

Planning and Rights of Way Panel

Tuesday, 11th October,
2022

at 4.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - 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

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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

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 20 September 2022, and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

Please note: Anyone with an interest in an agenda item is advised to join the meeting from the start. Agenda timings are indicative and may be subject to change on the day of the meeting.

5 22/00588/REM CENTENARY QUAY, WOOLSTON (Pages 11 - 110)

Report of the Head of Green City & Infrastructure recommending that conditional approval be delegated to the Head of Planning & Economic Development in respect of an application for a proposed development at the above address, attached.

6 22/00987/FUL14 ABINGDON GARDENS (Pages 111 - 122)

Report of the Head of Green City & Infrastructure recommending that conditional approval be delegated to the Head of Planning & Economic Development in respect of an application for a proposed development at the above address, attached.

Monday, 3 October 2022

Director – Legal and Business Services

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 20 SEPTEMBER 2022

Present: Councillors Coombs (Chair), Savage (Vice-Chair), Blatchford, Magee, Prior and Shields

Apologies: Councillors J Payne and Windle.

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

Apologies were noted from Cllrs Payne and Windle. Cllr Shields represented Cllr Windle for the purposes of the meeting.

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

RESOLVED: that the minutes for the Panel meeting on 2 August 2022 be approved and signed as a correct record.

26. **THE SOUTHAMPTON (PENNINE ROAD) TREE PRESERVATION ORDER 2022**

The Panel considered the report of the Head of City Services recommending confirmation of the Southampton (Pennine Road) Tree Preservation Order 2022. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED to confirm the Southampton (Pennine Road) Tree Preservation Order 2022.

27. **21/01851/FUL FORMER DEBENHAMS**

The Panel considered the report of the Head of Green City and Infrastructure recommending to delegate to the Head of Planning and Economic Development to grant planning permission subject to conditions and the completion of a s.106 legal agreement in respect of an application for a proposed development at the above address.

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).

Simon Reynier (City of Southampton Society/objecting), Graham Linecar (Secretary, SCAPPS/objecting), Shaun Adams (agent) National Regional Property Group, Stephen Hodder (agent), Hodder and Partners, Gareth Hooper (agent) DPP Planning, were present and with the consent of the Chair, addressed the meeting.

During the course of the debate, it was agreed to delegate to the Head of Green City & Infrastructure to approve the Habitats Regulations Assessment. Officers agreed to secure amended plans showing: 1:1 long stay cycle parking; enhanced visitor cycle provision; and floorplans to remove toilets/bathrooms being accessed from kitchens.

Further, to discuss with applicants/SCC Highways the potential for an on-site mobility hub and to tighten up the definition of Build to Rent in the s.106 legal agreement, to reflect the guidance from the NPPF. To then grant planning permission subject to the planning conditions recommended at the end of the Panel report (as amended) and the completion of a S.106 Legal Agreement.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors Magee, Shields, Coombs, Savage, and Prior.
AGAINST: Councillor Blatchford.

RESOLVED that the Panel:

Delegate to the Head of Green City & Infrastructure to grant planning permission subject to the amendments set out below and the completion of a S.106 Legal Agreement.

- (i) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (ii) That the Head of Planning and Economic Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Amended conditions

18. Ecological Mitigation Statement (Pre-commencement)

Prior to the commencement of development a site wide Ecological Management Plan (EMP) in accordance with the recommendations of the Omnia Phase 2 report (Ref A11448/2.0) shall be submitted and agreed in writing with the Local Planning Authority. The development shall be carried out as agreed and the required mitigation shall be installed and retained as agreed.

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

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. The on-site parking shall be retained for the residents and visitors of the approved flats and shall not be allocated on more than a 1 space per flat basis.

REASON: To prevent obstruction to traffic in neighbouring roads, in the interests of highway safety and to ensure a good split in parking allocation

37. Electric Vehicle Spaces (Pre-Use) – Increased from 15%

Prior to any building hereby approved first coming into use **20%** 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.

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

Amendments to Panel Report/Updates

Correction to indicate this is a Report of the 'Head of Green City & Infrastructure' (rather than Head of Planning & Economic Development) the report title on page 27 and the recommendation on pages 28-29 should be updated accordingly.

Required bat survey has now been undertaken to the satisfaction of the Council's ecologist and this requirement can be removed from point 1 of the recommendation on page 28 of agenda. The Council's Ecologist has requested that ecology condition 18 be updated to secure the mitigation as set out within the phase 2 ecology report.

Correction to amend the first sentence of Para 6.15 on page 65 to add 'all habitable rooms will receive adequate outlook, daylight, and natural ventilation.'

Officer confirmed that the Garden's Trust had been consulted and had raised an objection to the application's impacts on the listed Parks. The report already deals with this issue.

Tilted Balance – Added to para 6.4

The principle of additional housing is supported. The site is not allocated for additional housing, but the proposed dwelling(s) would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4, an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF, and our saved policies, seeks to maximise previously developed land potential in accessible locations.

The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than 5 years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are

most important for determining the application are out-of-date, it should grant permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
[the so-called “tilted balance”]

There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council’s five year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, and these are set out in further detail below to enable the Panel to determine ‘the Planning Balance’ in this case.

Tilted Balance – Added to Summary section

The principle of new residential development is considered acceptable. It is acknowledged that the proposal would make a contribution to the Council’s five year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the [limited harm] arising from the conflict with the policies in the development plan as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

28. **19/00639/ADV REDBRIDGE ROUNDABOUT, REDBRIDGE ROAD, SOUTHAMPTON**

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

Installation of two freestanding tower structures each containing two internally illuminated LED digital displays.

Simon Reynier (City of Southampton Society/Objecting), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a change from an informative regarding technical details of the construction being submitted and agreed pre-commencement, as set out below.

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, Shields, Savage.
AGAINST: Councillor Blatchford

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

1. Amended Conditions

An additional condition was proposed and the 'Note to applicant' at the end of the conditions removed.

4. Technical details of the tower structures (Pre- Commencement Condition).
No groundworks shall take place within the site until technical details of the construction of the towers and groundworks (including works to the embankment) have been submitted and agreed in writing. The development shall be implemented only in accordance with the agreed details.

REASON: in order to ensure the signs can be safely built and do not create a detrimental impact on ground conditions including the embankment.

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 11th October 2022

Please note: Anyone with an interest in an agenda item is advised to join the meeting from the start.

Agenda timings are indicative and may be subject to change on the day of the meeting.

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
4:05PM				
5	AG	CAP	15	22/00588/REM Centenary Quay, Woolston
5.30PM				
6	AL	CAP	5	22/00987/FUL14 Abingdon Gardens

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)

Planning and Rights of Way Panel 11th October 2022
Planning Application Report of the Head of Green City & Infrastructure

Application address: Centenary Quay, John Thornycroft Road, Southampton			
Proposed development: Reserved Matters application sought for Phase 6 of the development known as 'Centenary Quay' (pursuant to outline permission 08/00389/OUT - Environmental Impact Assessment Development) comprising the redevelopment of the site to provide 164 residential units in blocks I2, H2, F, F1, D1, E1 and E3 with associated car parking, storage and associated works incorporating amendments to Condition 03 (approved plans), Condition 11 (Building Heights), Condition 15 (River Edge) and Condition 56 (Parking) of planning permission 08/00389/OUT (Amended Description)			
Application number	22/00588/REM	Application type	Major residential
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	27.07.2022 (ETA)	Ward	Woolston
Reason for Panel Referral:	5 or more letter of objections	Ward Councillors	Cllr Blatchford Cllr Robert Stead Cllr Payne

Applicants: Crest Nicholson South	Agent: Savills
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	No – Outline permission pre-CIL
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Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment
3	Decision Notice 08/00389/OUT		

Reason for granting Permission

The development proposed for Phase 6 of the 'Centenary Quay' development is acceptable taking into account the policies and proposals of the Development Plan as set out in the officer's report to the Planning and Rights of Way Panel 11th October 2022 . The Council has also taken into account:

- o the findings of the previous Environmental Statement (as updated) and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017;
- o An Appropriate Assessment - considered under 08/00389/OUT; and,
- o The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and,
- o The outline planning permissions for this site (05/00816/OUT and 08/00389/OUT refers)

The development of Phase 6 will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits, including the provision of the affordable housing. These benefits, in terms of physical and community renewal, tangible job creation (particularly at the construction stage), new homes and the ongoing creation of a distinctive place have been weighed against the concerns raised by residents previously about traffic, parking, dense high-rise urban development in close proximity to existing dwellings, and its subsequent integration into Woolston.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance, whilst opening up the riverside environment to the public. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The issue of recreational disturbance on the Special Protection Areas of the Solent Waters and the New Forest have been considered in the context of the earlier Appropriate Assessment (as assessed with this reserved matters submission) and the s.106 payments and signage strategy already secured at outline stage.

The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. The proposed changes to the reserved matters associated with this phase are minor in nature and within the spirit of the original consent and wider outline approval. Other material considerations do not have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted for Phase 6. 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, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, HE6, L4, CLT1, CLT5, CLT6, CLT7, CLT11, H1, H2, H3, H7, REI5, REI7, REI15, MSA15 and MSA18 of the City of Southampton Local Plan (2015) as supported by policies CS3, CS4, CS6, CS6, CS7, CS10, CS12, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25.the adopted LDF Core Strategy (2015) and the Council’s current list of up to date supplementary planning documents.

Recommendation in Full

1. Approve the Habitats Regulations Assessment, and grant planning permission subject to the planning conditions recommended at the end of this report.

