that would outweigh the merits of the scheme.

Furthermore the Council's Tree Officers have confirmed that the increased shadowing shown would not adversely harm the health of existing trees within the park.

- Unimaginative frontage (no variation other than height) to Hoglands Park - although height does reduce from 17 storeys to 9 storeys.

- The City Centre Action Plan for East Street/Queens Building (AP24) specifically states "Development will be permitted provided that the setting of the Grade II* registered park is respected and enhanced". This design does not enhance the park.

Officer Response – The scheme, designed by award winning architects Hodder + Partners, has been through a robust design analysis and review and officers are satisfied the scheme meets the high quality design expectations as required by policies AP16 and AP17 of the City Centre Action Plan. The scheme has raised no objection from Historic England, the Council's Heritage Officer, Urban Design Manger and Design Advisory Panel in terms of building scale, massing and architecture in relation to the setting of the adjacent Central Parks.

- Few diagrams showing the relationship of the proposed Debenhams buildings to the already agreed Bargate Development fronting Queensway. The northern end of Queensway will be flanked by two tall buildings - Debenhams 17 storeys and Bargate 13 storeys. The gap between them could be windy and sunless except at 12.00 noon.

Officer Response – The proposed 17-storey tower has been assessed in combination with the Bargate development and is judged to be acceptable in relation to the requirements of the Council's Tall Building Strategy.

Moreover the application is supported by a microclimate analysis by specialist consultants which has assessed the scheme in combination with existing and planned developments such as the Bargate and the analysis indicates that safe walking and cycling conditions would remain throughout the year within the public realm. Mitigation is recommended to include a canopy to the base of the Tower within Building C and the design has been amended to include this.

- No mention is made of parking for visitors or if more than 108 residents have cars.

Officer Response - There is no requirement within the Council's Parking Standards SPD for the provision of visitor parking and no objection has been raised by the Council's Highway Engineers in relation to the lack of visitor parking. City Centre pay and display parking would be available to visitors.

- The relationship of the proposed development with Hoglands Park is confusing as Houndwell Place separates the two. There is no safe place to cross for the residents, especially children.

Officer Response – The pedestrian undercroft within Block C exits adjacent to the existing pedestrian crossing point to Hoglands Park. The scheme would also contribute towards a future highways scheme as part of the S106 Agreement, to remove Houndwell Place roundabout and create a new public square with traffic restrictions so it is bus, taxi, cycle access only.

- If the communal ground floor outside area is to be made available to the general public it will become a walkway rather than a garden for relaxation by the residents.

Officer Response – The detailed landscaping design of the Plaza will require careful consideration if this area is to successfully work as public open space rather than just a pedestrian route. Controlled gated secure access is proposed at night in the interests of site security.

- Deliveries to the six different lobbies will have to be carefully managed to ensure delivery vehicles (or bicycles) do not drive through the gardens. Delivery vehicles will need to park outside the perimeter of the site.

Officer Response – Delivery vehicles will service the site from the street, and it is recommended that a servicing management plan be secured by condition.

- There is very little garden space for the number of residents. In practice this will just provide a green view for residents.

Officer Response – Please see above comments regarding the amenity space provision.

- Sadly still some bathrooms opening off kitchens and living rooms - unhygienic and unpleasant for residents.

Officer Response – Noted but there are not grounds to refuse planning permission because toilets are accessed from kitchen areas.

- The Fire report mentions 'fire fighting lifts'. Unable to identify these on plans unless they mean main lifts are suitable for use by fire-fighters. Otherwise the 17 storey block only has one staircase and two lifts.

Officer Response - The submitted fire report confirms that firefighting core to Building 03 will contain a firefighting lift and it will need to be one of the two lifts in the main core that serves all 17 floors.

- We trust that proper inspections will be carried out during the construction phase to prevent further repeats of the Grenfell cladding scandal.

Officer Response – The building will be clad in brickwork and the scheme will have to comply with Building Regulations Part B – Fire Safety, which was updated this year.

5.22 SCAPPS – Objection

SCAPPS objects to the proposal to redevelop this site at the southern end of the Central Parks with 3 blocks providing 607 dwellings (amended). The application proposes an overdevelopment of the site. Height and massing of buildings would have adverse visual impact on the Central Parks and cause overshadowing. 607 new homes (added to the 500+ on the Bargate site) will put increased pressure of use on the Parks. The proposals do not enhance the setting of the Parks, as

required by policies of the City Centre Action Plan (CCAP), or improve 'connection' to the Parks from the surrounding area.

Visual impact and overshadowing

SCAPPS has long expressed concern about tall buildings next to the Central Parks. In the past 20 to 30 years an increasing number of tall buildings have been permitted on sites adjacent to the Central Parks. The wording of the CCAP policy was the compromise consequent on dispute and protracted consideration at the EiP. It was intended to prevent a succession of permissions resulting, visually, in a continuous wall of high buildings -- developments which, together, would be seen as a continuous block of built development rising above the tree-line viewed from within the Central Parks. The Central Parks are on a gentle slope rising from south (Hanover Buildings and Houndwell Place) to north. This has the result of making any tall buildings on the southern boundary likely to have a greater visual impact on views from further up the slope than if the land were level. SCAPPS objection is because the proposal in this application, for a 17-storey tower on the Queensway corner and 11-9 storey to the east, would visually link the permitted tall buildings on the Bargate site to the existing 13-storey Capital House. The result, a continuous wall of high buildings which would be prominent in views, near and more distant, from within the Central Parks.

The applicant's Townscape & Visual Impact Appraisal provides alarming confirmation of the overdominance of the proposed development in near views from Hoglands and Houndwell Parks (series of images in 10.4 and 10.5). The applicant has not provided images of how intrusive the proposed development would be in views from further north in the Central Parks -- for example from Poundtree Road and from New Road -- where it is likely to be seen as part of a continuous wall of high buildings across the whole southern width of the Parks. Redevelopment on this site should be kept to a height that does not have this effect.

It seems from submitted documents a considerable area of Hoglands would be in near-permanent shadow, especially in winter, from the proposed tall buildings, making grass less able to recover from heavy footfall and recreation use. The proposed development should not include buildings of a height which would cause more than minor and transitory overshadowing.

Increased pressure of use in the Central Parks

SCAPPS objects to this application being considered and determined without commitment to proposals to improve facilities in the Central Parks and increase their resilience to cope with increased pressure of use consequent on scale of new homes in the surrounding area, particularly the Bargate development and this site. Well over a thousand extra homes are proposed in those two developments alone. That must result in a significant increase in both active recreation (formal sport and informal 'kick-about') and from those seeking tranquil space for socialising and relaxation. Significant investment is needed in improved facilities for both informal recreation and sports use if the Central Parks are not to deteriorate from pressure of increased use. There is a known problem of surface water flooding in the south west part of Hoglands; Houndwell and Hoglands both have damp ground conditions which means the surface is easily damaged and grass takes longer to recover from overuse. This development should make direct financial contribution to improving drainage and ground resilience.

Setting of the Parks, and connectivity

Proposals for the Houndwell Place frontage do not secure the improved setting for the Parks required by CCAP policy. Height and massing are oppressive. There is inadequate space given to landscaping and planting to 'soften' the visual impact viewed from within Hoglands. The frontage is dominated at street level by vehicle/service access. SCAPPS has an additional concern at inadequacy of service/delivery space. Changing patterns mean much increased delivery to homes -- online shopping and online meal deliveries to 600+ homes will be considerable, and the space for parking of vehicles in the proposed service areas while goods are delivered to doors is inadequate. The consequence would be delivery vehicles parking on the roadside, with further deterioration in the setting of the Parks.

SCAPPS welcomes the pedestrian link from Queensway to Houndwell Place. For it to be a usable amenity space, proposals need to include means to provide shelter from rain and from wind (likely to be a problem in a space between high buildings). Indicated use of the space for commercial events and markets is incompatible with amenity use. The proposed development should include proposals on adjoining highways for pedestrian links through to the Parks. The opportunity should be taken to redesign the Queensway/Palmerston Road/Houndwell Place junction to improve pedestrian connection to the heavily used pedestrian routes across Hoglands. Similar provision, giving pedestrians priority over vehicles, should be made to cross Houndwell Place at the east end of the proposed pedestrian route through the site, and include a new entrance into Hoglands.

Officer Response - Policy AP17 of the City Centre Action Plan supports individually designed tall buildings adjoining the Central Parks that contribute positively to their setting and respond to the scale of the parks. The height, massing and articulation has been carefully handled to avoid harm to the setting of the parks. No objection has been raised by the Design Advisory Panel or Historic England.

Consultation Responses

5.23 SCC Highways – No objection

Use and Location

The site is situated within the city centre and in a very sustainable location with close proximity to public transport facilities and public amenities. The proposed use classes is considered to be suitable and acceptable in this location and is in keeping with the local mixed-use environment.

Access

New vehicular access are proposed fronting East Street, Houndwell Place and St. George Street which serves on-site car parking. A number of pedestrian accesses will also be provided at various points to provide permeability throughout the site. Public access will need to be secured for pedestrians and cyclists via permitted route condition under the Section 106 agreement.

Latest drawings have been provided which shows buildouts on the East Street and Houndwell Place accesses which secures suitable sightlines. These accesses will require the removal of some pay and display parking bays which parking services team have been consulted and consider it acceptable based on the current demand, potential removal in the future regardless of development and on balance, the benefits the development will bring to the city. Some re-provision can be achieved due to site no longer needing the loading area towards the Eastern end of East Street. However, it is considered that some loading provision should be provided to accommodate the two commercial units without needing the pay and display parking. These could be in the form of double yellow lines or dual use bays. The number of spaces being lost will be approximately 3 on East Street and circa 4 on Houndwell Place. These are approximate figures due to final detailed design having to be finalised during detailed and technical approval stage.

Parking

108 parking spaces are proposed on site accessed by the three new accesses. these include 6 disabled bays meeting policy requirements. The level of parking is significantly lower than the maximum parking standards but considering the sustainable city centre location and little opportunities for parking overspill to occur, the level of provision is considered acceptable.

Electric vehicle charging will need to be secured either via condition or S106 agreement and should provide at least 15% of total bays to be active (installed and ready to be used) and the rest of all the other spaces to be passive (infrastructure laid and installed ready for charging points to be simply installed at a later stage).

Cycle Parking

480 secured cycle parking spaces are being proposed which is below policy requirements. It is understood that planning may consider a balanced approach to consider unit provision versus cycle spaces, but from a highways perspective, we would request cycle provision to meet policy which is 1 long stay cycle for 1 flat and 1 short stay per 10 flats (as well as some for the commercial unit).

Servicing

The level of bins proposed is slightly lower than the guidance suggests (2x 1100L Eurobins per 9-10 flats). Furthermore, many bins are crammed in which makes accessing to majority of the bins difficult due to the lack of access space around them. Because of this, it is suggested that a private management company would need to service and manage the bins on this site and to avoid overflow. Alternatively, bin store design could be revised to allow better access.

Furthermore, some additional space should be provided for large bulky goods for developments over 25 units (as set out in Residential Design Guidance).

The TA has suggested that a private management company will arrange for the bins to be moved in and out of the stores on collection days. This will need to be secured under the waste management plan condition too.

Commercial servicing details are not provided but is assumed they will utilise the parking bays. However, it is requested that some loading provision should be provided in case servicing vehicles turn up on East Street when all bays are occupied.

Trip Generation and Impact

The proposed trip data uses an acceptable methodology, however the extant use/existing trip rates would likely be notably lower as Debenhams did not have on site parking. There are some on street parking bays but is not substantial and visitors who wished to drive to Debenhams directly would likely be using the nearby car parks such as Eastgate Street Car Park. The sites used in the TRICS search also included edge of town location and also all surveyed sites had on site parking in the hundreds. Lastly, it would be reasonable that Debenhams would not be a sole journey destination and therefore a significant portion would have been pass-by, diverted or linked trips. For these reasons, the extant trip rates is considered to be higher than what it would have been.

The proposed trip rates are considered acceptable.

The net impact comparison uses their extant trip rates which, as covered above, is considered to be high. Especially when considering trips coming in and out of the site directly, almost all of the trips will be new. The net comparison is still useful in determining the wider network but as there was no on-site parking previously, the level of vehicular activity around the site itself will increase substantially. Considering the large increase of residential properties, there will also be a significant increase in multimodal trips originating from this site. The nature of the trips will also be different in terms of potential desire lines and destinations (for example school runs, higher usage of the Hoglands park, evening and late night trips, grocery shopping, hospital etc.). Lastly, TRICS data (some sites dating back to 2013-2014) may not fully reflect high density city centre residential schemes in the modern era where deliveries from shopping, groceries and food have been on a steady rise over recent years.

In order to mitigate all the new additional trips and needs of prioritising sustainable travel over the need to travel by private vehicles, contributions will be sought via the section 106 to improve the local highway in terms of the pedestrian and cycle environment which will aim to traffic calm, improve cycle routes and public realm works to prioritise the environment for non-vehicular modes.

Summary

The proposed development will generate a significant increase in multimodal trips in the surrounding highway however, the level of impact is considered acceptable subject to the following conditions and Section 106 contribution towards highway improvements.

Conditions:

- 1) Cycle Parking. Details to be submitted and agreed in writing by the local planning authority. Level of provision will need to be increased to meet policy requirements as set out in the Parking SPD.
- 2) Waste Management plan. Details of how waste will be managed and arranged to avoid access problems and overflow concerns will need to be submitted and agreed in writing by the LPA. This could include any amendments to bin store layouts.
- 3) EV charging. A minimum of 15% of all parking bays will need to be provided as 'active' charging (equipment installed and ready to be used); the rest of all other parking bays will need to be passive (whereby all infrastructure such as wiring, ducting and connection points are provided so that charging stations can be readily and easily installed in a future date).
- 4) Servicing management plan. Deliveries to the commercial units should avoid peak hours (between the hours of 08:00-0900 and 16:00-18:00) and should encourage the use of the Sustainable Distribution Centre (SDC) in order to promote more sustainable servicing.
- 5) Public permitted routes. A plan showing the public routes throughout the site for public pedestrian and cyclists to be submitted and agreed in writing by the local planning authority. The routes identified will need to be maintained and kept usable. (happy for this to be discussed to decide if best secured by planning condition or Section 106 clause)
- 6) Construction management plan.
- 7) Access. Details of access and build outs to be submitted and agreed in writing and construction works to be provided prior to occupation.

5.24 **Historic England – No Objection**

The former Debenhams department store

The former Edwin Jones and latterly Debenhams department store is a large three storey building, completed in 1959 to designs by architects Healing and Overbury. The building occupies a prominent city-centre corner in an area that is characterised by other similar height post-war buildings and a limited number of modest 19th century buildings.

The department store is located within character area 10 and on the boundary of character areas 7, 14 and 26 of the City Centre Characterisation Appraisal. Your Council's A Characterisation Appraisal to inform the City Centre Action Plan for the City of Southampton, January 2009, identifies the building as having architectural or historic interest making a positive contribution to the character of the area due to its confident 'Festival Hall' styling and successful active frontage to three major thoroughfares. We agree with this assessment and therefore conclude that the former Debenhams department store should be treated as a non-designated heritage asset in National Planning Policy Framework (NPPF) terms.

The loss of this non-designated heritage asset, which makes a valuable contribution to the character of Southampton's centre, would be regrettable.

Central Parks

The store stands adjacent to the southern edge of Hoglands Park, one of Southampton's Central Parks. Developed on former common land from 1846, the Central Parks are an early example of a municipal park which sought to bring civic improvement to Southampton. Although enhanced, the park's design is essentially unchanged from its original layout which developed in the 1840s and 1850. Its early date and the legibility of its original design make the park a particularly important site; it is of more than special interest and is therefore grade II* registered.

The proposed 8, 10, 12, and 17 storey blocks to Houndwell Place, overlooking Hoglands Park are substantially taller than the former department store and inevitably change the setting of the registered parks. Whilst the blocks would be visible from within the parks, urban development on their perimeter is well established and part of their character and context.

The impact on key views of nearby heritage assets

The medieval city walls to the east of the Bargate, the Bargate and the Old Town North conservation area stand close to the site. However, we are content that due to the presence of the intervening Bargate development there would be no adverse impact on these heritage assets.

We are also content that the proposals would not adversely affect the view of the grade I listed St Michael's church from Mayflower Park which is identified as being highly sensitive in the Southampton Tall Buildings Survey 2017.

Legislative and national planning policy considerations

The application must be considered against the policies of the Framework which apply to designated and non-designated heritage assets, including non-listed and listed buildings and their settings. The Framework requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining [an] application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset (NPPF, 203).

Additionally, the Framework advises that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance (NPPF, 206).

Furthermore, the Framework advises local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (NPPF, 204).

Historic England's position

Historic England appreciates that the former Debenhams department store, a large and prominent building, sitting empty has a negative impact on Southampton. Given the changing nature of the retail environment we also recognise that continued use as a department store is unlikely to be sustainable.

We note however that there is a general presumption that non-designated heritage assets should be retained, repaired and used. Your City Centre Action Plan however infers that demolition and redevelopment of the former Debenhams site would be permissible subject to meeting certain stipulations. It is therefore for your Council to take a balanced judgement on the direct effect of the demolition of an identified non-designated heritage asset on the one hand and the public benefits offered by new development on the other, as is required by the Framework (NPPF, 203).

The height of the proposed development inevitably has an impact on the surrounding environment and is at the upper limit of what can be accommodated on the site. Your Council should be clear that the architectural design proposed minimises the impact of the tall buildings as far as is possible, with proposals enhancing the significance of adjacent and nearby heritage assets (NPPF, 195, 199, 206).

Should your Council be minded to grant the application we request a level 3 survey be conditioned to be undertaken of the former Debenhams department store prior to demolition, detail of which can be found in our publication Understanding Historic Buildings: A Guide to Good Recording Practice.

In this circumstance we advise your Council to take all reasonable steps to ensure the new development will proceed after the loss has occurred and that this be controlled by condition (NPPF, 204).

Finally, for development to be successful, designs must be of high architectural quality, with appropriate materials and craftsmanship. We advise that this is secured by condition, to ensure the scheme is not materially diminished between permission and completion in line with the Framework (NPPF, 135).

Recommendation

Historic England has no objection to the application on heritage grounds.

- 5.25 **SCC Heritage Officer** – Objection – unless it is satisfied that the proposals present sufficient clear and convincing economic and public benefits that would demonstrably outweigh the harm resulting from the complete loss of a non-designated heritage asset in the planning balance as per the advice of the NPPF. It would also be expected should the scheme be approved, attaching conditions to record the structure prior to its loss would be expected.

Officer Response – It is recognised that this existing landmark building will be a loss to the city scape. However as a non-designated heritage asset the merits of redevelopment for housing delivery to meet an identified housing need along with other public benefits such as new public realm within and around the site are considered to outweigh the loss, also taking into account evidence that there is unlikely to be market demand for continued retail use and residential options incorporating the existing building have been discounted for design and viability reasons.

5.26 **Urban Design Manger – No objection**

Disappointed that the existing building could not be retained and re-purposed as opposed to demolition and redevelopment. Would have preferred the layout to include direct physical, or at the very least visual connection to the Parks from East Street.

The architectural aesthetic of the proposed buildings is strong in character and on the whole positive.

Although I admire the aspiration of the landscape architect as to how active the Plaza space will be, personally I doubt it will have the activity levels necessary for this space, combined with the level of dead frontage, to feel a pleasant place to move through/dwell in the evenings and at night. It maybe wise to consider/design now, how the Plaza can be secured at night, should levels of possible antisocial behaviour necessitate this after dark in the future, rather than a retrofitted design later. As at Mayflower Halls this could also present a good public art opportunity.

Essentially, once the decision was taken not to do underground parking the scheme became heavily compromised at ground floor with too much dead frontage, and the judgement now in the round is whether this compromised design is acceptable based principally on the need to deliver new homes in the city.

Building scale of 8-storeys to East Street should be reduced to reflect the scale and width of this shopping street.

5.27 **Independent Design Advisory Panel**

- The panel reiterated their disappointment that nothing of the department store has been incorporated into the scheme. Other places have reinvigorated former department stores by leisure, business, and residential uses. Far more sustainable than total demolition.
- The scheme remains poor in terms of inactive ground floor frontage particularly in relation to the internal courtyard. The panel doubt that this space will be as inviting and lively as the images try to portray. Given the area, the panel was concerned that this area will attract anti-social behaviour at night.
- Concerned that the tower only has a single core. What happens if between permission and build legislation changes and two cores are required? This seems a high-risk approach as this would have a fundamental impact on the design/viability.
- The plinth of the tower is too shallow relative to its height. The building visually appears to be sinking into the ground
- Given the amount of ground floor grilles that will be required to parking areas, these need to be of a bespoke artwork design, preferably illuminated imaginatively at night.
- Windows are needed in the blank elevation of the tower facing south, as a tower needs to be a 360-degree building. Likewise, windows are needed in the blank elevation of Block B facing the Houndwell Place entrance as the CGI clearly shows that the blank frontage makes it feel like a dead end rather than inviting people to enter in and move through the space.
- The location of trees within the courtyard could over time become problematic to residents of lower level flats in blocking out daylight.
- Why are the roof terraces on Blocks A & B identified as “potential” rather than actual?

- The landscape design just seems to be shapes, there doesn't appear to be a strong rationale for the design. Is the former department store going to be reflected via public art in any way?

Officer Response – The applicant has carried out further scheme amendments in seeking where possible and viable to address the comments of the Urban Design Manager and Design Advisory Panel.

The site plan has been updated to include provision of gates to prevent general public access into the site at night in the interests of site safety and security.

The elevations have also been updated so that the bottom of Block C has now carried the expression through two floors to bring the datum in line with Block B and address the 'squashed' comments.

The recent changes to Building Regulations and fire safety haven't introduced the need for a second core and the application is supported by a fire safety report addressing safe access and escape, including fire fighter access.

The building height to East Street has been reduced to 7-storeys to provide a building scale which is acceptable having regard to the scale and width of the street. The application site can accommodate 7-storeys because the site has a deeper set back from the back of pavement than other plots in the street.

Windows are included in the elevation of the tower facing south and within the east elevation of Block B facing the Houndwell Place to provide relief to these elevations.

Landscaping and car parking grill design detail will require careful consideration and details are recommended to be reserved by condition.

It is recognised that the introduction of car parking into this scheme in the interests of scheme viability has had adverse design consequences for the success of the public realm within the site and also in terms of the street scene to Houndwell Place. That said, these impacts can be mitigated through design detailing to screen the car parking from the Central Parks and through landscape design measures to remove conflict between pedestrians and cars entering the site. Ultimately the design shortcomings associated with the car parking serving this dense residential scheme, are outweighed by the merits of the scheme.

5.28 **SCC Environmental Health** – No objection

No objection subject to conditions to secure the noise mitigation as set out within the submitted noise report to protect residents from external noise sources.

Planning conditions are also requested in relation to construction hours, piling details, mechanical plant details and also to secure construction environment management plan.

5.29 **SCC Flood Officer**

No objection - If the case officer is minded to approve this application, then sustainable drainage should be secured by an appropriate planning condition

5.30 **Public Health Response**

Recommend at very minimum, at least one secure cycle storage area should be provided for each dwelling and green infrastructure should be maximised using all 'potential' areas as amenity space.

5.31 **SCC Tree Officer – No objection**

At present there are no trees on the immediate site and no direct impacts from proposals. Some good opportunities for landscaping and associated tree planting to enhance the area. With landscaping plans we would like to see provision of a broad range of species, a focus on environmental and ecological benefits, and consideration for adequate tree pit design.

Regarding shading of trees in the Park:

As the growing season progresses from March into Summer, the impact from shade lessens with very little impact by the Summer equinox. It is safe to assume this then gradually increases again as the season progresses. As such there won't be a notable impact to existing trees, the majority of species here are at least moderately tolerant to shade.

5.32 **Archaeology – No objection subject to conditions to secure archaeological investigation**

5.33 **SCC Land Contamination - No objection subject to a condition to secure a full land contamination assessment and any necessary remediation measures.**

5.34 **Employment and Skills - An Employment and Skills Plan Obligation will be sought via the Section 106 Agreement.**

5.35 **Sustainability - No objection subject to conditions to secure energy and water efficiency measures.**

5.36 **SCC Housing – As the scheme comprises of 607 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 212 dwellings**

Officer Response – SCC Housing have acknowledged the findings of the DVS viability review, which found the scheme is not viable and cannot provide any contribution towards affordable housing at this time. This is discussed in more detail in the Planning Considerations section of this report.

5.38 **SCC Ecology – Objection**

The Preliminary Ecological Assessment undertaken in September 2021 identified potential bat roosting sites and evidence of birds nesting. Bat emergence surveys and a breeding bird survey were recommended and will need to be undertaken before consent can be granted.

My other concerns include a lack of assessment of the likely biodiversity impacts of the scheme and an absence of any tangible mitigation or enhancement measures. The roofs of the current building are likely to be suitable for black redstart and I would expect to see this maintained through the provision of at least one extensive green roof and nest box. The proposed intensive green roofs will have high levels of human disturbance which will render them unsuitable for black redstart.

The height of the buildings make them suitable nest sites for swifts, and I would expect swift nesting boxes to be included as an enhancement measure.

Queensway forms part of a corridor between Queens Park and the Central Parks which is important for people and wildlife. I would therefore expect to see street frontage planting as part of the proposed development. Plants used should include native species and ornamentals of recognised value to wildlife.

Officer Response – The applicant has carried out bat emergence studies and the findings will be confirmed as an update at the Planning Panel meeting.

Ecology mitigation as requested above (nesting boxes and green roof) can be secured by planning condition. As such the ecology objection has been addressed and a further update from the Council's Ecologist will be provided at the Panel meeting.

5.39 **Natural England** – Holding objection

As submitted, the application could have potential significant effects on designated sites in the Solent including the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast SPA, in addition to the New Forest SPA, SAC and Ramsar sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Ecological assessment of impacts of the operational phase of the development on the designated sites, including mitigation for any nitrogen burden arising from the development site
- Further assessment of air quality impacts arising from the development, including from ammonia (NH₃) emissions
- Appropriate mitigation for recreational impacts to the Solent SPA sites and the New Forest designated sites

The above should inform a Habitats Regulations Assessment (HRA).

Without this information, Natural England may need to object to the proposal.

Officer Response – *A Habitats Regulations Assessment (HRA) has been produced to cover the impacts of the operational phase of the development on the designated sites. A copy of the HRA is appended to the report.*

5.40 **Southern Water:** No objection subject to a condition to protect/divert the public water supply main.

4.41 **Airport Safeguarding** – No objection subject to conditions to secure a Bird Hazard Management Plan and request an advisory relating to the use of cranes.

5.42 **Hampshire Fire & Rescue** – No objection and guidance provided in relation to fire safety

Officer Response – *Fire safety is a matter for Building Regulations (Approved Document B: Fire Safety) however the suggested advisories can be attached to the decision notice.*

5.43 **Health and Safety Executive** – No objection and fire safety guidance provided which can be added as an informative.

5.44 **NHS:** Objection unless a capital cost contribution of £630,074 is secured for expansion of the local St. Mary's Surgery to mitigate against the impact of this development in relation to existing limited capacity within city centre GP surgeries. Officer Response - Following a review the Local Planning Authority is not satisfied that the request meets the CIL Regulation 122 tests with insufficient evidence put forward to demonstrate that an additional 121sqm GIA of GP floor space is required to mitigate against the demand arising from the proposed 607 dwellings. Furthermore insufficient evidence has been put forward in relation to the extent of works and costings to deliver the first floor extension to St Marys surgery. However the NHS will have the opportunity to bid for funds from the Community Infrastructure Levy to support healthcare infrastructure. Furthermore the Local Planning Authority has offered to work with the NHS to look at developing a more structured approach to securing S106 contributions from high density city centre schemes as part of the preparation of the new local plan.

5.45 **Hampshire Constabulary – No objection**

The site is close to the city centre, an area from which we receive regular reports of crime and disorder. This site will provide a route to and from Hoglands park (and the other city centre parks) areas from which we receive regular reports of crime and disorder. Of particular relevance to this application would be: robbery theft, criminal damage, anti-social behaviour including rough sleeping.

Clear definition of the different spaces within the development reduces the opportunities for crime and disorder.

Access to the residential elevations of the apartment blocks from the public realm must be prevented. Ground floor apartments (and those apartments with access from the podium gardens) with doors that can be accessed from the surrounding semi-private space must be protected by a private garden which is the sole preserve of the resident of the apartment with the doors that can be accessed from the space. The private garden must be at least 1.5m wide and enclosed within a robust boundary treatment at least 1.m high. Other windows on the ground floor (or overlooking the podium gardens) must be defended by planting. Hampshire Constabulary cannot support this application if the dwellings do not have this basic level of protection.

Block A has four apartments with a ground floor access from the public realm. Each apartment has a small area of private space, which allows access to a front door and a patio door. To provide for security a robust boundary treatment (perhaps vertical railings, this may be softened by hedging) at least 1m high must be fitted. A gate of similar height and construction to the adjacent boundary treatment should also be fitted at the access with the public realm.