Background

The application site is allocated for a mixed-use development in the adopted City of Southampton Local Plan Review (2006) under ‘saved’ Policy MSA18.

Crest Nicholson, in partnership with Homes England, have been implementing the planning permission they secured in 2009 (Ref 08/00389/OUT) for the comprehensive regeneration of the former John Thornycroft shipyard at Woolston, with delivery of up to 1,620 dwellings (including 405 affordable homes).

Of the 1,620 dwellings that have been consented under the Original Hybrid a total of 1,118 dwellings have been consented in Phases 1-5, along with retail uses, a library and associated social/community and transport infrastructure. Phases 1-3, 4a and 5 are complete and phase 4b is currently under construction and will deliver 165 dwellings within a landmark 27 storey residential tower.

Crest Nicholson are now looking to obtain Reserved Matters consent for the sixth and final phase of the Centenary Quay development to provide a further 164 residential units (1,282 homes in total)

The original hybrid planning permission (ref 08/00389/OUT) approved details of layout and access within phase 6, with all other matters reserved, namely 'scale' 'appearance' and 'landscaping'. These are the principal matters for consideration by the Planning Panel. The principle of housing in this location has already been established and is not for consideration. The key change is that the development proposals have removed 2 of the consented residential towers from the development and reduced the overall housing delivery as a consequence.

1 The site and its context

- 1.1 The application site forms part of the former Vosper Thornycroft shipbuilding site and is wholly contained within the original outline site area (some 17.5 hectares in total). This Reserved Matters application relates to the final phase of development (Phase 6) and comprises a 2 hectare site at the southern end of Centenary Quay between the recent residential phases and the wastewater treatment works. The hoarded site comprises hardstanding and bare ground and is currently being used as a construction compound for Phase 5. Site access is available from Victoria Road to the east and from John Thornycroft Road to the north. The site is bounded by the River Itchen to the west, Woolston wastewater treatment works to the south and adjacent two-storey housing within Victoria Road. Phase 6 is situated to adjacent to two-storey housing and 4-5 storey flatted blocks within Phase 5 and communal amenity space delivered as part of phase 4b.
- 1.2 The wider application site lies close to, although not adjacent to, a section of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. Atlantic salmon, a secondary interest feature of the River Itchen Special Area of Conservation (SAC), also pass close to the site. A section of the Lee-on-the-Solent Site of Special Scientific Interest shares a boundary with the Solent and Southampton Water SPA. The implications of development in this location has been set out in a supporting Environmental Statement and captured further in the attached Habitats Regulations Assessment.

2 Proposal

- 2.1 The application seeks approval of the detailed Reserved Matters for this final phase of 'Centenary Quay' comprising 164 residential units in blocks I2, H2, F, F1, D1, E1 and E3 with associated car parking, storage and associated works. The application also seeks amendments to Condition 03 (approved plans), Condition 11 (Building Heights), Condition 15 (River Edge) and Condition 56 (Parking) of planning permission 08/00389/OUT in order to ensure that the current proposals align correctly with the parameters set by the outline planning permission..

- 2.2 The key components of the scheme are as follows:
- 164 residential units with a mix of 1 and 2 bed apartments and 3 bed townhouses, (including 43 affordable homes which equates to 26%)
 - Improved access to and continuation of the Riverside Walkway
 - Landscaping and public realm
 - 220 Car parking spaces including 19 spaces re-provided for residents of Victoria Road, and spaces to serve a local car club
 - 2,654sqm of public amenity space and 2,719sqm of private amenity space, in form of private gardens for the houses and balconies for the apartments
- 2.3 The proposal reflects the consented access layout arrangements for phase 6 with John Thorneycroft Road (spine road) extended to connect with the southern end of Victoria Road and pedestrian access provided between Blocks D3 and E2 (Upton Close) providing permeability through to Victoria Road. The existing river walkway is also extended and terminates at Block F to connect to John Thorneycroft Road and Victoria Road to circumvent the Woolston wastewater treatment works (WWTW). Amenity open space is provided between Blocks H2 and FA/B providing a vista from Victoria Road down to the river.
- 2.4 The proposed arrangement of houses and linear wharf (flatted) blocks is broadly compliant with the consented layout at outline stage, with the exception of revisions to Block F1 with the introduction of 4 no. townhouses fronting Victoria Road and also minor changes in relation to the position of the linear wharf blocks in relation to the river edge. The proposal follows the design parameters established at outline stage. The proposed townhouses fronting Victoria Road are 2-3 storeys in scale and the terraced housing proposed to front John Thorneycroft Road is 2.5 storey in scale. Each of the houses is provided with private rear gardens with bin storage accommodated to the front and cycle storage within the rear gardens.
- 2.5 The linear finger blocks adjacent to the River (Block I2, H2 and Block F) are designed as wharf buildings and are 4-storeys in scale and have external balconies (note Block I2 also has a lower ground floor). Integral bin and cycle storage is provided within each block along with visitor cycle parking and electric bike charging.
- 2.6 The scheme provides 220 car parking spaces across the phase, incorporating 29 spaces to serve phase 5, re-providing 19 permit spaces for existing residents on Victoria Road and 2 car club spaces. This reserved matter application seeks to vary condition 56 on the original outline permission to increase the parking ratio from 0.84 spaces per dwelling to at least 1:1 for this final phase.
- 2.7 The parking strategy reconfigures the existing parallel parking bays on Victoria Road, and these are re-provided for local residents (with no net loss) with the inclusion of a group of 19 bays for existing residents and 19 parking bays for the new dwellings fronting Victoria Road (group of 10 and group of 9 spaces). Proposed parking adjacent to the access roads is provided in the form of parallel bays or at 90-degrees to the carriageway. Parking areas are also provided between Block I2 and H2 and within southern part of the site adjacent to the WWTW.
- 2.8 The landscape strategy proposes to introduce street trees into Victoria Road, landscape enhancements along the river walkway and to screen the surface car parking areas. Dense landscaped parking is also proposed to create a buffer between the site and the adjacent waste water treatment works.

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 site is allocated for a mixed-use development under Policy MSA18 which supports residential development to include a range of housing types; Local leisure and community uses; and a high quality, publicly accessible, waterfront including areas of green open space alongside the Marien Employment Quarter (partially occupied by Ocean Infinity).

3.3 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 Outline planning permission (LPA: 08/00389/OUT refers) was granted for the Centenary Quay (CQ) development on 31st December 2009. The approved development comprises:

‘Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge and quays; new means of access and associated highway/ environmental improvements. (Environmental Impact Assessment Development- 'Hybrid' planning application: outline in part, full details of phase 1 and river edge submitted).’

4.2 Phases 1-3 of this development are complete and occupied. The reserved matters application for Phase 2 (LPA: 11/01923/REM refers) was approved by the Panel on 13th March 2012 for the following:

‘Reserved matters approval sought for Phase 2 of the Centenary Quay development granted outline permission in December 2009 (reference 08/00389/OUT - Environmental Impact Assessment Development) to provide 168 residential units (49 x one-bedroom, 103 x two-bedroom, and 16 x three-bedroom

units), a library and day nursery in buildings ranging in height from three-storeys to six-storeys with associated parking and other works.'

- 4.3 Phase 3 of the development differed from the outline approval and was approved by the Planning Panel in July 2012. The phase 3 application is complete and was described as:

'Full permission sought for Phase 3 of the Centenary Quay development with a mixed residential and employment use comprising 329 residential units (102 x one bedroom, 178 x two bedroom and 49 x three bedroom units), a food store (Class A1 - 5,500 square metres), commercial space (Classes A1/A2/A3/A4 or B1 - 1,685 sq. m) and a management suite (84 sq. m) in buildings ranging in height from four-storeys to twelve-storeys with associated basement car parking and cycle parking, landscaped public and private open spaces, servicing and other works including junction improvements and temporary access to the rivers edge. (Environmental Impact Assessment Development).'

- 4.4 Phase 4a is completed and was subject to the following Reserved Matters approval (Ref 15/01985/REM):

Reserved Matters approval sought for External Appearance and Landscaping with variations to Scale and Layout as agreed under outline planning permission reference 08/00389/OUT for Phase 4a of the Centenary Quay Development, comprising 185 residential dwellings, 508 sqm of A3/A4 retail space and a multi storey car park within buildings ranging in height from 6-storeys to 11-storeys with associated works including a temporary car park (Environmental Impact Assessment Development) - Amendments to Condition 10 (Building Heights) and Condition 56 (Parking) incorporated - description amended following validation

- 4.5 Phase 4b received detailed planning approval in 2016 and is currently under construction. Phase 4b will deliver a further 165 dwellings within a landmark 27 storey residential tower

Minor material amendment sought to planning permission 16/00148/REM with changes to condition 1 (Approved Plans) to the approved 27 storey tower to increase dwellings from 157 to 165 following the subdivision of the approved 3 bed flats with associated internal alterations and provision of external louvres (Environmental impact assessment development) - 17/02529/FUL refers.

- 4.6 Phase 5 received Reserved Matter Approval (17/02514/REM) for 103 dwellings in March 2018 and is completed.

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, which included a public exhibition at Woolston Library on 22nd February 2022. The Statement of Community Involvement includes the following summary of feedback from their consultation:

Residents suggested that the increased parking spaces to dwellings ratio is welcome.

Lower rise blocks in phase 6 are an improvement.

A parking plan for Victoria Road is required.

All efforts need to be made to fill vacant retail units.

Public access to the waterfront should be maximised.

Retain D1 E1 and E3 as private housing, to minimise antisocial behaviour.

Raised concerns about access walkway between E1 and D1.

Retain Upton Close as a close - retain current fence on Upton Close without a walkway. Already sufficient foot/car access.