The Houndwell Plaza is an area of Public Open Space (POS) designed to support social interaction, to that end seating is provided this will encourage those passing through the space to loiter. The space is to the south of Hoglands park and Houndwell Park, both places which suffer with crime and Anti-Social Behaviour (ASB). Given the close proximity of the places it is likely that there will be some incidents within this space. There are four entrances / exits to this area of open space, which will make policing the space difficult should incidents occur. To reduce the opportunities for crime and disorder access to this space for the general public should be prevented overnight.

All of the apartment blocks have covered parking areas at the ground floor level. From these parking areas it is possible to gain access to the accommodation and cycle storage. There is very little natural surveillance of these areas from the apartments or the wider public realm, this increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder electrically operated roller shutter doors (or gates) must be fitted. The doors should completely close the opening, and be fitted with an electronic access control system, that provides for access by authorised persons. To provide for surveillance Closed Circuit Television (CCTV) cameras should be fitted within these spaces.

Officer Response - A planning condition is recommended to secure the above safety and security measures, including gated access controls to prevent the general from accessing the site during night time hours.

6. Planning Consideration Key Issues

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

- the principle of the development.
- design and heritage impact.
- residential environment & impact on neighbours.
- highways.
- habitats regulations; and
- development mitigation, affordable housing and viability.

Principle of Development

6.1 The site is allocated under policy AP24 of the City Centre Action Plan for retail-led mixed use development including retail (A1 use), food and drink (A3, A4, A5 uses) with residential, hotel and offices supported above the ground floor, this planning policy was adopted in 2015.

6.2 The proposed redevelopment is residential-led with 607 residential units and 420sqm therefore would represent a significant net reduction of commercial floor space and loss of ground floor commercial frontage to Queensway and Houndwell Place. As such this scheme represents a departure from the retail-led allocation and the application is supported by commercial evidence indicating a declining retail market and retail shift towards the western side of the city centre. The Council's Strategic policy team have reviewed the application and have no objection to the proposed departure on the basis that a commercial frontage is retained to East Street to support this important East-West connection and provided attractive street frontages are secured to Queensway and Houndwell Place (see design considerations below).

6.3 Redevelopment of this large vacant retail site for high density housing delivery would deliver strong and distinctive planning / regeneration benefits in relation to meeting housing need, providing new public realm and the proposed replacement buildings are of high quality design and would have a positive relationship with the parks.

- 6.4 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. As recognised in the supporting Planning Statement, the Council's housing requirement has sharply increased in recent years from 815 dwellings per annum (as stated in the adopted plan) to 1389 dwellings per annum at 2021, which includes the Government's 35% urban centres uplift. Whilst work continues to assess potential housing sites to reach the target required for the emerging Local Plan period (2020-2040) there is still currently a shortfall. The scheme proposes major high-density residential, appropriate for a city centre location with a total of 607 residential units and will make a significant and positive contribution towards the housing delivery target for the city. The scheme is, therefore, considered to satisfy this policy and the principle and quantum of residential use is supported.
- 6.5 Policy CS5 of the Council's Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of high accessibility where net density levels of over 100 dwellings per hectare can be supported. The proposed development has a residential density of 595 dwellings per hectare and incorporates a welcomed housing mix of 231 x 1-bed, 325 x 2-bed, 51 x 3-bed with the provision of apartments and Townhouses, which is considered appropriate in supporting a mixed and balanced community within the city centre
- 6.6 **Design & Heritage Impact**
- The architectural aesthetic of the proposed buildings is strong in character and on the whole positive, as indicated by the Council's Urban Design Manager. At the heart of the proposal the provision of a public plaza and approach to provide improved pedestrian permeability to align with routes through the Bargate Development and Holyrood Estate is broadly welcomed.
- 6.7 This dense residential proposal has been driven by scheme viability and the resulting building scale, bulk and massing has required careful consideration and assessment in relation to its relationship with the cityscape, neighbouring buildings and the setting of nearby heritage assets, including the Central Parks. Furthermore the incorporation of above ground car park has created design challenges in terms of site security, the pedestrian environment and in terms of the ground floor frontage to Houndwell Place.
- 6.8 The design has evolved following consultation with the Historic England and the Council's Urban Design manager including design review with the Design Advisory Panel. Policy AP17 of the City Centre Action Plan indicates that tall buildings of 5-storeys or more can be permitted as individually tall buildings to provide variety adjoining the central parks with active frontages that contribute positively to their setting and respond to the scale of the parks. The architectural approach provides a contemporary clean aesthetic which respects the design and materiality of the Queens Building and other new development in the vicinity. The buildings will be clad in yellow buff brickwork with windows grouped between string courses to provide horizontal emphasis brick banding detail to reflect the existing Queens Building and other new build schemes within the area.

6.9 It is recognised that the incorporation of ground floor car parking to support the viability of this high density housing scheme has introduced design challenges. The design of the parking grills will require careful architectural consideration along with appropriate landscape setting to the front of the site to ensure the scheme does not detract from the setting of the park, and planning conditions are recommended to secure this detail. It also recognised that some regard should be had to the existing context, with the Debenhams building containing a predominantly blank façade to Houndwell Place (with the exception of entrance doors and the café windows) and it is noted that the Central Parks have dense tree screening along its Southern edge.

6.10 The application is supported by a visual impact assessment and Heritage Statement to demonstrate the proposed tall buildings will not impact on key strategic views, the setting of the Central Park or identified sensitive views within the Council's Tall Buildings Strategy. Historic England have raised no objection in relation to the impact on the parks, setting of nearby heritage. As such the scheme is not considered to harm the setting of heritage assets and therefore accords with the requirements of the National Planning Policy Framework (2018).

6.11 The Historic England have also advised the Council to take a balanced judgement on the direct effect of the demolition of an identified non-designated heritage asset on the one hand and the public benefits offered by new development on the other, as is required by the Framework (NPPF, 203). The heritage value of this post war department store building is recognised as an undesignated heritage asset and its demolition as part of a redevelopment would be a loss to the city. However the arguments for building retention are outweighed by the public benefits of bringing the site forward for housing, also taking into account evidence regarding retail demand also given that residential options incorporating the existing building have been discounted for design and viability reasons.

6.12 The application is supported by a microclimate and shadowing assessments which demonstrate that the proposed tall buildings will not have an adverse impact on the local environment or public safety.

Residential Environment & Impact on Neighbours

6.13 This neighbourhood within the heart of the city centre has a character and density which can accommodate higher density residential development. The proposed is arranged with 3 blocks surrounding a Central Plaza with dedicated courtyards for Blocks A and B. This arrangement is considered to provide a reasonable separation between the blocks in relation to outlook, daylight, sunlight and privacy appropriate for city centre living.

6.14 The application is supported by a BRE Daylight and Sunlight Assessment which demonstrates that reasonable daylighting will be maintained to neighbouring buildings in the context of this higher density neighbourhood. It is acknowledged that the BRE assessment identifies a shortfall in BRE daylighting standards to a number of habitable room windows in the adjacent northern elevation of Gatehouse Apartments, however the assessment indicates that a number of these windows serve either bedrooms or dual aspect units which enjoy adequate daylight from other elevations. Moreover many of these windows in the northern elevation of

Gatehouse Apartments are compromised by its own building design with window set back within recessed balconies or from projecting balcony floors. There would be a 17m separation distance across East Street between the adjacent 5-storeys of Gatehouse Apartments which is considered a reasonable separation distance across a street within this context and BRE guidance advises that its daylight standards can be applied flexibly in higher density environments.

The proposed layout is also considered to provide reasonable levels of privacy and outlook between the proposed flats and neighbouring buildings.

- 6.15 The proposed dwelling units are design to meeting the Nationally Described Space Standards and all habitable rooms will receive. It should be noted that if this development is delivered as a Build to Rent scheme as intended, the space environment for the Build to Rent product differs from conventional market flats because the accommodation is highly managed, and residents have access to communal internal and external amenity spaces. The proposal provides The proposal provides 1065 sqm gross of communal/private internal amenity and 1266sqm of private external space which provides an average of 2sqm of private amenity space per unit, which is considered reasonable in the context of city centre living. Residents will also have access to the public plaza which will be securely gated at night and will only be available to residents during night time hours.

Highways

- 6.16 The Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would provide less than the maximum car parking standards for the quantum of development with 108 car parking spaces proposed (maximum permissible for this development mix would be 658 car parking spaces). Having regard to the nature of the proposed uses and the city centre location of the site, this approach is considered to be appropriate and consistent with other high density residential schemes of this nature in the city centre. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets.

It is recognised that the scheme would generate less trips into the city centre having regard to the existing retail use however the introduction of dedicated on-site car parking will create increased vehicular traffic on roads around the site but these levels can be accommodated without having an adverse impact on network capacity.

- 6.17 Servicing management will be secured by condition and the S106 transport obligations include provisions for servicing/deliveries from Houndwell Place and East Street. Furthermore a legal agreement will be used to secure site specific highway works to mitigate against the impact of the development as listed in the recommendation section of this report. Additionally, a highway condition survey will be required to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer. It is recognised that 480 cycle parking spaces are provided for 607 units which makes provision for 80% of the units which is considered a reasonable balance given the site is accessible on foot, that said officers could seek delegation to secure additional cycle parking if requested by members.

Habitat Regulations

- 6.18 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 2**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), including towards New Forest mitigation, the development will not adversely affect the integrity of the European designated sites.

6.19 **Development Mitigation, Affordable Housing and Viability**

A development of this scale is expected to mitigate its direct impacts in accordance with LDF Policy CS25. A s.106 legal agreement is triggered, and contributions secured. Policy CS15 sets out 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 application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal 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 dated 03.03.2022 is appended to this report at **Appendix 3**.

- 6.20 The DVS report has assessed the scheme as 100% private Build To Rent, incorporating a site value of £11,000,000 with CIL contributions totalling £2,770,387 and S106 contributions totalling £1,462,908 and concludes the scheme is not viable and cannot provide any contribution towards affordable housing. According to DVS’s appraisal the scheme produces a residual land value of £8,182,429 – when the Benchmark Site Value is £11m meaning that there is a deficit of approximately £2.8m on the land value inputs before any affordable housing can be delivered.
- 6.21 The latest NPPF guidance suggests a profit level of 15-20% of Gross Development Value (GDV) is a suitable return for developers. The applicant’s viability assessment adopted a developer profit of 15% of GDV. DVS have adopted a blended profit because the BTR units could be forward funded.
- 6.22 Given the deficits involved it would be right to question why the scheme is coming forward at the current time. The viability is showing a -£2.8m deficit with no affordable housing. Clearly, this is a matter for the applicant, however the all-private BTR scheme could be deliverable since it currently shows a blended profit of 12.86% and would only need an small increase in values of just over 2.5% to be viable and start contributing to affordable housing.

Therefore the s.106 clauses will build in review mechanisms in line with our normal practices so that an assessment of the viability can be relooked at as the scheme progresses and if the situation improves satisfactorily then contributions can be sought. The review process will take any account any vacant building credit as a material consideration

- 6.23 Given the acute need for affordable housing in the city with 8,600 applicants currently on the housing register seeking affordable housing to rent, it is extremely disappointing that this scheme cannot support any s106 affordable housing based on existing scheme viability. It should however be noted that the applicants have advised they are in discussions with a Register Provider of Affordable Housing and may apply for Social Housing Grant to deliver affordable units on site post Planning, however these units cannot be taken into consideration at the planning application stage, may not be delivered, and require Government subsidy that wouldn't be on offer if they were secured through the s.106 negotiations at the application stage, as such the potential deliver of non 106 affordable housing units cannot be given any weight in the determination of this planning application. Ultimately the provision of nil affordable housing is planning policy compliant with adopted development plan policy CS15. Going forward the new local plan (City Vision) will need to be supported by up to date viability evidence underpinning the plan.

7 Summary

- 7.1 The proposal represents a comprehensive high density residential-led development that will deliver strong and distinctive planning benefits. The loss of the existing department store building is unfortunate however this needs be considered in the context of a declining retail market and retail shift towards the western side of the city centre and residential scheme options involving building retention have been explored and discounted on design and viability grounds. The replacement building will have a high quality architectural aesthetic appropriate for its context and would respond positively to the setting of the parks and the cityscape more generally.
- 7.2 Overall the scheme is acceptable, and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. On balance, the benefits of the scheme (as outlined through this report including the delivery of a significant number of new homes, retention of commercial frontage to East Street and introduction of new public realm) are considered to outweigh the current weaknesses around the ground floor design (which can be mitigated, in part by securing good landscaping and positive parking grill design to Houndwell Place) and the lack of affordable housing that the scheme can support.

8 Conclusion

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for conditional approval following completion of the S106 legal agreement.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

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

AG for 20/09/2022 PROW Panel

Planning Conditions to include:

01. Full Permission Timing (Performance)

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).

02. Phasing (Pre-Commencement Condition)

The development hereby approved shall follow an implementation phasing programme, with details to be first agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason: To ensure that development takes place in an ordered and agreed methodology. In the interests of the visual amenities of the area and the setting of the Central Parks.

03. Details of building materials to be used (Pre-Commencement Condition)

No construction works on the superstructure of the buildings hereby approved shall be carried out unless and until a written schedule and samples of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority for that relevant phase of development. Development shall be implemented only in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of the relevant phase. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. This shall also include details of the steel mesh parking grills which shall be designed to screen the car parking areas during daytime and night-time hours. It is the Local Planning Authority's practice to review all such materials on site.

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

To protect the setting of the adjacent Central Parks.

04. Details of external appearance (Pre-commencement Condition)

The development shall be carried out in accordance with the details of external building appearance as set out within section 3.5 of the Design and Access Statement by Hodder and Partners. The roof design shall incorporate mansafe fall protection or similar and not guard railings. The development shall be implemented in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of good design.

05. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement Condition)

Prior to commencement of development, with the exception of site clearance, demolition and preparation works, 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; including sections where necessary; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, wayfinding signage, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.
- iii. details of any proposed security gates and boundary treatments.
- iv. details of sightlines from points of access onto the public highway and,
- v. a landscape management scheme.

The scheme of landscaping shall accord with the landscaping principles as set out within section 3.6 of the Design and Access Statement by Hodder + Partners and shall include details for the external areas, public plaza, public routes within the site, amenity decks and roof terraces.

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

The approved hard and soft landscaping scheme (including parking) for each phase shall be carried out prior to the first occupation of buildings within each relevant phase, or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

06. APPROVAL CONDITION - Security Measures

Prior to either the first occupation of the development or the installation of the details listed below (whichever is sooner) a Security Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- i. CCTV coverage and electrically operated roller shutter doors (or gates) to the covered courtyard parking areas.
- ii. Public Plaza access and management arrangements to include hours of access by the public.
- iii. the design of the security gates into the Public Plaza in consultation with Hampshire Constabulary.
- iv. External doorsets giving access to cycle stores to be third party certificated to LPS 1175 :Issue 8, B3, or an equivalent standard.
- v. External lighting design to comply with BS 5489-1:2020 and discharge any liabilities attached to that standard.

Development shall be completed and maintained in accordance with the agreed details.

REASON:

In the interests of crime prevention and residential safety

07. APPROVAL CONDITION Archaeological structure-recording [Pre-Commencement Condition]

No stripping out or demolition shall take place within the site until the implementation of a programme of recording 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 recording of a significant structure is initiated at an appropriate point in development procedure.

08. APPROVAL CONDITION Archaeological structure-recording work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological structure-recording 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.

09. APPROVAL CONDITION Archaeological damage-assessment [Pre-Commencement Condition]

No development apart from above-ground demolition works 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. APPROVAL CONDITION Archaeological evaluation investigation [Pre-Commencement Condition]

No development apart from above-ground demolition works 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. APPROVAL CONDITION 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. APPROVAL CONDITION 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. APPROVAL CONDITION 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. Class E uses (Performance Condition)

The ground floor commercial units to East Street hereby approved shall only be used for purposes within Class E use only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To define the consent and for the avoidance of doubt.

15. APPROVAL CONDITION - Hours of Use & Delivery Non-residential uses (Performance Condition)

The non-residential use hereby permitted shall not operate outside the following hours:

Monday to Saturdays 06:30 to 00:00 hours

Sunday and recognised public holidays 07:00 to 23:00 hours

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 06:00 to 23:00 daily.

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

16. Active Frontages (Performance Condition)

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 Class E commercial Units hereby approved shall retain some form of 'active window display' on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl).

Reason: In the interests of good design and to retain a lively and attractive street scene whilst ensuring adequate natural surveillance is offered to the public realm.

17. Plant and Machinery and Soundproofing (Pre-occupation)

Before each commercial unit comes into use, details of plant and machinery to be used within the relevant commercial unit, together with measures to minimise noise from them and soundproofing measures to mitigate any external and internal noise transfer to residential units within the development, shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be installed in accordance with the agreed details before the relevant unit is occupied and thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure residents of the development are not adversely affected by noise from the commercial uses.

18. Ecological Mitigation Statement (Pre-Commencement)

Notwithstanding The Preliminary Ecological Assessment undertaken in September 2021, prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures 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. The scheme of mitigation shall include green roof and nest boxes

suitable for black redstart and swifts and landscape planting shall include native species and ornamentals of recognised value to wildlife.

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

19. Lighting (Pre occupation)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

20. Hours of work for Demolition / Clearance / Construction (Performance)

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 17:00 hours

And at no time on Sundays and recognised public holidays.

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

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

21. Piling (Pre-Commencement)

Prior to the commencement of development with the exception of site clearance, demolition and preparation works, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity.

22. Construction & Demolition Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition & Construction Method Plan for the development. The Demolition & Construction Management Plan shall include details of:

- a) Parking of vehicles of site personnel, operatives and visitors.
- b) Any site compound details and contractor's cabins/office
- c) Loading and unloading of plant and materials.
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing
- g) A scheme for recycling waste resulting from the construction programme
- h) Measures for the suppression of dust caused by the construction phase including cleaning of wheels and the under chassis of lorries leaving the site
- i) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period
- j) Confirmation that the hours of construction listed in the condition below will be

adhered to

- k) measures to deal with the environmental impact issues raised by Natural England in their response to the application; and
- l) The methods of supervision to ensure that workers have knowledge of the method statement.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

23. Noise

The development shall be carried out and retained in accordance with the scheme of noise mitigation measures as set out within the supporting Noise Impact Assessment ref A11448/NIA/1.1

Reason: To secure an acceptable residential living environment.

24. Amplified Sound

No sound amplification systems shall be operated within the Class E commercial units hereby approved unless a noise assessment has been submitted to and approved by the Local Planning Authority, and any noise mitigation measures required have been installed in accordance with the approved details.

Reason: To ensure the amenities of nearby residents and businesses are not harmed.

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

Land Contamination investigation and remediation (Pre-Commencement & Occupation)

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

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

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

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

been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and Arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use Of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority

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

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.

26. Use of uncontaminated soils and fill (Performance)

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.

27. Unsuspected contamination (Performance)

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

28. Energy (pre-commencement)

Prior to commencement of development (with the with the exception of site clearance, demolition and preparation works) a confirmed energy strategy shall be submitted to and approved in writing by the Local Planning Authority which include the enhanced passive measures, and zero or low carbon energy technologies that will achieve a Space Heating Demand within apartments of 15kWh/m²/yr.

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

REASON:

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

29. Energy (post-occupancy)

Within 6 months of completing each Residential accommodation block, the 'As Built' SAP certificates and Part L output BRUKL shall be provided to demonstrate post construction compliance with the pre-commencement condition.

REASON:

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

30. Water efficiency (pre-commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum 100 Litres/Person/Day water use in the form of 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. The appliances/fittings to be installed as specified. The viability and feasibility of rainwater harvesting and greywater recycling to be reviewed for each development block.

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 (Amended 2015).

31. Sustainable Drainage Systems (Pre-Commencement)

Prior to the commencement of the development hereby approved, with the exception of site clearance, demolition and preparation works, a scheme for surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be informed, and accompanied, by an assessment 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. If infiltration is found to be viable following infiltration tests, then any infiltration drainage design measures must be designed in a manner to safeguard the existing culvert crossing the site.

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.

The agreed means for disposing of surface water shall be fully implemented in accordance with the agreed details before the development first comes into use and thereafter retained as agreed.

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).

32. Public Sewer protection (Performance)

Prior to the commencement of development, details of the measures to protect the public sewer during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing (in consultation with Southern Water). The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

33. Surface / foul water drainage (Pre-commencement)

With the exception of site clearance, demolition and preparation works, no development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

34. Submission of a Bird Hazard Management Plan

With the with the exception of site clearance, demolition and preparation works, no development shall commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Bird Hazard Management Plan should comply with advice note 3: <https://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>

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 development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

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

35. Servicing Management Plan (Pre-Use Condition)

Prior to first occupation of the commercial units within Block C, a management plan for the servicing and delivery requirements for each building within that phase of that relevant unit shall be submitted to and approved in writing by the Local Planning Authority. The Management Plans shall be adhered to for the lifetime of the development, unless subsequently amended plans are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and convenience of the users of the adjoining highway and residential amenity.

36. Parking (Performance)

The parking and access shall be provided in accordance with the plans hereby approved before each building to which the parking relates first comes into occupation/use and shall thereafter be retained as approved for the lifetime of the development. A minimum of 108 car parking spaces shall be provided.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

37. Electric Vehicle Spaces (Pre-Use)

Prior to any building hereby approved first coming into use 15% of its associated total parking numbers shall be provided as active (ready to be used) electric vehicle charging points with all other spaces to be passive (infrastructure provided for easy and practical

future connections) shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The spaces and charging infrastructure shall be thereafter retained as approved and used only for the parking and charging of electric vehicles.

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

38. Cycle storage facilities (Pre-Occupation)

Before the development hereby approved first comes into occupation/use, secure and covered storage for bicycles shall be provided in accordance with the plans hereby approved. The storage shall be thereafter retained as approved for the lifetime of the development.

Reason: To encourage cycling as an alternative form of transport.

39. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of each building, 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. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse 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.

40. Residential Environment – Internal and external amenity space

Prior to the first occupation of each phase a management plan relating to how the buildings and their associated spaces will be managed within that phase, including the resident's amenity areas and associated roof terraces, main pedestrian routes and, shall have been submitted to and approved in writing by the Local Planning Authority.

The management plan 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 secure a satisfactory city living environment.

41. Telecommunications Equipment

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 external telecommunications equipment shall be installed on the roof of the building

Reason: In the interests of safeguarding the appearance of the buildings and in the interests of the setting of the Civic Centre (grade II* listed).

42. Roof Plant

Notwithstanding the information submitted with the approved 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. 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 is as demonstrated and in the interests of visual and neighbour amenity and to protect the setting of the Grade II listed Civic Centre

43. 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: In the interests of the appearance of the buildings

44. Green/Brown roof scheme (Pre-Commencement only)

Prior to the commencement of development hereby approved (with the exception of site setup/demolition/site investigation works), a detailed feasibility study for the installation of green or brown roofs for that particular phase shall be submitted to and approved in writing by the Local Planning Authority. If the study demonstrates the buildings have the capacity for the green or brown roofs, a specification shall be agreed in writing with the Local Planning Authority. The green or brown roofs to the approved specification must be installed and rendered fully operational prior to the first occupation of that phase of the development hereby granted consent and retained and maintained thereafter.

Before the relevant phase first comes into use, a green roof shall be completed in accordance with a specification and management plan to be first submitted to and approved in writing by the Local Planning Authority.

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

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

45 Amenity Space (Pre-occupation)

Prior to first occupation of each block hereby approved, the external communal amenity space serving that block, including the amenity decks over the car parking areas, shall be provided and thereafter retained as approved.

Reason: To secure a satisfactory residential environment

46. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

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

Core Strategy - (Amended 2015)

CS1	City Centre Approach
CS2	Major Development Quarter
CS3	Town, district and local centres, community hubs and community facilities
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (Amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
HE3	Listed Buildings
HE6	Archaeological Remains
H2	Previously Developed Land
H7	The Residential Environment

City Centre Action Plan March 2015

AP1	New Office Development
AP6	PSA extension
AP9	Housing Supply
AP16	Design
AP17	Tall Buildings
AP24	East Street Shopping Centre and Queens Buildings (Debenhams)

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2021)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)
Southampton Tall Buildings Study (2017)

This page is intentionally left blank

Appendix 1

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the ‘Habitats Regulations’ refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an ‘in combination’ effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£390.00
2 Bedroom	£563.00
3 Bedroom	£735.00
4 Bedroom	£864.00
5 Bedroom	£1014.00

Therefore, in order to deliver an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution, and the City Council will ring fence 10% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 10% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2021.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

This page is intentionally left blank



Valuation Office
Agency

DVS Property Specialists
for the Public Sector

Viability Review Report Former Debenhams Queens Buildings Queensway Southampton

Report for:

[REDACTED]
Southampton City Council

Prepared by:

[REDACTED]
Sector Head
RICS Registered Valuer
DVS

[REDACTED]
[REDACTED]
Case Number: 1787842

Client Reference:
21/01851/FUL

Date: 3 March 2022

Contents

1.0	Executive Summary	1
1.1	Proposed Development Details	1
1.2	Instruction.....	1
1.3	Viability Conclusion	1
1.4	Non- Technical Summary of Viability Assessment Inputs	2
2.0	Instruction and Terms	4
3.0	Guidance and Status of Valuer	6
3.1	Authoritative Requirements	6
3.2	Professional Guidance.....	6
3.3	RICS Financial Viability in Planning Conduct and Reporting.....	7
3.3	Most Effective and Efficient Development.....	7
3.4	Signatory	8
3.5	Bases of Value	8
4.0	Assumptions, and Limitations	8
4.1	Special Assumptions	8
4.2	General Assumptions	9
5.0	Proposed Development.....	10
5.1	Location / Situation	10
5.2	Description	10
5.3	Site Area	10
5.4	Schedule of Accommodation/ Scheme Floor Areas	10
5.5	Planning Policy Requirements for the Scheme	11
6.0	Summary of Applicant's Viability Assessment.....	12
6.1	Report Reference	12
6.2	Summary of Applicant's Appraisal	12
7.0	Development Period/ Programme.....	13
8.0	Gross Development Value (GDV)	13
8.1	Residential.....	14
8.2	Affordable Housing	15
8.3	Car Parking	15
8.4	Market Value of the Commercial.....	16
8.5	Total GDV.....	16
9.0	Total Development Costs	16
9.1	Construction Cost.....	16
9.2	Contingency	17
9.3	Professional Fees.....	17
9.4	CIL/Section 106 costs.....	17
9.5	Marketing and Agency Costs	18
9.6	Finance	19
9.8	Other Development Costs	19
9.9	Developers Profit.....	19
9.9	Residual Land Value	19
9.10	Summary of Unagreed Inputs	20
10.0	Benchmark Land Value (BLV).....	20
10.1	Applicant's BLV	20
10.2	Existing Use Value (EUV).....	20
10.3	Alternative Use Value (AUV)	21
10.4	Premium.....	21
10.5	Residual Land Value	22
10.6	Adjusted Land Transaction Evidence.....	22

10.7	Purchase Price	22
10.8	Benchmark Land Value Conclusion	22
11.0	DVS Viability Assessment	23
11.1	DVS Appraisal 1 – All Private For Sale Scheme	23
11.1	DVS Appraisal 2 – All Private BTR Scheme	23
12.0	Sensitivity Analysis	23
13.0	Recommendations	24
13.1	Viability Conclusion	24
13.3	Market Commentary- Coronavirus (COVID-19)	25
14.0	Engagement	25
15.0	Disclosure / Publication	26
16.0	Appendices	27
1	DVS Terms of Engagement	28
2	DVS Appraisal 1 – All Private For Sale Scheme	29
3	DVS Appraisal 2 – All Private BTR Scheme	30
4	DVS Appraisal 3 – EUV Appraisal for the BLV	31

Not for Publication

1.0 Executive Summary

1.1 Proposed Development Details

This report provides an independent review of a viability assessment in connection with:

Proposed Development	Demolition of the existing vacant department store and redevelopment of the site to deliver a residential-led development with the erection of 3 blocks 6-17 storeys in height comprising 614 residential units and 2 no. ground floor commercial units (Use Class E) to East Street, and associated car parking and landscaping and public realm.
Subject of Assessment:	Former Debenhams, Queens Buildings Queensway Southampton SO14 1NH
Planning Ref:	21/01851/FUL
Applicant / Developer:	Southampton Estates Ltd
Applicant's Viability Advisor:	S106 Affordable Housing (S106)

1.2 Instruction

In connection with the above application Southampton City Council's Planning Department require an independent review of the viability conclusion provided by the applicant in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made can be relied upon to determine the viability of the scheme.

1.3 Viability Conclusion

The applicant' advisor S106 outlines in their report the following:

- the proposed scheme incorporating 614 all private Residential Flats for sale, Car Parking and Retail units produces a residual land value of **£1,254,093**;
- the proposed scheme incorporating 614 Residential Flats for sale including affordable, Car Parking and Retail units produces a residual land value of a **negative £808,832**;
- the proposed scheme incorporating 614 Residential BTR Flats, Car Parking and Retail units produces a residual land value of **£1,808,516**;
- the Benchmark Site Value, adopting an EUV/AUV approach is **£13,890,156**;

A deficit of between £12,081,640 and £14,698,988 below the Benchmark Site Value exists for all 3 schemes and none are viable.