Thinks communications to residents about the ongoing building works could be improved and requested a timetable of works in respect of cladding replacement. Think about the legacy of what is being constructed and how residents' expectations need to be met. Once Crest have planning consent it should be an opportunity to provide a general update on all these matters.

Residents raised a concern that Upton Close remain as it is due to the risk of "bringing the anti-social behaviour into our streets." Having open access has created problems for residents.

Residents were positive about the development but said parking is an issue, and that they have to park ten minutes from their home at the moment. Wanted to know if they'll get a parking space closer to home.

Residents wanted to know about the phase 5 parking and how it would work. Existing residents using the temporary parking wanted to know how the new parking would be distributed.

Residents raised questions about the parking along Victoria Road and were pleased that the additional places were being provided. The overall level of parking was welcomed.

Residents welcomed the completion of the site and especially liked the height and scale of the apartment blocks proposed. The overall design and layout was welcomed.

Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken, which included notifying adjoining and nearby landowners, placing a press advertisement (06.05.2022) and posting site notices (06.05.2022). At the time of writing the report **8 representations** have been received raising the following issues:

5.2 **I live directly opposite the proposed site. Not only will these houses block sunlight to the terrace houses along Victoria Road, all of our houses will also be overlooked. There is a massive lack of parking for residents down here already and the proposed development will only make that worse.**

Officer Response – *The scale of the proposed dwellings to Victoria Road are compliant with the 2-3 storey height parameters on the original outline planning permission, and consistent with the scale of earlier phases of development fronting Victoria Road. The front to front separation distance between the new and existing houses in Victoria Road would be 22m across a street which will provide sufficient separation to ensure reasonable daylighting, sunlight and outlook and there will be acceptable inter-looking across a public street.*

Of the 220 spaces provided, 170 will be available for new residents within Phase 6 (164 dwellings) and this level of provision exceeds the parking criteria as set out within the original outline consent. The existing on-street parking within Victoria Road is re-provided with 19 permit spaces for existing residents of Victoria Road and no new residents within CQ are issued with a parking permit.

The scheme also provides 29 spaces for phase 5 which achieves a total of 101 spaces for that phase (1:1 provision) when taken with the allocated parking in phase 5 and the 29 unallocated spaces in the Phase 3 Basement car Park and 10 in the Phase 4a Multi-Storey Car Park.

- 5.3 **The parking bays that will be on the corner of Victoria Road and Oswald Road appear to be very close to a blind corner and so must surely be deemed dangerous to other road users especially if someone is reversing out of said parking bays.**

Officer Response

The parking arrangement has been reviewed and further assessed by the Council's Highway Engineers and the 17m forward visibility splay, as proposed, is acceptable in highway safety terms.

- 5.4 **The extra parking spaces being made available on Victoria Road are greatly appreciated but I have concerns over how they will be allocated (if at all) and what is going to happen to the two disabled bays currently on Victoria Road as no doubt they will be parked in by non blue badge holders when the town houses are occupied as parking space will become even more valuable than it is now.**

Officer Response

The re-provided bays for Victoria Road will only be available to existing residents of Victoria Road and will be marked as resident permit bays. Residents of Centenary Quay will not be issued with parking permits to access these spaces. The comments regarding the disabled parking bays are noted and an update on this point will be provided at the Panel following advice from the Council's Highways Team.

- 5.5 **The extra noise especially at night will be a major inconvenience especially as the road layout indicates that vehicles will be slowing and changing gears to turn in/out of the new road being built. Houses currently on Victoria Road will be affected by this especially those of us living directly opposite the new route. If this is also going to be a new bus route then this noise will be compounded considerably.**

Officer Response

The road layout was approved at outline planning permission stage and is not under consideration as part of this detailed reserved matters application.

- 5.6 **I can find no information about the car parking podium and whether it will be an open-sided design or solid brick. An open sided podium will surely cause more noise.**

Officer Response

There is no podium car park in this phase. Previous design proposals for phase 6 included a podium car park between I2 and H2 but this is no longer proposed. Instead the parking strategy includes surface car parking with landscaped screening

- 5.7 **Also, there is no mention of the Victoria Road traffic calming provision that was mentioned at the very start of the construction of Centenary Quay.**

Officer Response

The Council's Highway Engineers are seeking a junction design with a radius which slows traffic. The originally proposed curved buildouts and staggered parking etc. was designed as part of the wider masterplan to deter through traffic using Victoria road and would encouraged to go through the new development. The Council's Highway Engineers feel that all the work done in the previous phases is sufficient enough to achieve this vision and also consider that there would not be a rise to excessive vehicle speeds due to the short section of road being omitted from the traffic calming design. The revised design is a compromise between maintaining the original masterplans objectives as well as providing more parking for both new and existing residents.

- 5.8 **Residents in Upton Close have a concerns about there being a public footpath access route into our street - connecting Victoria Road. The street is currently fenced and there are concerns that access to the street will bring the same low level antisocial behaviour around littering, flytipping, noise, poor behaviour in short being seen on Victoria road. This was documented by multiple respondents in the connecting Woolston survey as public available evidence, where Victoria road was flagged as a concern area in our community. Our street has a strong sense of community who respects and contributes where we live by keeping it litter free, tidy and well kept.**

Officer Response – *The pedestrian route through Upton Close was approved as part of the consented layout at outline planning approval stage and site permeability is a key principle within the approved Design Code. Pedestrian Permeability is fundamental in achieving good urban design and such routes have been delivered in earlier phases, such as 'Joiners Mews'. The construction hoardings between phase 5 and 6 have temporarily blocked the eastern end of Upton Mews this information would have been available to the affected residents before they chose to move to the development.*

- 5.9 **Insufficient car parking provision across Centenary Quay and lack of litter bins is contributing to litter problems**

Officer Response – *The original overarching outline planning permission secured a parking ration of 0.8 spaces per dwelling is seeking a balance between housing delivery, making efficient use of the site and sustainability policies seeking to reduce the reliance of cars as a mode of transport. This phase increases the parking provision to at least 1:1 with additional parking for phase 5 and re-provides the permit parking bays on Victoria Road for existing residents.*

Opportunities for additional bin storage can be considered when the full details of landscaping as reserved by condition are submitted for agreement.

Representation from SCAPPS

- 5.10 **SCAPPS understands the submitted drawings 'Amenity Strategy Plans' & 'Landscaping details' to show a 'Riverwalk' on the waterfrontage, & that the path would be 'public open space'. SCAPPS requests confirmation that is the proposal -- a waterfront pathway to which the public would have access at all times. The drawings suggest it would not be adopted as highway. SCAPPS requests a binding legal agreement providing public access over the pathway.**

Officer Response – The riverwalk has been delivered as a public permitted route with unfettered public access as secured under the S106 agreement for the overarching outline planning permission for Centenary Quay

Representation from the City of Southampton Society

- 5.11 **It is understandable that since the Outline Planning Application, 08/00389/OUT, was granted in May 2015, there have been amendments to the original plans that reflect market changes in demand. The most significant of these are the loss of two of the riverside blocks of flats (Buildings I1 and F), the supermarket (Building J2) and the restaurant at the base of the riverside tower block (Building J1). We understand that the effect of these changes will reduce the total number of residential units from 1,620 to 1,270.**

It is not clear from the latest drawings what impact these alterations have to the provision of a riverside walkway, part of the coastal trail. The riverside walkway was enshrined as condition 34 of the original outline application, 05/00816/OUT ' and reinforced in the later application, 08/00839/OUT, under conditions 15 (River edge details), 18 (Lighting scheme), 19 (Inter-tidal habitat protection) and 61 (River edge vehicular access).

Clarity is required that the general public will have pedestrian access to the full length of the river's edge of the residential element of the Centenary Quay development. We accept that to protect the inter-tidal habitat there needs to be a boundary between any pathway and the mud flats.

Without this clarification we are unable to add our support to this Reserved Matters Application.

Officer Response – The following response from Crest Nicholson regarding these points has been shared with the City of Southampton Society to their satisfaction:

The Riverwalk is unobstructed and level as it crosses from Phase 6 into 4b walk along the river edge. At least a minimum 3.7m clear route is needed for service and emergency vehicle access in any case.

The lines shown on the ground (within Phase 4B) are granite sett banding which sit flush to the ground.

The final details of the walkway and terracing are required to be submitted under Condition 3 of the Phase 4B consent (within 18 months of occupation), however, I can confirm that it will be level and unobstructed.

Consultation Responses

5.12 SCC Highways – No objection

The original consent provides staggered parking similarly to the previous phases on Victoria road. The current proposals for Phase 6 now seeks extra parking for the new units.

As outlined before, there are some issues and concerns regarding the arrangement:

- reports that there are some issues with regard to the Council resources having to deal with complaints/enquiries regarding parking management and unlawful enforcement when people park on private bays (from the previous phases)
- long term maintenance
- concerns with confusion as all on street parking along Victoria Road are currently public spaces. The private bays are all located on roads fronted by new units whereby we are introducing private bays on roads fronted by historic residential units.
- stopping up order would be required and adds an extra level of uncertainty as it requires public consultation and separate approval body.

Therefore, the Council's Highways Team proposes the following new option which is considered a good compromise:

The suggested alternative is to have only the parking fronting Victoria Road to be made public spaces. Blocks D1 & E1 will be allocated residents parking permits (and visitor passes). The remainder of the proposed spaces can be retained as private. Therefore only 16 units will technically not benefit from allocated spaces but on the upside, they would be eligible to park anywhere within permit zone 3 as well as now having extra parking for visitors. The proposal will also still benefit from many new private bays which provides the applicant with the additional financial benefit they are seeking from the extra unit value. To clarify, they would still get 6 private on street bays on Oswald road and 28 on John Thornycroft as new extra private parking bays for their development. This is on top of all the ones provided within the car park areas equating to 149 spaces – bringing the total of new private bays to 183 spaces.