It is my considered and independent opinion that:

- the proposed scheme incorporating 614 all private Residential Flats for sale, Car Parking and Retail units produces a residual land value of **£2,162,937**;
- the proposed scheme incorporating 614 Residential BTR Flats, Car Parking and Retail units produces a residual land value of **£8,182,429**;
- the Benchmark Site Value, adopting an EUV/AUV approach, is rounded to **£11,000,000**;
- a deficit of **£8,837,063** below the Benchmark Site Value exists for the All Private For Sale scheme and a deficit of **£ 2,813,295** exists for the BTR scheme.

I am of the opinion that there is a deficit for both schemes and therefore the schemes are not viable to provide either on site or a contribution towards affordable housing although the BTR scheme is potentially deliverable;

1.4 Non- Technical Summary of Viability Assessment Inputs

- All Private For Sale Scheme

All Private For Sale Inputs	S106	DVS	Agreed (Y/N)
Assessment Date	26 November 2021	3 March 2022	
Scheme, Gross Internal Area, Site Area	614 All Private units - 37,937 sq m net Retail – 421 sq m Gross Area – 51,783 sq m	614 All Private units - 37,622 sq m net 108 Residential Car Spaces Retail – 421 sq m Gross Area – 51,783 sq m	N ¹
Development Period	6 months pre-con 30 months construction 24 months	3 months pre-con 24 months construction 19 months	N
Gross Development Value	£147,404,903	£154,826,046	N
Residential	£146,086,367 £3,851 per sq m	£151,453,000 £4,026 per sq m	N
Car Parking	NIL	£2,160,000	N
Commercial	£1,318,536 net	£1,213,046 net	N
CIL/Planning Policy / S.106 Total	CIL – £2,613,529 S106 - NIL	CIL – £2,835,963 S106 – £1,462,908	N
Construction Cost Total incl contingency	£98,596,452	£103,824,063	N

Contingency %	3.00%	3.00%	Y ²
Abnormals	Incl above	Incl above	
Professional fees (% of construction costs)	7.00%	7.00%	Y ²
Finance Interest and Sum	Finance Rate 6.5% Credit Rate 0.0% Total £8,072,043	Debit Rate 5.00% Credit Rate 2% Total £6,003,802	N
Marketing	Incl below	Residential 1.0% Commercial - £10,000	N
Sales / Agency Fees	Residential - 2.5% of GDV Commercial – 2.0% of GDV	Residential 1.5% of GDV Commercial – 1.0% of GDV	N
Legal Fees	Residential - £750 per unit Commercial – Incl above	Residential - £750 per unit Commercial – 0.25% of GDV	N
Letting Fees	NIL	15% of commercial income	N
Land Acquiring Costs	SDLT +1.75%	SDLT +1.5%	N
Profit Target %	17.5% of Residential GDV 15% of Commercial GDV	17.5% of Residential GDV 15% of Commercial GDV	Y
Residual Land Value	£1,254,093	£2,162,937	N
EUV/AUV	£13,890,156	£11,000,000	N
Premium	NIL	NIL	Y
Benchmark Land Value	£13,890,156	£11,000,000	N
Viability Conclusion	Not Viable	Not Viable	Y

N¹ denotes that whilst the scheme is agreed we have adopted the areas in the schedule of accommodation.

Y² denotes that whilst the inputs are agreed, the total sum differs due to amendments made elsewhere in the appraisal.

- All Private BTR Scheme

All Private BTR Inputs	S106	DVS	Agreed (Y/N)
Assessment Date	26 November 2021	3 March 2022	
Scheme, Gross Internal Area, Site Area	614 All Private units - 37,937 sq m net Retail – 421 sq m Gross Area – 51,783 sq m	614 All Private units - 37,622 sq m net 108 Residential Car Spaces Retail – 421 sq m Gross Area – 51,783 sq m	N ¹
Development Period	6 months pre-con 30 months construction 12 months to month 36	3 months pre-con 24 months construction Month 29	N
Gross Development Value	£135,994,886	£156,288,340	N
Residential	£134,676,350	£152,915,294	N

Car Parking	NIL	£2,160,000	N
Commercial	£1,318,536 net	£1,213,046 net	N
CIL/Planning Policy / S.106 Total	CIL – £2,613,529 S106 - NIL	CIL – £2,835,963 S106 – £1,462,908	N
Construction Cost Total incl contingency	£98,596,452	£103,824,063	N
Contingency %	3.00%	3.00%	Y ²
Abnormals	Incl above	Incl above	
Professional fees (% of construction costs)	7.00%	7.00%	Y ²
Finance Interest and Sum	Finance Rate 6.5% Credit Rate 0.0% Total £5,522,051	Debit Rate 5.00% Credit Rate 2% Total £7,354,720	N
Marketing	NIL	Residential NIL Commercial - £10,000	N
Sales / Agency Fees	Residential - NIL Commercial – 2.0% of GDV	Residential 0.75% of GDV Commercial – 1.0% of GDV	N
Legal Fees	Residential - £29,994 Commercial – Incl above	Residential – 0.25% of GDV Commercial – 0.25% of GDV	N
Letting Fees	NIL	15% of commercial income	N
Land Acquiring Costs	SDLT +1.75%	SDLT +1.5%	N
Profit Target %	15% of Residential GDV 15% of Commercial GDV	15% of Residential GDV 15% of Commercial GDV	Y
Residual Land Value	£1,808,516	£8,182,429	N
EUV/AUV	£13,890,156	£11,000,000	N
Premium	NIL	NIL	Y
Benchmark Land Value	£13,890,156	£11,000,000	N
Viability Conclusion	Not Viable	Not Viable	Y

N¹ denotes that whilst the scheme is agreed we have adopted the areas in the schedule of accommodation.

Y² denotes that whilst the inputs are agreed, the total sum differs due to amendments made elsewhere in the appraisal.

A site specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

2.0 Instruction and Terms

2.1 The Client is Southampton City Council.

- 2.2 The Subject of the Assessment is Former Debenhams, Queens Buildings, Queensway Southampton SO14 1NH
- 2.3 The date of the viability assessment is 3 March 2022. Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.
- 2.4 Confirmation of instructions and PON were received on 18 January 2022. It is understood that Southampton City Council require an independent opinion on the viability information provided by S106 in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme.
- Specifically, DVS have been appointed to:
- assess the Viability Assessment submitted on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authority's planning website.
 - advise Southampton City Council in writing on those areas of the applicant's Viability Assessment which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion, together with evidence. If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, this report will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development.
- 2.5 Conflict of Interest Statement - In accordance with the requirements of RICS Professional Standards, DVS as part of the VOA has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists.
- 2.6 Inspection - As agreed, the property/site has not been inspected, and this report is provide on a desk top basis but the site is well known to the DVS valuer.
- 2.7 DVS/ VOA Terms of Engagement were issued on 20 December 2021, a redacted version is attached at **Appendix 1**.

3.0 **Guidance and Status of Valuer**

3.1 Authoritative Requirements

The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative mandatory requirements:

- The '**National Planning Policy Framework**', which states that all viability assessments should reflect the recommended approach in the '**National Planning Practice Guidance on Viability**'. This document is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).
- RICS Professional Statement '**Financial viability in planning: conduct and reporting**' (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.
- RICS Professional Standards PS1 and PS2 of the '**RICS Valuation – Global Standards**'.

3.2 Professional Guidance

Regard will be made to applicable RICS Guidance Notes, principally the best practice guidance as set out in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

Other RICS guidance notes will be referenced in the report and include RICS GN '**Valuation of Development Property**' and RICS GN '**Comparable Evidence in Real Estate Valuation**'.

Valuation advice will be prepared in accordance with the professional standards of the of the '**RICS Valuation – Global Standards**' and the '**UK National Supplement**', which taken together are commonly known as the RICS Red Book. Compliance with the RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your decision making for planning purposes and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our review assessment and conclusion may be used by you as part of a negotiation. The RICS Red Book professional standards are applicable to our undertaking of your case instruction, with PS1 and PS 2 mandatory. While compliance with the technical and

performance standards at VPS1 to VPS 5 are not mandatory (as per PS 1 para 5.4) in the context of your instruction, they are considered best practice and have been applied to the extent not precluded by your specific requirement.

3.3 RICS Financial Viability in Planning Conduct and Reporting

In accordance with the above professional standard it is confirmed that:

- a) In carrying out this viability assessment review the valuer has acted with objectivity impartiality, without interference and with reference to all appropriate sources of information.
- b) The professional fee for this report is not performance related and contingent fees are not applicable.
- c) DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- d) The appointed valuer, Tony Williams is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- e) Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.
- f) DVS are employed to independently review the applicant's financial viability assessment and can provide assurance that the review has been carried out with due diligence and in accordance with section 4 of the professional standard. It is also confirmed that all other contributors to this report, as referred to herein, have complied with the above RICS requirements.

3.3 Most Effective and Efficient Development

It is a mandatory requirement of the RICS Conduct and Reporting Professional Statement for the member or member firm to assess the viability of the most effective and most efficient development.

The applicant's advisor has assessed the viability based on the proposed application scheme. The DVS valuer has also assessed the viability based upon the application scheme in accordance with the plans and passes no comment on whether this is the most effective and most efficient development. The impact on

viability of different schemes have not been appraised, however should this be pursued another viability assessment may be necessary.

3.4 Signatory

- a) It is confirmed that the viability assessment has been carried out by Tony Williams BSc, MRICS, Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge, skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased review.

3.5 Bases of Value

The bases of value referred to herein are defined in the terms of engagement at **Appendix 1** and are sourced as follows:

- Benchmark Land Value is defined at Paragraph 014 of the NPPG.
- Existing Use Value is defined at Paragraph 015 of the NPPG.
- Market Value is defined at VPS 4 of RICS Valuation – Global Standards.
- Gross Development Value is defined in the Glossary of the RICS GN Valuation of Development Property (February 2020).

4.0 **Assumptions, and Limitations**

4.1 Special Assumptions

As stated in the terms the following special assumptions have been agreed and will be applied:

- That your council's planning policy, or emerging policy, for affordable housing is up to date
- There are no abnormal development costs in addition to those which the applicant has identified, and the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.
- That the development as proposed is complete on the date of assessment in the market conditions prevailing on the date.

4.2 General Assumptions

The site has not been inspected. The below assumptions are subject to the statement regarding the limitations on the extent of our investigations, survey restrictions and assumptions, as expressed in the terms of engagement.

- a) Tenure - A report on title has not been provided. The review assessment assumes that the site is held freehold.
- b) Easements / Title restrictions - A report on title has not been provided. The advice is provided on the basis the title is available on an unencumbered freehold or long leasehold basis with the benefit of vacant possession. It is assumed the title is unencumbered and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- c) Access / highways - It is assumed the site is readily accessible by public highway and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- d) Mains Services - It is assumed the site is or can be connected to all mains services will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- e) Mineral Stability - It is assumed that the property is not affected by any mining subsidence, and that the site is stable and would not occasion any extraordinary costs with regard to Mining Subsidence over and above those identified by the applicant and considered as part of abnormal costs.
- f) Environmental Factors Observed and/or Identified - it is assumed the site will not occasion any extraordinary costs relating to environmental factors over and above those identified by the applicant and considered as part of abnormal costs.
- g) Flood Risk – According to the Environment Agency Website the site is in flood zone 1, an area with a low probability of flooding.
- h) Asbestos - it is assumed any asbestos where identified present will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

5.0 Proposed Development

5.1 Location / Situation

The site is located on the edge of the city centre of Southampton, bounded by Houndwell Place to the north, Queensway to the west and East Street to the South.

The site is served by a number of public transport links and is in close proximity to all normal city centre services.

5.2 Description

The site currently comprises a large vacant department store, formerly occupied by Debenhams, with an existing GIA of 26,505 sq m, with 19,495 sq m of retail and 7,010 sq m of ancillary.

5.3 Site Area

We understand that the site extends to approximately 1.1 hectares (2.72 acres)

5.4 Schedule of Accommodation/ Scheme Floor Areas

DVS make no comment about the density, design, efficiency, merit or otherwise, of the proposed scheme and the accommodation details have been taken from the schedule of accommodation (Rev P4 dated 7/12/2021) and the plans on the Councils planning web site summarised below:

Type	No of Units	Average Size	Total Area
Residential			
1 Bed, 1 Person	58	39.5	2,291
1 Bed, 2 Person	176	50.2	8,835
2 Bed, 3 Person	157	61.3	9,624
2 Bed, 4 Person	165	70.7	11,666
3 Bed, 5 Person	43	89.3	3,840
3 Bed, 6 Person	6	89.3	536
Town House – 2 Bed, 3 Person	3	77.6	233
Town House – 2 Bed, 4 Person	3	92.0	276
Town House – 3 Bed, 6 Person	3	107.2	321
Total	614		37,622 sq m
Retail			
	2	210	420
Total	2		420 sq m
Overall Total			38,042 sq m
Overall Gross			51,783 sq m

I have taken the gross area from the schedule of accommodation provided which shows a total net to gross area of 73.25% which is within the range we normally expect for this type of development.

However S106 have a net area of 37,937 sq m but a gross area of 51,783 sq m.

In addition I understand from the plans and the schedule of accommodation that there are 108 dedicated residential car spaces and 480 cycle spaces.

As agreed in the terms, the residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area / Gross Internal Area has been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2nd Edition)'.

This measurement standard is how the applicant has presented their data, is common and accepted practice in the construction/ residential industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis.

5.5 Planning Policy Requirements for the Scheme

The current application, the subject of this review, is reference 21/01851/FUL –

Demolition of the existing vacant department store and redevelopment of the site to deliver a residential-led development with the erection of 3 blocks 6-17 storeys in height comprising 614 residential units and 2 no. ground floor commercial units (Use Class E) to East Street, and associated car parking and landscaping and public realm.

In addition to the NPPF and NPPG the statutory development plan for the site comprises:

- Core Strategy Partial Review (adopted 2015)
- Saved Policies in the Local Plan Review (amended 2015)
- City Centre Action Plan (adopted 2015)
- Residential Design Guide SPD 2006
- City Centre Master Plan 2013
- Development Design Guide SPD 2004
- Development Contributions SPD

- Affordable Housing – Policy CS15 – 35% affordable

In addition I understand that the following planning obligations are required:

- Section 106

Highways/Transport - £380,000

SDMP - £314,144
Carbon Management – £115,074
Employment & Skills - £33,616
Health Facilities - £620,074
Section 106 total - £1,462,908

- **CIL – £2,835,963**

S106 have included for CIL of £2,6136,629 but no S106 contributions.

I have included payment of any 106 contributions at start on site with CIL phased through the development.

6.0 Summary of Applicant's Viability Assessment

6.1 Report Reference

DVS refer to the Viability Assessment Update prepared by S106 dated 26 November 2021 for the proposed scheme and the appraisals therein.