Officer Response – The proposed parking arrangement is consistent with earlier phases. Crest Nicholson are opposed to making the Victoria Road all permit parking because it would be impact on the viability of their market housing units and they are concerned that the introduction of permits to new residents within Phase 6 would be at odds with the principle that no residents within Centenary Quay will have access to the CPZ permit residents parking. The Highway Teams suggestion is not recommended to the Planning Panel.

5.13 SCC Urban Design Manager – No objection

Officer Response – The design has evolved through consultation with the Council's Urban Design Manager to improve the Riverside Walkway route and to enhance the landscaping at the southern end of the route.

The applicants also provided further design justification regarding scale, articulation and materiality to finger blocks I2, H2 and F which is agreed

- 5.14 **SCC Housing** – As a Reserved Matters application, the affordable housing requirement is minimum of 25% as per the existing outline consent (08/00389/OUT), reflecting policy at that time.

The table below details the s106 affordable housing provision under the earlier phases of the scheme and shows that, to date, 25% provision has been made (25% of 1118 units = 280). Hence the requirement from the remaining phase is a minimum of 25% of the 164 dwellings proposed – 25% equates to a further 41 units.

Residential Breakdown

Phase	AH – rented	AH- Int .rent	AH- LCHO	Total AH (S106)	AH (non- S106)	Private	Build to Rent	Total
1 (completed)	44	15	0	59		101	0	160
2 (completed)	55	18	30	103		65	0	168
3 (completed)	0	0	72#	72		155	110	337
4a (completed)	0	0	0	0	75* 5*	105	0	185
4b (on site)	0	0	0	0		165	0	165
5 (completed)	0	0	46	46		57	0	103
Total from Phases 1-5	99	33	148	280##	80*	648	110	1118
6 (proposed)	43	0	0	43		121	0	164
Scheme total	142	33	148	323	80*	769	110	1282

- some units temporarily remain as IR pending conversion to s/o

- matches running S106 obligation at end of Phase 5 build (ie 25% of 1118 units = 280 units)

* - non s106 LCHO units (unencumbered with no developer contribution)

[As the scheme has progressed, the developer has voluntarily sold a number of private units to Registered Providers who have required Homes England grant in order to be able to offer these units for affordable housing (shared ownership). These were market transactions ie. there was no developer contribution involved and it was made clear to the applicant at the time that such transactions were additional to the ongoing s106 requirement].

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

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

Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

In this case on-site provision is sought in line, as far as possible, with the obligations and expectations of the 2009 agreement.

The developer is now offering a total of 43 units - Block F (39 units comprising of a mix of one, two and three bed roomed flats) plus 4 x three bed houses all for Affordable Rent.

This equates to an offer of 26.22% of units from the final phase and would result in 25.20% of units across the scheme as a whole being delivered as s106 affordable housing.

The 2009 legal agreement set a tenure split of 49.38% rented / 50.62% intermediate for the s106 element. Earlier phases of the scheme contained higher proportions of intermediate properties and the 43 units offered for rent from this phase would result in overall percentages of 43.96% for rent and 56.04% for intermediate and bring the proportions closer to the split set down in the agreement.

Housing need information from December 2021 (numbers of applicants on the housing register seeking rented affordable accommodation) is as follows and will not have changed much:-.

Property Size	Numbers Waiting	Wait Times (with priority)	Wait Times (no priority)
1 bed	4,360 (includes 1,406 eligible for older persons housing)	4 years 7 months	4 years 7 months
2 bed	1,482	1 year 4 months	3 years 10 months
3 bed	1,484	4 years 2 months	11 years
4 bed +	321	4 years	10 years

(With priority means people who have either a medical or homelessness status. Applicants without a medical or homeless priority would currently wait on average 11 years for a 3 bed property).

The table clearly demonstrates the greatest need is for 3 bed accommodation with some families waiting, on average, 11 years, so the inclusion of 4 x 3 bed houses now offered for rent along with a redesign of Block F (for rent) to incorporate 4 x 3 bed flats is welcomed. This both helps to address future management concerns over the proportion of one bed flats originally proposed and better meets needs, offering additional 3 beds. and should provide a more balanced mix within the block.

We would envisage agreeing a Lettings Plan with the Registered Provider (yet to be agreed between the council and the developer) in respect of Block F particularly to cover occupation of the 3 bed flats given the limited amount of amenity space available and would like to see the RP approved & onboard as soon as possible and able to input into aspects of the scheme.

Unfortunately, the 3 bed house types currently offered (3 bed 4 person) for affordable are smaller than the market houses in the original planning submission, which they replace, and are not what was anticipated. 3 bed 5 person house types have been requested for flexibility and in order not to rule out swathes of 3 bed applicants from our Housing Register.

Officer Response -The scheme proposes 43 affordable housing units, which represents 26.22% of the total number of residential dwellings in phase 6 and accords with the requirements for 25% provision as set out within the overarching outline planning permission. The scheme has evolved and has been amended over the course of this application as a result of discussions between Crest and the Council's Housing Team in order to provide an improved mix with a greater number of family housing units to meet identified need on the Council's Housing Waiting List.

Originally the scheme proposed 22 no.1-bed apartments and 21 no. 2-bed apartments. This has been amended to provide an improved mix of 14 no 1 bedroom (33%) 21 no. 2 bedroom (49%) and 8 no. 3 bedroom (19%)

It is recognised that there are shortcomings in the family housing offer which incorporates 4 no. 3-bed flats with limited amenity space and the Town houses are 3-bed 4 person dwellings rather than 3-bed 5 person dwellings and therefore would be suitable for small families on the housing waiting list.

However, these shortcomings are greatly outweighed by the merits of the affordable housing offer having regard to affordable housing need and recent delivery rates in the City. Furthermore Crest Nicholson are not prepared to increase the size of the 3-bed 4 person houses for viability reasons and are of the view that the townhouses accord with the policy definition of a family dwelling (and accord with national space standards). Whilst this is debatable the fact remains that the scheme complies with the outline permission and will deliver affordable housing in the City and the alternative view may result in no delivery at all.

5.15 **SCC Archaeology** - No objection

On the foreshore west of the Phase 6 site boundary a number of structures and hulks of probable early to mid-20th century date survive. These are certainly of local significance given the importance of the former shipyard but are of uncertain national significance. They are non-designated heritage assets as defined in the National Planning Policy Framework and are recorded on the Southampton Historic

Environment Record. In 2009 a very basic photographic record was made of these features, but they have not been fully recorded. They are still visible on aerial photographs, particularly at low tide. In 2019, I was assured by RPS Consulting that these features would not be affected by the Phase 6 scheme as then proposed. This may still be the case, as the foreshore lies outside the site boundary. However, if they will be affected, archaeological recording will be required prior to damage or removal, to be secured by the following conditions:

If no works are proposed on the foreshore, then no associated archaeological work would be needed there, so no conditions would be needed.

Officer Response – The developer has confirmed that no works are proposed to the foreshore as part of phase 6.

5.16 **Ecology** – No objection

The application site is of low ecological value however, it lies adjacent to a section of the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI) which is a component of the Solent and Southampton Water Special Protection Area (SPA) and Solent and Southampton Water Ramsar site. In addition, the Solent Maritime Special Area of Conservation (SAC) is located 3km to the south of the development site and the River Itchen SAC is 4.6km upstream. Whilst this latter SAC is sufficiently distant to avoid direct impacts on designated habitats, Atlantic salmon, *Salmo salar*, and Eurasian otter, *Lutra lutra*, which are designated features of the SAC, are known to use the section of river adjacent to the pre-application site. In addition, since the Centenary Quay development received outline consent, a new international site, the Solent and Dorset Coast potential SPA (pSPA), which covers all tidal waters up to mean high water, has been proposed. Potential impacts on this designated site must also be considered within a Habitats Regulations Assessment

The proposed development has the potential to result in adverse impacts on the listed European and international designated sites. It will be necessary to demonstrate that these impacts can be satisfactorily mitigated to prevent likely significant effects. Information to enable a Habitats Regulations Assessment has been provided however, a draft Construction Environmental Management Plan (CEMP) has not. A planning condition will be required to secure a CEMP.

A nutrient budget has been supplied

Details of wider biodiversity mitigation and enhancement measures have been provided and a planning condition will be required to secure implementation of these measures.

I have no objection to the proposed development.

If planning permission is granted, I would like the following conditions applied to the consent:

' J015 - Ecological Mitigation Statement (Pre-Commencement)

' J025 - Protection of nesting birds (Performance)

' P005 - Lighting [Pre-Commencement Condition

Officer Response – Ecology conditions are attached to the original outline planning permission however it is considered reasonable to apply a condition to secure the mitigation as outlined in the submitted ecology report with this Reserved Matters Application.

5.17 **Natural England**

As submitted, the application could have potential significant effects on the Solent Maritime Special Area of Conservation (SAC), Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, New Forest SAC, SPA and Ramsar, Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), Hythe to Calshot Marshes SSSI and The New Forest SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- An outline of the mitigation measures in place to offset the positive nitrogen load arising from this development.
- Appropriate mitigation to address increased recreational impacts on the New Forest designated sites.
- A Construction Environmental Management Plan.
- Further assessment of air quality impacts arising from this development, including from ammonia (NH₃) emissions.

The above information should be used to inform an updated Habitats Regulations Assessment (HRA) to support this application.

Officer Response -

The applicants have confirmed the Total Nitrogen surplus arising from the development is 263 Kg/TN/yr. This is based on the additional population from the residential units and hotel rooms using 110 litres of waste water per person per day. It also assumes an effluent discharge limit of 15 mg/l total nitrogen (TN) from Woolston Waste Water Treatment works (WWT). The applicants stress that it's unfortunate that a WWT works that has only just been constructed will produce emissions at a level that would today not be consented by Natural England. This is because the Woolston WWT was designed during a previous investment cycle prior to the definition of the nitrogen enrichment issue.

Recreational disturbance to the New Forest is covered within the Ecological Appraisal dated 19.04.2022 which concludes:

"Phase 6 construction would see the completion of all agreed mitigation measures for potential recreational disturbance associated with the 2009 consent and subsequently secured by SCC in relation to local accessible alternative natural greenspace. No further mitigation is therefore proposed in relation to potential offsite recreational disturbance to European Sites from the residents of Phase 6 of the development."

5.18 **Air Quality** – Air Quality Assessment Requested

Officer Response - *Unfortunately we cannot seek an air quality assessment for this application because it relates to Reserved Matters. The principle of development and number of houses on this site were granted as part of the original outline planning permission for Centenary Quay in 2008. Please note that an Air Quality Monitoring Scheme was secured via S106 agreement and contribution for this was paid in 2010.*

5.19 **SCC Public Health** – No objection Active Travel

Every effort should be made to maximise the opportunity for active travel for both residents and visitors of the development. Adequate secure storage for bicycles is fundamental to enabling people to regularly cycle. Whilst secure bicycle storage is planned for each townhouse, it is not clear how many bicycles can be accommodated securely in the apartment blocks.

We recommend that adequate cycle secure storage provision provided for all the residential units (at a minimum rate of one per dwelling).

Green Spaces

Green and/or amenity space can make a significant positive contribution to physical and mental wellbeing. We appreciate that, due to the former use of the site, the planned development will increase the amount of green space. However, it is vital that access to green (and other amenity space) is equitable for all residents regardless of the type of property they inhabit. The townhouses are all provided with a private garden whereas the apartments often only have access to a balcony as their private amenity space.

We recommend that additional communal green/amenity space is provided to enable residents of the apartments to benefit from time outdoors.

Officer Response - Cycle storage is provided at a ratio of 1:1 in blocks H2 and I2b and a ration of 34 bike parking spaces for 39 flats in Block F (0.87%).

The provision of 2,719sqm of private amenity space and 2,654sqm of public open space within the phase is broadly compliant with the outline consent and also having regard to the reduced residential density.

5.20 **SCC Trees** – No objection

There are not trees on site, therefore there are no arboricultural concerns over the construction phase. I do have comments over the landscape proposal for the site.

The proposal for the parking areas is for *Betula pendula* and *Pyrus calleryana* 'Chanticleer', however I am not in support for these trees in all locations within the parking. Larger tree species are to be planted in areas where they have scope to form a full canopy. Where they are planted closer to the dwellings, then the *Betula* or *Pyrus* would be suited to these locations. Any planting within hard landscaped area will require detailed tree pit design with suitable soil volumes and a scheme that will deliver water to the trees, such as attenuation tanks and all surfaces around the trees is to be porous.

The parking areas also lack tree numbers; therefore, I would request more trees within these areas. This does not necessarily mean that there will be a loss of parking spaces as the trees can be planted at the point of where the top of 4 spaces join. Bollards can be installed to protect them from accidental damage from vehicles. From the landscape plan supplied, it is apparent that the two parking zones closest to the river, have little tree planting in relation to the amount of space available, therefore this needs to be adjusted.

It would make sense to continue with the *Acer campestre* planting along the frontage of Victoria Road, as this would match with the other planting design for the site.

As scheme of maintenance is also required for the new planting to ensure they establish and are watered during hot weather.

In general, the design is acceptable, but I would require the changes and information over planting pit design, and maintenance be provided.

Officer Response – This request in relation to tree planting densities, species and location can be taken into account when landscaping details reserved by the overarching outline planning permission are submitted for consideration.

- 5.21 **Southern Water** - Due to the potential odour nuisance from a Waste Water Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour.

Officer Response - Southern Water have been notified that under Condition 67 (Odour Control) of the overarching Outline Consent, phase 6 cannot be occupied until:

- a) the construction phase of works to transfer waste water flows presently treated at the Woolston Waste Treatment Works to another treatment facility or construction works to redevelop and enclose/upgrade the Existing Woolston Waste Treatment Works have commenced; or,*
b) it is demonstrated through total odour monitoring and dispersion modelling that a maximum value of 1.5ou/m³ as a 98th percentile value of hourly values exists at the southern most points of these units to be released for occupation as part of that phase of development.

Works to modernise Woolston WWTW were completed in 2020 and therefore part (a) of Condition 67 has been satisfied.

- 5.22 **Environment Agency** - No objection
Further to the Applicant providing a plan identifying the raised site levels (Levels Schematic, drawing no: 10450/3300, rev: S5, dated June 2019), we confirm that we have no objection to this reserved matters application.

An informative is requested relating to the Environment Agency Flood Warning System.

- 5.23 **SCC Flood Officer** – Requests a Flood Risk Assessment and Drainage Strategy
Officer Response - The outline application was the subject of a FRA and condition 75 of the overarching consent requires the development to fully comply with the mitigation strategy detailed within the applicant's Flood Risk Assessment (FRA) (produced by Capita Symonds (dated March 2008). The site levels for phase 6 exceed 5.35mAOD. The scheme is therefore compliant with the requirements of the original FRA from 2008. Condition 76 of the outline planning permission requires the submission of Surface Water Drainage Details prior to the commencement of development. As such, a flood risk assessment and drainage strategy are not required for the determination of this Reserved Matters application.

6. Planning Consideration Key Issues

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

- The principle of the development
- Reserved Matters of Scale, Appearance and Landscaping

- Impact on Existing Residential Amenity
- Parking amendments; and
- Habitats Regulations.

Principle of Development

- 6.1 The site forms part of the allocation for Centenary Quay for a mixed-use development in the adopted City of Southampton Local Plan Review (2006) under 'saved' Policy MSA18. This mixed-use allocation includes residential development, and a range of housing types are intended for this phase. Employment, leisure and community uses within the mixed-use allocation have been delivered within earlier phases of the redevelopment on the Former Vosper Thorneycroft site.
- 6.2 This application for Reserved Matters concerns the scale, appearance and landscaping for Phase 6 of Centenary Quay. The principle of residential development and layout and access arrangements have already been consented as part of the original overarching outline planning permission (ref 08/00389/OUT). These matters repeat those approved on Phases 1-5 with some minor amendments to the approved layout and building heights which can be taken in the spirit of the wider masterplan and treated as de minimis for the purposes of processing this application (see earlier phases also). The key change, however, is the loss of 2 residential towers from the proposals and the subsequent reduction in housing provision. This change is driven by a number of factors but does not result in a lesser scheme.
- 6.3 The original outline planning permission consented up to 1,620 dwellings (including 405 affordable homes) across all phases of the development. This final phase proposes 164 residential units with a mix of 1 and 2 bed apartments and 3 bed townhouses (including 43 affordable homes). Therefore, the total number of units delivered across Centenary Quay is 1,282 dwellings (including 323 S106 affordable homes and 80 non-S106 affordable homes). The overall shortfall in the total number of units is a result of a combination of factors including a reduction in the number of waterfront towers reduced from 3 to 1 for viability, market demand and parking demands and below ground constraints. It should be noted that the provision of 43 affordable homes within this final phase and 323 affordable homes across all phases satisfies the requirement for 25% as set out within the original outline planning permission.
- 6.4 It is recognised that the overall delivery of 1,282 dwellings is short of the outline target of 1,620 dwellings (338 shortfall) and this must be considered against the Council's current housing need requiring an additional 16,300 homes need to be provided within the City between 2006 and 2026, as detailed in policy CS4 of the Core Strategy.
- 6.5 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than 5 years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:

(i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

[the so-called “tilted balance”]

6.6

Notwithstanding the shortfall in housing delivery across this site it is still recognised that the proposed 164 residential units and overall total of 1,282 has and will make a significant contribution towards meeting housing need in the city and any shortfall

6.7

in delivery is recognised in relation to market demands and site constraints and is considered acceptable in the overall planning balance with the completion of this final piece in the jigsaw of Centenary Quay

There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council’s five year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, and these are set out in further detail below to enable the Panel to determine ‘the Planning Balance’ in this case.

6.8

The proposals for Phase 6 provide a good mix of unit sizes including genuine family and apartments with market and affordable housing provision, as set out in the table below. Residents will have access to private, communal and public open space within an attractive waterside setting. Furthermore the development fits to the approved outline parameters meaning that separation distances between development has previously been assessed in terms of outlook, shadow, privacy etc in order to achieve both an acceptable residential living environment and to ensure there is no adverse impact on neighbouring residential amenities.

6.9

	1-bedroom	2-bedroom	3-bedroom	Total
Market	35 (29%)	54 (45%)	32 (26%)	121
Affordable	14 (33%)	21 (49%)	8 (19%)	43
Overall	49 (30%)	75 (46%)	40 (24%)	164

Reserved Matters of Scale, Appearance and Landscaping

The submitted details of scale, appearance and landscaping follow the parameters established as outline planning consent stage and accord with the approved Design Code for Centenary Quay. Furthermore, the scheme has incorporated the recommendations of the Independent Design Review by Design South East.