6.2 Summary of Applicant's Appraisal

The agent's appraisal has been produced using the EAT model and follows established residual methodology, and this is where the Gross Development Value less the Total Development Costs and Profit, equals the Residual Land Value. The Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance, to establish viability. However the EAT model does not include a cashflow and is not really appropriate for this scale of scheme.

S106 concludes in their report for the proposed scheme the following:

- the proposed scheme incorporating 614 all private Residential Flats for sale, Car Parking and Retail units produces a residual land value of **£1,254,093**;
- the proposed scheme incorporating 614 Residential Flats for sale including affordable, Car Parking and Retail units produces a residual land value of a **negative £808,832**;
- the proposed scheme incorporating 614 Residential BTR Flats, Car Parking and Retail units produces a residual land value of **£1,808,516**;
- the Benchmark Site Value, adopting an EUV/AUV approach is **£13,890,156**;

A deficit of between £12,081,640 and £14,698,988 below the Benchmark Site Value exists for all 3 schemes and none are not viable.

To review the reasonableness of this conclusion, the reasonableness of the applicant's appraisal inputs is considered in the next sections.

7.0 Development Period/ Programme

7.1 The development period adopted by the agent for the proposed scheme comprises:

- Pre construction – 6 months;
- 30 months for construction;
- Sale - For Sale Scheme - 24 months from month 24 to month 48;
- Sale - BTR Scheme – 12 months from month 24 to month 36;
- Commercial – Letting/Sale – Month 24
- Overall development period – 48 months for the For Sale scheme and 36 months for the BTR scheme;

7.2 I have adopted the following for the proposed scheme as reasonable:

- 3 month lead in since it's a full application;
- 24 month construction period. BCIS suggests a range of 100-131 weeks for this scale of contract with an average of 115 weeks;
- For Sale Scheme – 25% sold at PC with the remainder sold over an 18 month period;
- BTR Scheme – Sold to an investor at one month after PC;
- Commercial – Sold at PC i.e. month 28
- Overall development period – 41 months for the For Sale Scheme and 29 months for the BTR Scheme;

8.0 Gross Development Value (GDV)

The Gross Development Value of the site has been arrived at by:

- Reviewing the GDV proposed with regards to RICS Guidance Notes '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' and '**Comparable Evidence in Real Estate**'
- Assessing the market values of both the flats and commercial by reference to available evidence.

All Private For Sale Scheme - The overall total GDV in the applicant's appraisal is £147,404,903 based on the following:

- Private For Sale Flats - £146,086,367
- Retail - £1,318,536 net
- **Total Development Value - £147,404,903**

BTR Scheme - The overall total GDV in the applicant's appraisal is £135,994,886 based on the following:

- BTR Flats - £134,676,350
- Retail - £1,318,536 net
- **Total Development Value - £135,994,886**

8.1 Residential

For Sale Scheme:

S106 have considered comparable properties either on the market or recently sold within 0.25-0.5 miles from the site.

The only comparable newbuild scheme currently on the market is the Seafarers Building on Queens Terrace where 1 bed flats are available from £150,000 to £160,000 and 2 bed flats from £195,000 to £240,000.

In addition they have taken account of sold evidence at Saxon Gate and Riverside House which in 2020 ranges from £3,037 per sq m to £4,270 per sq m.

Taking this into account they have adopted the following average values:

- One Bed Flats - £190,138
- Two Bed Flats - £246,868
- Three Bed Flats - £325,231
- **Total - £146,086,367 - £3,850 per sq m**

We have also taken account the recent evidence and schemes assessed in Southampton during 2021 as follows:

According to Zoopla in the last 12 months the average sold prices in SO14 for flats was £263,047. We have also researched sold prices for 2 relatively new schemes:

- Portland Place, Ogle St – Average sold prices Since Oct 2019 - £4,068 per sq m
- Saxon Gate – Average sold prices since 2019 - £3,754 per sq m

In addition we have agreed and adopted the following for recent assessments:

- Leisure World, Southampton – March 2021 - £4,306 per sq m
- Bargate Assessment – February 2021 - £3,792 per sq m

Taking this into account we have adopted the following as reasonable:

- One Bed Flats - £199,846 (£4203 per sq m)
- Two Bed Flats - £264,472 (£4,000 per sq m)

- Three Bed Flats - £335,000 (£3,751 per sq m)
- 2 Bed Town Houses - £318,000 (£3,750 per sq m)
- 3 Bed Town Houses - £402,000 (£3,750 per sq m)
- **Total - £151,453,000 (£4,026 per sq m)**

Build To Rent Scheme:

S106 have based the residential value on the basis of typical market rents for new properties within 0.5 miles and have adopted £800 pcm for one bed flats and £950 pcm for two bed flats less management costs, repairs, voids and service charge equating to approx. 25% and then capitalized at 4% yield to show a net rate of £3,550 per sq m which they have adopted across all unit types with a **total value of £134,676,350**. I'm of the opinion that this is a somewhat simplistic approach.

We have also undertaken research as to market rents in the area and taking account of current asking rents on Rightmove and Zoopla and other recent assessments in Southampton particularly the Leisure World Development and Toys R Us schemes I have adopted the following rentals as reasonable:

- Small 1 Bed, 1 person - £825 pcm
- 1 Bed, 2 Person - £975 pcm
- 2 Bed, 3 Person - £1,250 pcm
- 2 Bed, 4 Person - £1,300 pcm
- 3 Bed - £1,600 pcm
- 2 Bed Town House, 3 Person - £1,350 pcm
- 2 Bed Town House, 4 Person - £1,400 pcm
- 3 Bed Town House, 6 Person - £1,750 pcm
- **Gross Rental Value - £8,665,200**

Taking into account recent evidence and other BTR schemes assessed in the area I'm of the opinion that a net deduction of 25% for management and operational costs (Voids, repairs, letting fees etc) is reasonable with a **net rental of £6,498,900**.

Taking account of the evidence available and the CBRE Published Investment Yield research I'm of the opinion that a net investment yield of 4.25% is reasonable with a **Gross Development Value of £152,915,294. This equates to approx. £4,064 per sq m**

8.2 Affordable Housing

I have not assessed any Affordable values at this stage whilst S106 have adopted approx. 84% of Market Value.

8.3 Car Parking

S106 have not included any value for the residential car spaces.

I understand from the Accommodation Schedule that there are 108 car spaces and based on an average capital value of £20,000 per space as used elsewhere in Southampton I have included a total value of £2,160,000 for these spaces.

8.4 Market Value of the Commercial

Retail – S106 have taken account of available evidence and have adopted £20 per sq ft rental capitalised at 6.5% less costs of 5.7%. No rent free or void period has been taken into account

I have also taken account of the available evidence and recent similar assessments and have also adopted a rental of £20 per sq ft, capitalised at 6.5% but with a 12 month rent free/incentive package less purchasers costs of 6.8%. This yield is in line with the CBRE Investment Yield research dated October 2021.

8.5 Total GDV

1) Proposed All Private For Sale Scheme:

Use	DVS	S106
614 Private Units	£151,453,000	£146,086,367
108 Car Spaces	£2,160,000	NIL
Retail net of rent free and costs	£1,213,046	£1,318,536
GDV	£154,826,046	£147,404,903

2) Proposed All Private BTR Scheme:

Use	DVS	S106
614 BTR Private Units	£151,453,000	£134,676,350
108 Car Spaces	£2,160,000	NIL
Retail net of rent free and costs	£1,213,046	£1,318,536
GDV	£156,288,340	£135,994,886

9.0 Total Development Costs

9.1 Construction Cost

S106 have adopted a cost based on the median BCIS rate for 6 storey apartments (11/2021) of £1,779 per sq m, £1,200 per sq m for commercial, 10% for externals and costs for demolition and site clearance with a total of £98,596,452 incl contingency broken down as follows:

Residential incl externals - £95,122,423

Commercial - £520,356
Demolition etc - £100,000
Contingency at 3% - £2,853,673
Total - £98,596,452

Following advice from our QS I have adopted the current (12/02/2022) default median BCIS rate rebased to Southampton for 6 storey or above flats of £1,859 per sq m, the BCIS default rate for shell retail of £1,003 per sq m, 5% externals, demolition costs with a total of £103,823,063 incl contingency broken down as follows:

Residential - £95,483,259 (£1,859 per sq m)
Commercial - £421,561 (£1,003 per sq m)
Externals at 5% - £4,795,241
Demolition etc - £100,000
Contingency at 3% - £3,024,002
Total - £103,824,063

I have adopted the default BCIS rate rather than the median rate due to the sample size and 5% externals taking account of the works shown on plan.

9.2 Contingency

S106 have adopted a contingency of 3% which is within the range of 3% to 5% we adopt as reasonable and taking account of the issues caused by Covid 19, the size of contract and that it's a full application I have also used 3% as reasonable.

9.3 Professional Fees

S106 have included an allowance of 7% for the proposed scheme in their appraisal which is within the range of 7% to 10% that we normally use for this type of bespoke scheme which I have also adopted as reasonable.

9.4 CIL/Section 106 costs

For the proposed schemes S106 have adopted the following;

S106 – NIL
CIL - £2,613,529

You have confirmed that the following are required:

- Affordable Housing – 35% (215 On-Site Units)
- Highways/Transport – £380,000
- SDMP - £314,144
- Carbon Management - £115,074

- Employment & Skills - £33,616
- Health Facilities - £620,074
- Total - £1,462,908

- CIL - £2,835,963

I have adopted these for both schemes at this stage and I have assumed that any section 106 cost would be payable at start on site whilst the CIL will be phased.

9.5 Marketing and Agency Costs

S106 have included for the following fees:

All Private For Sale Scheme

- Agent Sale and marketing Fees – 2.5%
- Legal Sale Fees – £750 per unit
- Commercial – 2.0%

BTR Scheme

- Sale Fees – Nil
- Legal Fees - £49 per unit
- Commercial – 2.0%

I have adopted the following as reasonable and compare to similar schemes:

All Private For Sale Scheme

- Residential Marketing Fees – 1.00%
- Commercial Marketing - £10,000
- Agent Residential Sale Fees – 1.5%
- Agent Commercial Sale Fees – 1.00%
- Residential Legal Fees – £750 per unit
- Commercial Legals Sale Fees – 0.25%
- Commercial Letting Fees – 15%

BTR Scheme

- Commercial Marketing - £10,000
- Residential Investment Agent Sale Fees – 0.75%
- Commercial Agent Sale Fees – 0.75%
- Investment Legal Fees – 0.25%
- Commercial Legals Sale Fees – 0.25%
- Commercial Letting Fees – 15%

9.6 Finance

S106 have included an all-inclusive debit rate of 6.5% but no credit rate with a total of £8,072,043 for the proposed All Private for sale scheme and £5,522,051 for the BTR scheme but no cash flow has been provided.

I have adopted an all-inclusive rate of 5.0% debt rate and 2.0% credit rate in this case as reasonable, agreed on similar scale and types of schemes and assessed in accordance with the cash flow and programme at 7.2 with a total of £6,003,802 for the All Private for sale scheme and £7,354,270 for the All Private BTR scheme.

9.8 Other Development Costs

Acquisition Costs – S106 have included for SDLT plus 1.75% whilst I have adopted SDLT plus 1.5% as agreed on similar scale schemes.

9.9 Developers Profit

S106 has adopted a profit of 17.5% of the all private for sale residential GDV, 6% for affordable, 15% for the BTR units and 15% for the commercial.

The latest NPPF guidance suggests a profit level of 15-20% and in accordance with similar schemes we have adopted 17.5% for the all private for sale residential units, 15% for the BTR units, 15% for the commercial units plus 6% for any affordable units included.

However if the BTR units were forwarded funded I would adopt a profit level of 12.5% of GDV due to the reduced risk.

The profit on the BTR scheme represents just over 17.5% of total development costs whilst on the For Sale scheme it represents approx. 21% on cost.

9.9 Residual Land Value

Based on the above inputs, my appraisals arrive at a residual land value (RLV) for each scheme as follows:

All Private for sale scheme – **RLV of £2,162,937**

BTR Scheme – **A RLV of £8,186,429**

These compare to £1,254,093 and £1,808,516 respectively adopted by S106.

9.10 Summary of Unagreed Inputs

The following key inputs have not been accepted as reasonable:

- GDV
- Build Cost
- CIL and Section 106;
- Sale and marketing fees;
- Finance rates and Programme

10.0 **Benchmark Land Value (BLV)**

10.1 Applicant's BLV

S106 has adopted a Benchmark Land Value of £13,890,156 based on their assessment of the Existing Use Value as refurbished.

10.2 Existing Use Value (EUV)

S106 confirm that the existing site contains a store of 26,505 sq m split 19,495 sq m as retail and 7,010 sq m as ancillary. S106 have undertaken a very simplified existing use assessment to include for refurbishment in order to return the premises to a lettable standard as a multi let building. However no detailed appraisal has been produced save as follows in accordance with their research:

Retail income at £15 per sq ft - £3,147,810
 Ancillary Income at 8.50 per sq ft - £641,317
 Total Income - £3,789,127
 Capitalised at a Yield of 8.5% - £44,577,964
 Less Refurbishment at £1,000 per sq m - £26,505,000
 Less Professional Fees at 5% - £1,325,250
 Less 6 months rent free - £1,894,564
 Less Purchasers costs of 5.75% - £962,994
EUV - £13,890,156

We have also considered the EUV on the same basis but have undertaken a full appraisal which is included as Appraisal 3 and summarised as follows compared to S106:

	S106	DVS
Development Value		
Retail Rent	£3,147,810 (£15 per sq ft)	£3,147,663 (£15 per sq ft)
Ancillary Rent	£641,317 (£8.50 per sq ft)	£565,917 (£7.50 per sq ft)
Total	£3,789,127	£3,713,580

Yield	8.5%	8.5%
GDV	£44,577,964	£43,689,176
Less Rent Free Period	£1,894,564 (6 months)	£3,713,580 (12 months)
Purchasers costs	£962,994	£2,718,341
NDV	£41,720,406	£37,257,256
Development Costs		
Refurbishment cost	£26,505,000 (£1,000 per sq m)	£13,782,600 (£520 per sq m)
Externals	Nil	£689,130 (5%)
Contingency	Nil	£723,587 (5%)
Professional Fees	£1,325,250	£723,587 (5%)
Marketing Costs	Nil	£25,000
Letting Fees	Nil	£557,037 (15%)
Sale Fees	Nil	£546,115 (1.25%)
Finance	Nil	£1,854,993 (5%) 12 months construction 6 months void after PC
Profit	Nil	£6,553,376 (15%)
Site Acquisition Costs	Nil	£710,440 (SDLT + 1.5%)
Total Development Costs	£27,830,250	£26,165,864
Residual Land Value	13,890,156	£11,091,392

I have used industry standards for most of the cost inputs whilst the refurbishment cost is based on the current BCIS median refurb cost of £520 per sq m.