6.8

No objection has been raised by the Council’s Urban Design Manger in relation to the proposed approach to building design and landscaping. The detailed design approach responds to the surrounding context integrating with the form, aesthetic, materiality and scale of the existing buildings within Centenary Quay and also in relation to the adjacent built environment within Victoria Road and also having regard to views from and across the River.

6.10

The proposed Wharf blocks of I2, H2 and F have been subject to minor adjustments in relation to their position and way they address the River, frontage

and these changes are acceptable in design terms and do not compromise the public river walkway. Moreover, the reduction in building scale to 4-storeys is less than scale of up to 8-9-storeys in the outline parameters is acceptable in design terms.

- 6.11 Moreover the changes to block F1 to introduce 4 no. Townhouses to the Victoria Road are acceptable from a design perspective and appropriate for the context.

Impact on Existing and Proposed Residential Amenity

- 6.12 As indicated above, the development of phase 6 fits respects the layout of development and parameters established at outline stage meaning that separation distances between development have previously been assessed in terms of outlook, shadow and privacy. The reduction in scale to the wharf block will have no adverse impact in respect of existing and proposed residential amenity.

Adequate bin and cycle storage is provided and reflects the arrangements in earlier phases as per the approved design code. Furthermore, conditions to manage the environment during the construction phase are already within the outline planning permissions for this site.

Car Parking Amendments

- 6.13 The amendments to increase the car parking ratio to a minimum of 1 parking space per dwelling with 170 car parking spaces to serve 164 dwellings accords with the Council's Maximum Parking Standards as set out within the Parking Standards SPD, which require a maximum of 279 spaces (maximum of 1 space per 1-bed dwellings and 2 spaces per 2 and 3-bed dwellings).

Habitat Regulations

- 6.14 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** and can be agreed as part of the recommendation to approve planning permission for this final phase

7 Summary

- 7.1 The development of Phase 6 will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits, including the provision of the affordable housing. These benefits, in terms of physical and community renewal, tangible job creation (at the construction stage), new homes and the ongoing creation of a distinctive place have been weighed against the concerns raised by residents previously about traffic, parking, dense high-rise urban development in close proximity to existing dwellings, and its subsequent integration into Woolston.
- 7.2 The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance, whilst opening up the

riverside environment to the public. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail.

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

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 11/10/2022 PROW Panel

Planning Conditions to include:

:

All planning conditions attached to LPA ref: 08/00389/OUT pursuant to this phase should be read alongside this decision notice and discharged (as applicable) and the following:

1.APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved amended 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 and residential amenity.

2.APPROVAL CONDITION - Landscape & Maintenance

The hard and soft landscaping works serving Phase 6 shall be carried out in accordance with the details shown on Landscape Masterplan 1559/004 Rev K. The approved scheme shall be carried out prior to occupation of this phase, or during the first planting season following the full completion of building works (whichever is sooner), or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development on this phase.

Ongoing maintenance details of the approved landscaping shall be agreed in writing with the LPA prior to its planting. The agreed landscape maintenance shall be implemented as agreed. If within a period of five years from the date of completion of the hard and soft landscape works within Phase 5, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent 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.

3.APPROVAL CONDITION - Parking

Notwithstanding the requirements of LPA ref: 08/00389/OUT Condition 56 the residential parking shall be provided on the basis of a minimum of 1 space per dwelling within this phase. These spaces shall be made available for use prior to the occupation of each dwelling to which the space relates and shall, thereafter, be retained as agreed.

Furthermore, the 19 no. car parking space (including 2 no. disabled bays) for existing residents on Victoria Road 2 no. car club spaces shall be re-provided prior to first occupation of phase 6 and thereafter retained as agreed.

Reason:

To ensure that each phase is correctly delivered with sufficient parking to meet its needs as required by the assessments given in the Environmental Statement

4.APPROVAL CONDITION - Amenity Space and Balconies

Those areas marked on the approved plans as private balconies and other external areas for residential amenity shall be provided as agreed ahead of the dwellings to which they relate being occupied. The agreed external garden spaces shall be retained as agreed.

Reason:

In the interests of visual amenity and to secure appropriate external spaces to serve the residential population of Phase 6 as required by the Council's Residential Design Guide (2006)

5.APPROVAL CONDITION - Building Heights

Notwithstanding LPA ref: 08/00389/OUT Condition 11 the maximum building heights for individual blocks within this phase shall not exceed the heights shown on the approved plans listed below.

REASON:

To define the permission

06. APPROVAL CONDITION – Ecology Mitigation

The development shall be carried out and retained in accordance with the scheme of ecology mitigation as set out within the Ecology Appraisal by Biodiversity by Design Rev 5.0 dated 19th April 2022

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

City of Southampton Local Plan Review - Adopted Version March 2006

Major Sites and Areas

MSA18	Woolston Riverside, Victoria Road
MSA15	Woolston Library

Sustainable Development Principles

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
NE5	Inter-tidal Mudflat Habitats
HE6	Archaeological Remains
L4	Nursery Provision
CLT1	Location of Development
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
CLT11	Waterside Development
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
REI5	District Centres
REI7	Food and Drink Uses
REI15	Office Development Areas

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS10	A Healthy City
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing

CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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)

Woolston Riverside Planning Brief and Illustrative Master-plan (2004)

Habitats Regulations Assessment (HRA)	
Application reference:	22/00588/REM
Application address:	Centenary Quay John Thornycroft Road Southampton
Application description:	Reserved Matters application sought for Phase 6 of the development known as 'Centenary Quay' (pursuant to outline permission 08/00389/OUT - Environmental Impact Assessment Development) comprising the redevelopment of the site to provide 164 residential units in blocks I2, H2, F, F1, D1, E1 and E3 with associated car parking, storage and associated works incorporating amendments to Condition 03 (approved plans), Condition 11 (Building Heights), Condition 15 (River Edge) and Condition 56 (Parking) of planning permission 08/00389/OUT (Amended Description)
HRA completion date:	3 October 2022

HRA completed by:	
Andrew Gregory Regeneration Planning Manager Southampton City Council Andrew.gregory@southampton.gov.uk	

Summary
<p>The project being assessed is as described above.</p> <p>The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is located close to protected sites and as such there is potential for construction stage impacts. It is also recognised that the proposed development, in-combination with other developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>In addition, wastewater generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development.</p> <p>Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects, which are likely in association with the proposed development, can be adequately mitigated and that there will be no adverse effect on the integrity of protected sites.</p>

Section 1 - details of the plan or project

<p>European sites potentially impacted by plan or project: European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website</p>	<ul style="list-style-type: none"> ▪ Solent and Dorset Coast Special Protection Area (SPA) ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar Site ▪ Solent Maritime Special Area of Conservation (SAC) ▪ River Itchen SAC ▪ New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development is not connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of this site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

Regulations 62 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) are clear that the assessment

provisions, i.e. Regulations 63 and 64 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, as required under Regulation 63 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- **This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 63(1) (a) of the Habitats Regulations.**

The proposed development is located close to the Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar site and the Solent Maritime SAC. As well as the River Itchen SAC, New Forest SAC, SPA and Ramsar site.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from demolition and construction activity, or permanent arising from the on-going impact of the development when built.

The following effects are possible:

- Contamination and deterioration in surface water quality from mobilisation of contaminants;
- Disturbance (noise and vibration);
- Increased leisure activities and recreational pressure; and,
- Deterioration in water quality caused by nitrates from wastewater

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 63(1)(a) of the Habitats Regulations.

The project being assessed is as described above. The site is located close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.

The site is located close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, wastewater generated by the development could result in the release of nitrogen into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives
The analysis below constitutes the city council's assessment under Regulation 63(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152>.

The conservation objective for Special Areas of Conservation is to, *"Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."*

The conservation objective for Special Protection Areas is to, *"Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."*

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION PHASE EFFECTS

Mobilisation of contaminants

Sites considered: Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast SPA, Solent Maritime SAC, River Itchen SAC (mobile features of interest including Atlantic salmon and otter).

The development site lies within Southampton, which is subject to a long history of port and associated operations. As such, there is the potential for contamination in the site to be mobilised during construction. In 2016 the ecological status of the Southampton Waters was classified as 'moderate' while its chemical status classified as 'fail'. In addition, demolition and construction works would result in the emission of coarse and fine dust and exhaust emissions – these could impact surface water quality in the Solent and Southampton SPA/Ramsar Site and Solent and Dorset Coast SPA with consequent impacts on features of the River Itchen SAC. There could also be deposition of dust particles on habitats within the Solent Maritime SAC.

A range of construction measures can be employed to minimise the risk of mobilising contaminants, for example spraying water on surfaces to reduce dust, and appropriate standard operating procedures can be outlined within a Construction Environmental Management Plan (CEMP) where appropriate to do so.

In the absence of such mitigation there is a risk of contamination or changes to surface water quality during construction and therefore a significant effect is likely from schemes proposing redevelopment.

Disturbance

During demolition and construction noise and vibration have the potential to cause adverse impacts to bird species present within the SPA/Ramsar Site. Activities most likely to generate these impacts include piling and where applicable further details will be secured ahead of the determination of this planning application.

Sites considered: Solent and Southampton Water SPA

The distance between the development and the designated site is substantial and it is considered that sound levels at the designated site will be negligible. In addition, background noise will mask general construction noise. The only likely source of noise impact is piling and only if this is needed. The sudden, sharp noise of percussive piling will stand out from the background noise and has the potential to cause birds on the inter-tidal area to cease feeding or even fly away. This in turn leads to a reduction in the birds' energy intake and/or expenditure of energy which can affect their survival.