S106 have provided no evidence as to the demand for retail and limited incentives. I have assumed that there will be demand at the competitive rentals included and I have also allowed for a 12 month rent free period plus a letting void in the cash flow after PC.

Overall the RLV is £11,091,392 which I have rounded to £11,000,000 as the EUV as refurbished.

10.3 Alternative Use Value (AUV)

Although not stated since the property is be refurbished etc it is a redevelopment for existing use and technically the AUV in accordance with NPPF.

10.4 Premium

S106 have not included a premium.

On the basis that the EUV was being adopted to calculate the BLV I'm of the opinion that 15% would be sufficient incentive and agreed on many schemes in the region.

However in this case NPPF is quite clear that where it is assumed that an existing use will be refurbished or redeveloped this will be considered as an AUV when establishing the BLV and the AUV includes the premium to the landowner.

10.5 Residual Land Value

I have considered what the residual land value of the site, assuming actual or emerging policy requirements, and this assessment of land value can be cross checked against the EUV.

10.6 Adjusted Land Transaction Evidence

There are no recent relevant land transactions

10.7 Purchase Price

The NPPG on viability encourages the reporting of the purchase price to improve transparency and accountability, however it discourages the use of a purchase price as a barrier to viability, stating *the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. And under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.*

The PPG does not, however, invalidate the use and application of a purchase price, or a price secured under agreement, where the price enables the development to meet the policies in the plan.

We understand from S106 that the site was sold in 2018 for £23.5m.

10.8 Benchmark Land Value Conclusion

The reasonableness of the applicant's Benchmark Land Value of £13,890,156 has been considered against:

- Existing Use Value;
- Alternative Use Value;
- The Residual Land Value of the proposed schemes;
- BLV's adopted and agreed in the region;
- Any Market evidence;
- Purchase Price;

However on the basis of the EUV as refurbished it is my balanced and professional opinion having considered all of the above approaches and giving greatest weight to the EUV/AUV approach, that an appropriate **Benchmark Land Value would be £11,000,000** based on a refurbished EUV but with no premium.

11.0 DVS Viability Assessment

11.1 DVS Appraisal 1 – All Private For Sale Scheme

My viability review assessment has been produced using a bespoke excel toolkit and I have arrived at a residual land value of **£2,162,937** which compares to **£1,254,093** assessed by S106.

It is my independent conclusion that the All Private For Sale scheme shows a deficit of £8,837,063 against the BLV of £11,000,000 and is not viable.

11.1 DVS Appraisal 2 – All Private BTR Scheme

My viability review assessment has been produced using a bespoke excel toolkit and I have arrived at a residual land value of **£8,182,429** which compares to **£1,808,516** assessed by S106.

It is my independent conclusion that an all private BTR scheme shows a deficit of £2,817,571 against the BLV of £11,000,000 and is not viable.

12.0 Sensitivity Analysis

12.1 Further to mandatory requirements within the RICS Professional Statement '**Financial viability in planning: conduct and reporting**', sensitivity tests are included to support the robustness of the viability conclusion described above.

12.2 Sensitivity Test 1 – Appraisal 1 – All Private For Sale Scheme

For the proposed all private for sale scheme to be viable the blended profit would need to reduce from 17.46% to approx. 10.32%.

On the basis of no increase in build costs values would need to increase by over 8.5% for the scheme to be viable.

Finally if the Health contribution of £620,074 was removed the residual land value would increase from £2,162,937 to £2,735,562 against a benchmark land value of £11,000,000.

12.3 Sensitivity Test 2 – Appraisal 2 – All Private BTR Scheme

For the proposed all private BTR scheme to be viable the blended profit would need to reduce from 15.0% to approx. 12.86%.

On the basis of no increase in build costs values would need to increase by just over 2.5% for the scheme to be viable.

If the Health contribution of £620,074 was removed the residual land value would increase from £8,186,705 to £8,755,054 against a benchmark land value of £11,000,000.

Finally although we have no detail as to the funding of this scheme, if it was forwarded funded the profit level could be reduced to 12.5% due to reduced risk which would increase the residual land value to £11,417,228 which is greater than the benchmark land value of £11,000,000 and could provide a contribution towards affordable housing.

13.0 Recommendations

Summary of key issues and recommendations.

13.1 Viability Conclusion

The applicant's consultant outlines in their report the following:

- the proposed All Private For Sale scheme produces a residual land value of **£1,254,093**;
- the proposed All Private BTR scheme produces a residual land value of **£1,808,516**;
- the Benchmark Site Value is **£13,890,156**;
- a deficit of **£12,636,063** and **£12,081,640** respectively below the Benchmark Site Value exists.
- On the basis of these deficits S106 state that the schemes are not viable and at these levels of deficit we must question the deliverability;

Following consideration of all the component parts of the agent's report, I conclude as follows:

- the proposed policy All Private For Sale scheme produces a residual land value of **£2,162,937**;
- A proposed all private BTR scheme shows a residual value of **£8,182,429**;
- the Benchmark Site Value, adopting the EUV/AUV approach, is **£11,000,000**;
- a deficit of **£8,837,063** below the Benchmark Site Value exists for the All Private For Sale scheme and a deficit of **£2,817,571** for the all private BTR scheme;

- **On the basis of these deficits I conclude that the proposed schemes are not viable however the all private BTR scheme could be deliverable since it currently shows a blended profit of 12.86% (against an required assessed blended profit of 15%) and would only need an small increase in values of just over 2.5% to be viable and start contributing to affordable housing;**
- **In addition if a residential profit of 12.5% was used as a forwarded funded scheme a contribution of approx. £420,000 could be available as an affordable contribution.**

13.2 Viability Review

Further to my conclusion above and the advice that your Council's full planning policy requirements will not be met; a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. DVS can advise further on this should you so require.

13.3 Market Commentary- Coronavirus (COVID-19)

The pandemic and the measures taken to tackle COVID-19 continue to affect economies and real estate markets globally. Nevertheless, as at the valuation date some property markets have started to function again, with transaction volumes and other relevant evidence returning to levels where an adequate quantum of market evidence exists upon which to base opinions of value.

Accordingly, and for the avoidance of doubt, our valuation is not reported as being subject to 'material valuation uncertainty' as defined by VPS 3 and VPGA 10 of the RICS Valuation – Global Standards.

For the avoidance of doubt, this explanatory note has been included to ensure transparency and to provide further insight as to the market context under which the valuation opinion was prepared. In recognition of the potential for market conditions to move rapidly in response to changes in the control or future spread of COVID-19 we highlight the importance of the valuation/ assessment date.

14.0 **Engagement**

- 14.1 The DVS valuer has not conducted any discussions or negotiations with the applicant or any of their other advisors.
- 14.2 Should the applicant disagree with the conclusions of our initial assessment; we would recommend that they provide further information and evidence to justify their

position. Upon receipt of further information and with your further instruction, DVS would be willing to review the new information and reassess the scheme's viability.

- 14.3 If any of the assumptions stated herein this report and/or in the attached appraisal are factually incorrect the matter should be referred back to DVS as a re-appraisal may be necessary.
- 14.4 Following any new information and discussions a Stage Two report may then be produced, however if the conclusion is unchanged, a redacted version of this report including reference to the discussions will be provided.
- 15.0 Disclosure / Publication**
- 15.1 **This initial review report is not for publication.**
- 15.2 The report has been produced for Southampton City Council only. DVS permit that this report may be shared with the applicant and their advisors, as named third parties only.
- 15.3 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party (named or otherwise) who may seek to rely on the content of the report.
- 15.4 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor reproduce the whole or any part of this initial assessment report, nor make reference to it, in any way in any publication. It is intended that a final report will later be prepared, detailing the agreed viability position or alternatively where the initial review report is accepted, a redacted version will be produced, void of personal and confidential data, and made available for public consumption.
- 15.5 As stated in the terms, none of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will not bring any claim against any such individuals personally in connection with our services.
- 15.6 This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as

amended by the Local Government (access to Information) (Variation) Order 2006 and your council is expected to treat it accordingly.

The DVS valuer assumes that all parties will restrict this report's circulation as appropriate, given the confidential and personal data provided herein.

If the parties do not wish to discuss or contest this report, a redacted version suitable for publication can be issued following your formal request.

I trust that the above report is satisfactory for your purposes, however, should you require clarification of any point do not hesitate to contact me further.

Yours sincerely,

Tony Williams BSc MRICS
Head of Viability (Technical)
RICS Registered Valuer
DVS

16.0 Appendices

- 1 DVS Terms of Engagement
- 2 DVS Appraisal 1 – All Private For Sale Scheme
- 3 DVS Appraisal 2 – All Private BTR Scheme
- 4 DVS Appraisal 3 – EUV Appraisal for the BLV

1 DVS Terms of Engagement

Not for Publication

2 DVS Appraisal 1 – All Private For Sale Scheme

Not for Publication

3 DVS Appraisal 2 – All Private BTR Scheme

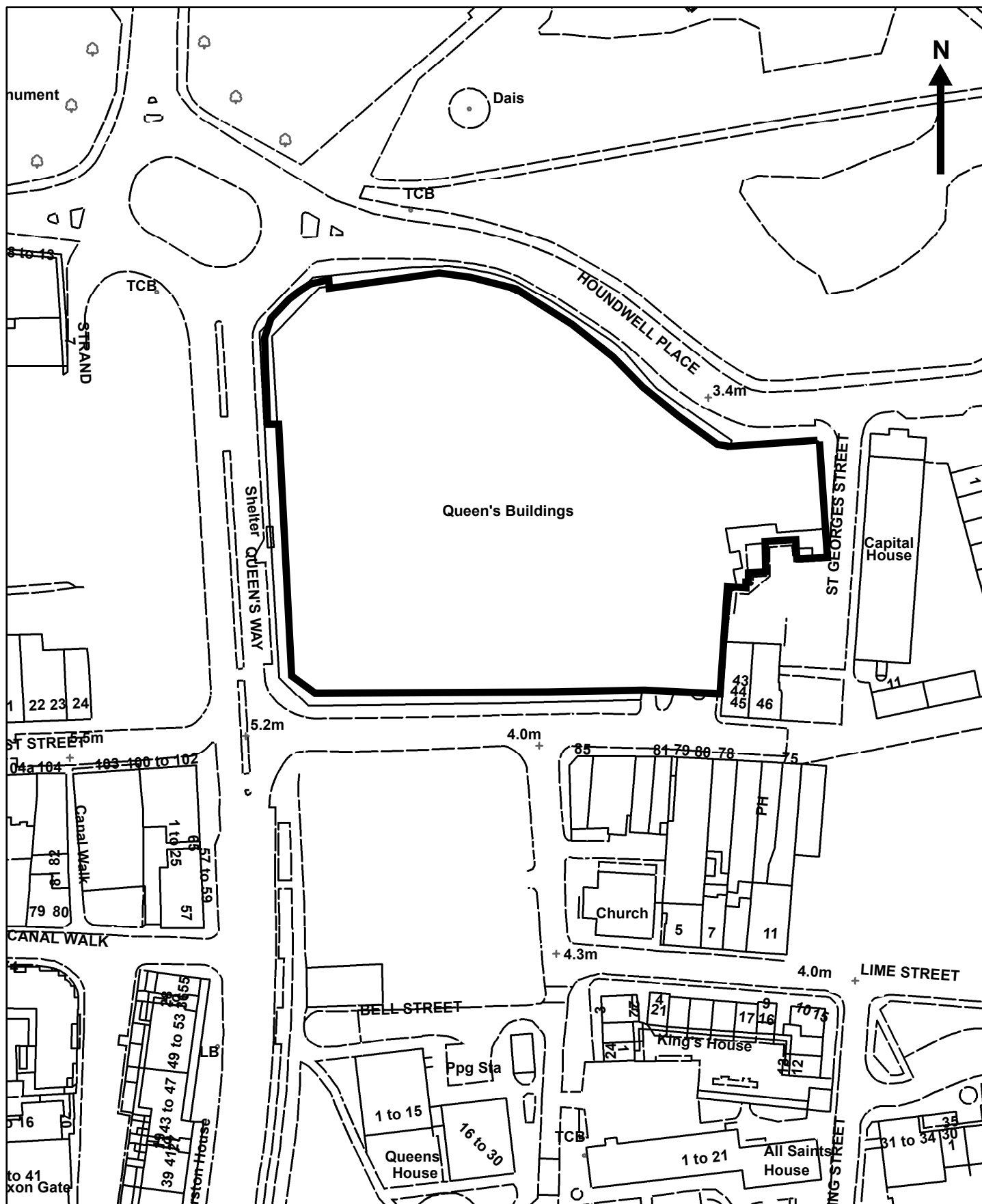
Not for Publication

4 DVS Appraisal 3 – EUV Appraisal for the BLV

Not for Publication

Agenda Item 6 21/01851/FUL

Appendix 3



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank

**Planning and Rights of Way Panel 20th September 2022
Planning Application Report of the Head of Green City & Infrastructure**

Application address: Redbridge Roundabout, Redbridge Road, Southampton			
Proposed development: Installation of 2 x freestanding tower structures each containing 2 x internally illuminated LED digital displays.			
Application number:	19/00639/ADV	Application type:	FUL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	27.09.2022 (ETA)	Ward:	Redbridge
Reason for Panel Referral:	Referred due to wider public interest	Ward Councillors:	Cllr Goodfellow Cllr Guest Cllr McEwing
Applicant: Ocean Outdoor UK Ltd		Agent: Metropolis Planning & Design	

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	No
---	-----------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (NPPF) (2021). Policies –CS13 and 14 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP 8, SDP24 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is on the Redbridge roundabout grass verge – under Council Highways ownership - adjacent to the eastern approach exiting the A35 towards the city centre, the roundabout exit to the north east goes to M271, and the roundabout A35 flyover passes to the south.
- 1.2 There is a mix of commercial and residential buildings with varying style and size nearby the roundabout, with a garage premises to the west and south and residential areas to the north and east via Gover Road and Cuckmere Lane. There is existing street furniture and sparse vegetation, including safety road signs with a number of lamp columns on the roundabout and adjacent highway verges.