Collision risk

Sites considered: Solent and Southampton Water SPA, Solent and Dorset Coast SPA

Mapping undertaken for the Southampton Bird Flight Path Study 2009 demonstrated that the majority of flights by waterfowl occurred over the water and as a result collision risk with construction cranes, if required, or other infrastructure is not predicted to pose a significant threat to the species from the designated sites.

PERMANENT, OPERATIONAL EFFECTS

Recreational disturbance

Human disturbance of birds, which is any human activity which affects a bird's behaviour or survival, has been a key area of conservation concern for a number of years. Examples of such disturbance, identified by research studies, include birds taking flight, changing their feeding behaviour or avoiding otherwise suitable habitat. The effects of such disturbance range from a minor reduction in foraging time to mortality of individuals and lower levels of breeding success.

New Forest SPA/Ramsar site/New Forest SAC

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler *Sylvia undata*, was not specifically undertaken in the New Forest, the findings of work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

Nightjar

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were found to be more likely to fail as a consequence of predation, probably due to adults being flushed from the nest by dogs allowing predators access to the eggs.

Woodlark

Density of woodlarks has been shown to be limited by disturbance with higher levels of disturbance leading to lower densities of woodlarks. Although breeding success rates were higher for the nest that were established, probably due to lower levels of competition for food, the overall effect was approximately a third fewer chicks than would have been the case in the absence of disturbance.

Dartford warbler

Adverse impacts on Dartford warbler were only found to be significant in heather dominated territories where high levels of disturbance increased the likelihood of nests near the edge of the territory failing completely. High disturbance levels were also shown to stop pairs raising multiple broods.

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is designated, high levels of recreation activity can also affect habitats for which the New Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

Visitor levels in the New Forest

The New Forest National Park attracts a high number of visitors, calculated to be 15.2 million annually in 2017 and estimated to rise to 17.6 million visitor days by 2037 (RJS Associates Ltd., 2018). It 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, Liley et al (2019), indicated that 83% of visitors to the New Forest were making short visits directly from home whilst 14% were staying tourists and a further 2% were staying with friends or family. These proportions varied seasonally with more holiday makers (22%) and fewer day visitors (76%), in the summer than compared to the spring (12% and 85% respectively) and the winter (11% and 86%). The vast majority of visitors travelled by car or other motor vehicle and the main activities undertaken were dog walking (55%) and walking (26%).

Post code data collected as part of the New Forest Visitor Survey 2018/19 (Liley et al, 2019) revealed that 50% of visitors making short visits/day trips from home lived within 6.1km of the survey point, whilst 75% lived within 13.8km; 6% of these visitors were found to have originated from Southampton.

The application site is located within the 13.8km zone for short visits/day trips and residents of the new development could therefore be expected to make short visits to the New Forest.

Whilst car ownership is a key limitation when it comes to be able to access the New Forest, there are still alternative travel means including the train, bus, ferry and bicycle. As a consequence, there is a risk that recreational disturbance could occur as a result of the development. Mitigation measures will therefore be required.

Mitigation

A number of potential mitigation measures are available to help reduce recreational impacts on the New Forest designated sites, these include:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion

Officers consider a combination of measures will be required to both manage visitors once they arrive in the New Forest, including influencing choice of destination and behaviour, and by deflecting visitors to destinations outside the New Forest.

The New Forest Visitor Study (2019) asked visitors questions about their use of other recreation sites and also their preferences for alternative options such as a new country park or improved footpaths and bridleways. In total 531 alternative sites were mentioned including Southampton Common which was in the top ten of alternative sites. When asked whether they would use a new country park or improved footpaths/ bridleways 40% and 42% of day visitors respectively said they would whilst 21% and 16% respectively said they were unsure. This would suggest that alternative recreation sites can act as suitable mitigation measures, particularly as the research indicates that the number of visits made to the New Forest drops the further away people live.

The top features that attracted people to such sites (mentioned by more than 10% of interviewees) included: Refreshments (18%); Extensive/good walking routes (17%); Natural, 'wild', with wildlife (16%); Play facilities (15%); Good views/scenery (14%); Woodland (14%); Toilets (12%); Off-lead area for dogs (12%); and Open water (12%). Many of these features are currently available in Southampton's Greenways and semi-natural greenspaces and, with additional investment in infrastructure, these sites would be able to accommodate more visitors.

The is within easy reach of a number of semi-natural sites including Southampton Common and the four largest greenways: Lordswood, Lordsdale, Shoreburs and Weston. Officers consider that improvements to the nearest Park will positively encourage greater use of the park by residents of the development in favour of the New Forest. In addition, these greenway sites, which can be accessed via cycle routes and public transport, provide extended opportunities for walking and connections into the wider countryside. In addition, a number of other semi-natural sites including Peartree Green Local Nature Reserve (LNR), Frogs Copse and Riverside Park are also available.

The City Council has committed to ring fencing 4% of CIL receipts to cover the cost of upgrading the footpath network within the city's greenways. This division of the

ring-fenced CIL allocation is considered to be appropriate based on the relatively low proportion of visitors, around 6%, recorded originating from Southampton. At present, schemes to upgrade the footpaths on Peartree Green Local Nature Reserve (LNR) and the northern section of the Shoreburs Greenway are due to be implemented within the next twelve months, ahead of occupation of this development. Officers consider that these improvement works will serve to deflect residents from visiting the New Forest.

Discussions have also been undertaken with the New Forest National Park Authority (NFNPA) since the earlier draft of this Assessment to address impacts arising from visitors to the New Forest. The NFNPA have identified a number of areas where visitors from Southampton will typically visit including locations in the eastern half of the New Forest, focused on the Ashurst, Deerleap and Longdown areas of the eastern New Forest, and around Brook and Fritham in the northeast and all with good road links from Southampton. They also noted that visitors from South Hampshire (including Southampton) make up a reasonable proportion of visitors to central areas such as Lyndhurst, Rhinefield, Hatchet Pond and Balmer Lawn (Brockenhurst). The intention, therefore, is to make available the remaining 1% of the ring-fenced CIL monies to the NFNPA to be used to fund appropriate actions from the NFNPA's Revised Habitat Mitigation Scheme SPD (July 2020) in these areas. An initial payment of £73k from extant development will be paid under the agreed MoU towards targeted infrastructure improvements in line with their extant Scheme and the findings of the recent visitor reports. This will be supplemented by a further CIL payment from the development with these monies payable after the approval of the application but ahead of the occupation of the development to enable impacts to be properly mitigated.

The NFNPA have also provided assurance that measures within the Mitigation Scheme are scalable, indicating that additional financial resources can be used to effectively mitigate the impacts of an increase in recreational visits originating from Southampton in addition to extra visits originating from developments within the New Forest itself both now and for the lifetime of the development

Funding mechanism

A commitment to allocate CIL funding has been made by Southampton City Council. The initial proposal was to ring fence 5% of CIL receipts for measures to mitigate recreational impacts within Southampton and then, subsequently, it was proposed to use 4% for Southampton based measures and 1% to be forwarded to the NFNPA to deliver actions within the Revised Habitat Mitigation Scheme SPD (July 2020). To this end, a Memorandum of Understanding between SCC and the NFNPA, which commits both parties to,

“work towards an agreed SLA whereby monies collected through CIL in the administrative boundary of SCC will be released to NFNPA to finance infrastructure works associated with its Revised Habitat Mitigation Scheme SPD (July 2020), thereby mitigating the direct impacts from development in Southampton upon the New Forest’s international nature conservation designations in perpetuity.”

has been agreed.

The Revised Mitigation Scheme set out in the NFNPA SPD is based on the framework for mitigation originally established in the NFNPA Mitigation Scheme (2012). The key elements of the Revised Scheme to which CIL monies will be released are:

- Access management within the designated sites;
- Alternative recreational greenspace sites and routes outside the designated sites;
- Education, awareness and promotion;
- Monitoring and research; and
- In perpetuity mitigation and funding.

At present there is an accrued total, dating back to 2019 of £73,239.81 to be made available as soon as the SLA is agreed. This will be ahead of the occupation of the development. Further funding arising from the development will be provided.

Provided the approach set out above is implemented, an adverse impact on the integrity of the protected sites will not occur.

Solent and Southampton Water SPA/Ramsar site

The Council has adopted the Solent Recreation Mitigation Partnership's Mitigation Strategy (December 2017), in collaboration with other Councils around the Solent, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This strategy enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

The residential element of the development could result in a net increase in the city's population and there is therefore the risk that the development, in-combination with other residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA.

Water quality

Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site

Natural England highlighted concerns regarding, *"high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites."*

Eutrophication is the process by which excess nutrients are added to a water body leading to rapid plant growth. In the case of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site the problem is predominately excess nitrogen arising from farming activity, wastewater treatment works discharges and urban run-off.

Features of Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

Evidence of eutrophication impacting the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data covering estimates of river flow, river quality and also data on WwTW effluent flow and quality.

An Integrated Water Management Study for South Hampshire, commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities, examined the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be enough capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to wastewater treatment works will be enough to accommodate the quantity of new housing proposed. Considering this, Natural England have advised that a nitrogen budget is calculated for larger developments.

A methodology provided by Natural England has been used to calculate a nutrient budget and the calculations conclude that there is a predicted Total Nitrogen surplus arising from the development as set out in the applicant's submitted Calculator, included within the submitted Sustainability Checklist, that uses the most up to date calculators (provided by Natural England) and the Council's own bespoke occupancy predictions and can be found using Public Access:

<https://www.southampton.gov.uk/planning/planning-applications/>

This submitted calculation has been checked by the LPA and is a good indication of the scale of nitrogen that will be generated by the development. Further nitrogen budgets will be required as part of any future HRAs. These nitrogen budgets cover the specific mix and number of proposed overnight accommodation and will then inform the exact quantum of mitigation required.