2. Proposal

- 2.1 Advertisement consent is sought to install two free standing towers the overall height of each structure will be 14.4m – similar in height to a 4 storey block of flats - with two side advertisement panels 6 metres high by 4 metres wide. Therefore, the underside of the display will be at a height of 8.4m. The proposal seeks to provide four screens to display the adverts. However, one of the screens will not be in use due to highway safety concerns as set out below. Luminance levels proposed are set at 300 cd/m² during night time hours. One advert tower structure is to be located either side of the flyover.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**. Policy SDP1 indicates that planning permission would only be granted for development that, amongst other things, would not unacceptably affect the safety of the city and its citizens. LP Policy SDP24 indicates that advertisement consent would only be given where, amongst other things, there would be no adverse effect on public safety, including the safety of people using the highway. Text to policy SDP24 indicates that the consideration is whether the sign or its location is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own safety and others’ safety. Whilst these policies are material the Advertisement Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in

compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

4.1 The only relevant planning history relates to application number 08/01257/ADV which sought the installation of one internally-illuminated, free-standing 6.27m x 3.33m poster sign. This sign was proposed to be positioned on the western side of the central roundabout, to face traffic approaching at street level from the west. The application was withdrawn following a highway and design objection.

4.2 The highway objection concluded that the advert would have created a distraction hazard that could have endangered drivers approaching this roundabout from the east A35 exit road. The design objection related to the proposal providing a simplistic design for a gateway entrance.

5. Consultation Responses and Notification Representations

5.1 There is no statutory requirement for a Local Planning Authority to publicise applications for advertisement consent, in this case Ward Councillors have been notified both when the application was initially submitted and, recently, following the receipt of the amended plans and details.

Consultation Responses

5.2	Consultee	Comments
	Cllr Catherine McEwing	I have no objections to this planning application. <i>Officer comment: This comment was received during the initial consultation period for the application.</i>
	SCC Highway Development Management	No objection (following amendments) Since the pre-app application, the applicant has now removed the East-facing advert on the southern tower. This was the sign which generated the significant highway safety risk due to its positioning (forming a backdrop to traffic signals), on a bend and dip which limits forward visibility and proximity to street-level traffic. The signs are also now angled so that it is not visible from the northern arm connecting with the M271. The signs are located at a height and position

so it is mainly directed at flyover traffic. The west-facing sign on the Northern tower will likely be visible to street-level traffic but due to the size of the advert sign and distance, it is not considered to be as prominent and distracting to a level where it is considered to result in significant harm. Likewise, traffic from the Gover Road arm of the roundabout would likely be able to see the advertisement sign but again, due to distance and being more 'off-angle', the sign is not considered to be as prominent.

Amended plans have now plotted the towers in more detail which ensures they do not affect the new roundabout layout including the footpaths and cycleways. It is noted that the southern tower will likely be constructed within some embankment areas. This will need technical approval to ensure it does not affect any structural integrity of the embankment. It is noted that a condition is to be agreed and secured to ensure technical approval will be achieved prior to commencement of development.

In summary, the application can be supported subject to the following conditions:

- 1) Standard LED advert condition to restrict luminance levels, display management and static images only.
- 2) Structural and Technical Approval. Details of the construction of the towers and groundworks (including works to the embankment) will need to be submitted and agreed in writing prior to the commencement of development. Reason: in order to ensure the signs can be safely built and do not create a detrimental impact on ground conditions including the embankment.
- 3) No advert shall be displayed on the structure facing West on the Southern tower.

Officer comment: *In respect of the 2nd bullet an informative is included advising the applicant that Highway Structures Technical*

	<i>Approval is needed. This falls outside of the planning considerations for an advertisement and, therefore, an informative will be added to advise the applicant of this requirement.</i>
SCC Historic Environment Officer	The whole flyover network has substantially altered the historic context and amenity of this whole area and given that the listed buildings are orientated to face south onto Old Redbridge Road, the advertising signs would not intrude into their backdrop as they would only likely come into view when you move further east along this road past the more modern buildings so they would not really be considered of sufficient harm to refuse the scheme on heritage grounds.
SCC Design Officer	<p>As the adverts are not visible from the Grade II listed terrace of buildings 2-8 Old Redbridge Road no objection is raised.</p> <p>However, it is hard to understand how such structures meet the Government's desire for beautiful design. The design document includes designs with spiral bases and greenery, but the actual proposal shows a basic design. Therefore, it is not clear why the other designs were included as these more interesting designs don't appear to have progressed. It is clear the design process has not followed the concept ideas through to completion.</p>

6.0 **Planning Consideration Key Issues**

The key issues for consideration in the determination of this application for advertisement consent are:

- The principle of development;
- Design and visual amenity; and,
- Highways safety; and,
- Impact on heritage

6.1 **Principle of Development**

6.1.1 The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system

controls the display of advertisements, which should be operated in a way which is simple, efficient and effective.

Saved policy SDP 24 states that advertisement consent will only be given where:

- i. the scale, size, design, materials, colouring and luminance respects the character and appearance of the building or areas in which they are displayed.*
- ii. (ii) There is no adverse effect on public safety including the safety of people using the highway*

6.1.2 Therefore, the key issues for consideration of the application relate to its impact on the character of the area and visual amenity of the street scene, its effect on the character and appearance of the nearby Listed buildings effect on public and highway safety.

6.2 Visual amenity

6.2.1 The proposal would result in two structures being erected adjacent to a raised highway structure. This will change the streetscene and the location of the advertisement boards along the main entry into the city from the east would be visually prominent and would affect the skyline and sense of arrival into the City. However, these structures would not appear sufficiently out of keeping as they would be located adjacent to the other supporting structures.

6.2.2 There are residential properties and commercial premises adjacent to the site but not close enough to cause significantly adversely harm. The nearest residential properties are approximately 50 metres away and their main habitable views face east and west and not north towards the site, in particular those residential properties located along Old Redbridge Road, Cuckmere Lane and Coniston Road. The introduction of the adverts in this prominent location would alter the character and appearance of the area. However, the character of the area is mixed with a number of commercial properties displaying advertisements/signage. In addition the area comprises of a number of highway street furniture such as lighting columns, traffic light controls, road signs, raised walkways and the physical flyover itself. On this basis, it is not considered that the proposed signage would be out of keeping or result in any significant addition street clutter in this particular context.

6.2.3 The plain design of the tower structure is noted as a concern by the Council's City Design Officer. A number of alternative designs were submitted within the supporting document which do not form part of the proposal. The designs illustrated would have provided an interesting gateway feature into the city as in effect they provide public art in their own right. However, these illustrations were not replicated in the final design of the proposal, which is instead relatively simple. Whilst is disappointing that these alternative design illustrations were not carried forward into the formal design submitted, the design and appearance of the tower structure and advertisement is not considered to be visually harmful given the context of the surroundings, and

therefore the relatively poor design (when compared to other precedents provided) is not considered to warrant a refusal on this basis.

6.2.4 Taking into consideration that the site is adjacent to residential properties it is considered that illumination of these signs over a 24 hour period would not be appropriate. For this reason it is proposed that a condition be included to limit the hours of illumination of the proposed signage. The advertising units are acceptable in terms of scale, size, materials (subject to condition), and luminance levels. In summary, the proposal is considered not to appear out of place or adversely harm the visual character of the area, having regard to the surrounding commercial context.

6.3 Highway safety

6.3.1 With regard to highway safety, there have been a number of discussions with respect to the proposal in highway safety terms. During the application stage a further safety audit has been submitted. Highway Officers were concerned with the siting of one of the screens on the southern structure which faces east and fronts the west bound traffic. The concern arising from this advert is its placement and proximity so close to the traffic signals on the center leaved traffic lights below. The insertion of this advert could result in distraction to westbound drivers leading to concerns over highway safety. As a result the applicant has agreed to a condition preventing an advert being visible in this location. Following this agreeing the highway objection has been removed.

6.3.2 Works have taken place at Redbridge roundabout and, therefore, the previous concern relating to the siting of the southern tower structure being located within the cycle path is no longer an issue. The sign would not be sufficiently visible from any nearby roads and therefore the advert is judged not to be a distraction to drivers. Additionally, the positioning of the advertisement structure does not present any significant danger to pedestrians and will not adversely harm the safe use and operation of the public highway.

6.4 Impact on designated heritage assets

6.4.1 The proposed adverts are not sited within a conservation area, but there are listed buildings within 200 metres of the site. It is clear from the comments above from the Historic Environment officer that the proposal will not harm the nearby historic aspects. The proposal needs to be assessed in accordance with the statutory tests for the proposal, as set out in sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest with respect to section 66. The NPPF (paragraph 197) requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:

- a) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;*

c) *The desirability of new development making a positive contribution to local character and distinctiveness.*

6.4.2 The proposal would be a distance away from the designated heritage assets. Due to the scale of the existing street furniture between the site and the listed buildings on Old Redbridge Road, the proposal would not be detrimentally harmful to the listed building nor would the proposal conflict with above. On this basis, in accordance with sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposal would, at least, preserve the character of the nearby listed buildings.

7. Summary

7.1 Having considered the particular circumstances of this site, highway safety, its proximity to residential properties and designated heritage assets, overall the proposal is judged to be an acceptable feature when assessed against the character of the area, neighbouring residential amenity and would not have a detrimental impact on highway safety for pedestrians/cyclists and motorists. The development is therefore acceptable taking into account the proposals of the Development Plan Policies/guidance, and the Advertisement Regulations, as detailed above. As such, the application is recommended for approval.

8. Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Case Officer **Anna Lee** for **20/09/2022** PROW Panel

PLANNING CONDITIONS to include:

1. Restricting the number of screens in use (Performance Condition)

Notwithstanding the approved plans the east facing advertisement panel within the southern tower facing the westbound traffic shall not be in operation at any time.

Reason: In the interests of protecting highway safety.

2. Luminance and Imaging (Performance Condition)

The structure incorporating the LED digital display panel hereby approved shall be displayed only in accordance with the following;

- a) No individual advertisement displayed on the LED panel shall contain any images that resemble road signs or traffic signals.
- b) The adverts shall not display moving images.
- c) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light level. At all times there should be no glare.
- d) A mechanism shall be in place to ensure that if the installation breaks down, it

shall default to a blank black screen, to avoid any flashing error messages or pixilation.

- e) The maximum luminance for the advertisements shall not exceed 300cd/sq.m after dusk.
- f) The sign shall display adverts for a minimum of 10 seconds.
- g) The merging of images displayed on the screen hereby approved, shall take place over a 1.8 second period comprising an initial fade out over 0.4 seconds to a middle grey colour which would remain static for 1 second. Followed by a 0.4 second fade in to the next image.
- h) The structure incorporating the LED digital display panel hereby approved shall not be in operation during the following hours 23.00-06.00.

Reason: In the interests of protecting highway safety and residential amenity

3. Landscaping (Performance)

If any of the existing landscaping is removed or is damaged during construction the 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 in writing to any variation.

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.

4. Approved Plans

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

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

NOTE TO APPLICANT

Please note the towers structures hereby approved need Highway Structures Technical Approval for further information please contact Southampton.Highways@bblivingplaces.com

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS14 Historic Environment

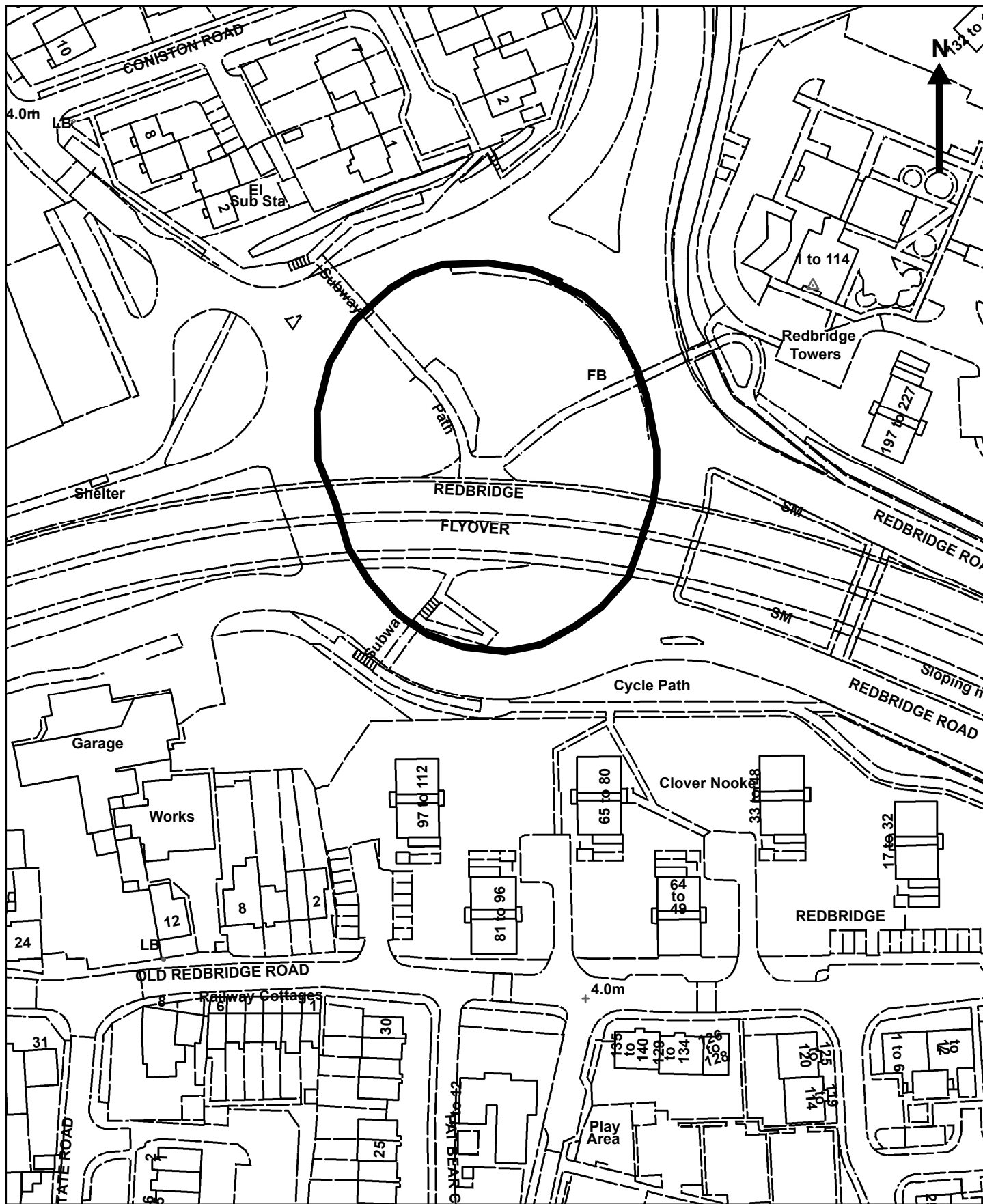
City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP 8 Urban Form and Public Space
SDP24 Advertisements
HE3 Listed Buildings

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Town and Country Planning (Control of Advertisements) (England) Regulations
2007

Agenda Item 7 19/00639/ADV



Scale: 1:1,250

©Crown copyright and database rights 2020 Ordnance Survey 100019679

This page is intentionally left blank