SCC is satisfied that, at this point in the application process, the quantum of nitrogen likely to be generated can be satisfactorily mitigated. This judgement is based on the following measures:

- SCC has adopted a Position Statement, 'Southampton Nitrogen Mitigation Position Statement' which is designed to ensure that new residential and hotel accommodation achieves 'nitrogen neutrality' with mitigation offered within the catchment where the development will be located;
- The approach set out within the Position Statement is based on calculating a nitrogen budget for the development and then mitigating the effects of this to achieve nitrogen neutrality. It is based on the latest advice and calculator issued by Natural England (March 2022);

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

An "Appropriate Assessment" (AA), as required by the Habitat Regulations, has been carried out by officers and approved by the Council as part of its consideration of the

outline permission with approved revisions ahead of Phase Phase 6 Biodiversity By Design Appraisal Rev 5.0. This document deals specifically with the issue of recreation disturbance and a contribution towards the local Greenway, and an on-site signage strategy, were secured through the S.106 attached to the original permission.

In this case the issue of SPA impact and mitigation was correctly considered in 2008 – the New Forest SPA has been assessed by the applicants and Biodiversity By Design suggests a de Minimis impact will occur from Phase 6. The Council's Ecologist agrees and has previously prepared an updated AA on this basis. No further action is deemed necessary.

Previously the HRA update concluded that:

'Construction stage impacts are therefore possible for the Solent and Southampton Water SPA/Ramsar site and the River Itchen SAC but not the New Forest SPA/Ramsar site. Mitigation measures for construction stage impacts were identified in an appropriate assessment of the outline planning application in 2008. These measures were secured through planning conditions and have been successfully implemented on earlier stages of the development.

Concern has been raised, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site during its operational phase.

The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome'.

As such the application is considered to have met its requirements, as needed by the Habitats Regulations, and all likely impacts from the additional housing can be successfully mitigated through existing measures secured at the outline planning stage.

Off-site Mitigation and the Requirement for a S.106 Legal Agreement

As part of the agreed S.106 for the development the developer has already made a series of contributions towards a raft of off-site measures. These payments were made ahead of the triggers set out in the S.106 associated with permission 08/00389/OUT, and include a contribution towards the existing District Centre to ensure that additional public realm improvements are realised within the existing centre. As an RM application no s.106 Deed of Variation is required. On this basis Phase 6 can be supported.

References

Fearnley, H., Clarke, R. T. & Liley, D. (2011). The Solent Disturbance & Mitigation Project. Phase II – results of the Solent household survey. ©Solent Forum/Footprint Ecology.

Liley, D., Stillman, R. & Fearnley, H. (2010). The Solent Disturbance and Mitigation Project Phase 2: Results of Bird Disturbance Fieldwork 2009/10. Footprint Ecology/Solent Forum.

Liley, D., Panter, C., Caals, Z., & Saunders, P. (2019) Recreation use of the New Forest SAC/SPA/Ramsar: New Forest Visitor Survey 2018/19. Unpublished report by Footprint Ecology.

Liley, D. & Panter, C. (2020). Recreation use of the New Forest SAC/SPA/Ramsar: Results of a telephone survey with people living within 25km. Unpublished report by Footprint Ecology.

Protected Site Qualifying Features

The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer
- (*Quercion robori-petraeae* or *Ilici-Fagenion*) (primary reason for selection)
- *Asperulo-Fagetum* beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*,
- *Salicion albae*) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against

adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.

- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent Maritime SAC

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- *Spartina* swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- *Salicornia* and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*

- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

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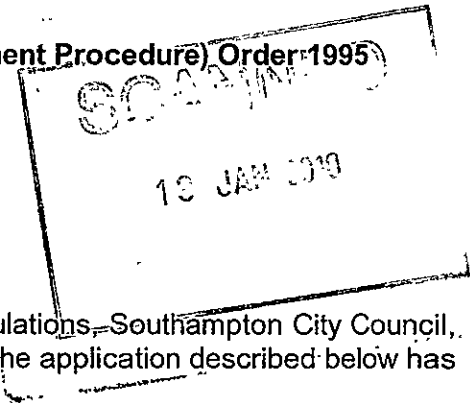


DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Savills- Richard Serra
 Ground Floor, City Point
 29 King Street
 Leeds
 LS1 2HL



In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge and quays; new means of access and associated highway/ environmental improvements. (Environmental Impact Assessment Development- 'Hybrid' planning application: outline in part, full details of phase 1 and river edge submitted).

Description amended following submission following the removal of 33 residential units from the scheme and the introduction of a temporary car park.

Site Address: Former Vosper Thornycroft Site And River Frontage Victoria Road Woolston Southampton

Application No: 08/00389/OUT

Subject to the following conditions.

01. APPROVAL CONDITION - Reserved Matters

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely Access and Layout is approved subject to the other conditions attached to this permission and to the following:

- (i) Written approval of the details of the following reserved matters shall be obtained from the Local Planning Authority prior to the implementation of the phase that such matters relate to:

- Appearance (excluding the River Edge and Phase 1 of the development, where full details are approved by this Hybrid Planning Permission);
 - Landscaping (excluding the River Edge and Phase 1 of the development, where full details are approved by this Hybrid Planning Permission); and,
 - Scale (excluding the River Edge, Phase 1 and Phase 2 of the development, where full details are approved by this Hybrid Planning Permission).
- (ii) The first application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission.
- (iii) With the exception of the River Edge and Phase 1 (referred to in Condition 2 below) the development hereby permitted shall be begun either before the expiration of three years from the date of this Outline permission, or before the expiration of two years from the date of approval of the last application of the reserved matters to be approved whichever is the later.

REASON:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION – Phase 1 and River Edge Implementation

The part of the Development where full details are approved by this planning application, namely Phase 1 and the River Edge as hatched on Plan ref: 001-03 (Ground Levels As Proposed) shall begin not later than three years from the date of this planning permission.

REASON:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

03. APPROVAL CONDITION – Approved Plans

The development hereby approved shall be implemented solely in accordance with the approved parameter plans and Environmental Statement as supported by the "Table of Proposed Mitigation Measures" that formed part of the "Statement of Clarification and Additional Information", and the documents, drawings and plans received by the Local Planning Authority on the 6th March 2008 as amended by the following plans received by the Local Planning Authority on the 23rd July and 31st July 2008 (as amended by plans received 28th October 2009: 001 05 Rev B (Building Heights), 001 06 Rev B (Proposed Land Uses), 200 Rev PE (Phase 1 Masterplan), 202 Rev PD (Phase 1 Masterplan), 203 Rev PE (Phase 1 Masterplan), 204 Rev PF (Masterplan - Roof Plan), 206 Rev PE (Temporary Car Park), 210 Rev PK (Spine Road Apartment Block – Floor Plans), 218 Rev PD (House Type D - Affordable), 219 Rev PB (House Type I), 221 Rev PJ (House Type B), 222 Rev PJ (House Type C), 223 Rev PK (House Type D), 224 Rev PJ (House Type E), 225 Rev PI (House Type H), 226 Rev PJ (House Type J), 227 Rev PK (House Type B – Affordable), 228 Rev PJ (House Type C – Affordable), 229 Rev PH (House Type H – Corner Unit), 230 Rev PF (Victoria Road Streetscene), 232 Rev PG (Weston Grove Road Elevations), 233 Rev PG (Connecting Spine Elevations (Block C3)), 234 Rev PG (Central Block Elevations (Blocks C2)), 235 Rev PH (Weston Grove Road Elevations (Block A6)), 236 Rev PG (Block A5 Elevations), 237 Rev PG (Central Court Elevations (Block B3)), 240 Rev PD (Site Sections), 251 Rev PE (Central Court Elevation (End Terrace)), 200 10 Rev D (Landscape Hardworks – Phase 1 Landscape (1/2)), 200 11 Rev D (Landscape Hardworks – Phase 1 Landscape (2/2)) and 200 13 Rev D (Landscape Boundaries – Phase 1 Landscape)

And the following "illustrative only" plans with further detail to follow for Phase 2: 2215 0510 Rev P4 (Context Plan), 2215 0515 Rev P5 (Location Plan), 2215 0520 Rev P8 (Lower Ground Floor Plan), 2215 0521 Rev P8 (Ground Floor Plan), 2215 0522 Rev P7 (First Floor Plan), 2215 0523 Rev P6 (Second Floor Plan), 2215 0524 Rev P6 (Third Floor Plan), 2215 0525 Rev P6 (Fourth Floor Plan), 2215 0526 Rev P7 (Fifth Floor Plan), 2215 0527 Rev P7 (Roof Plan), 2215 0528 Rev P4 (Access & Service Area Studies), 2215 0530 Rev P1 (Block S Floor Plan), 2215 0540 Rev P6 (Elevations), 2215 0541 Rev P8 (Lower Ground Floor Plan) and 2215 0542 Rev P4 (Façade Studies)

Subject to the provisions and details required pursuant to a condition of this permission unless otherwise agreed in writing with the Local Planning Authority.

REASON

To define the consent and for the avoidance of doubt.

04. APPROVAL CONDITION - Phasing

The proposed development shall follow an implementation phasing programme as agreed in writing by the Local Planning Authority in line with the submitted indicative phasing programme (Plan ref: 050-10 – Phasing Strategy) as part of this application, unless otherwise varied and agreed in writing by the Local Planning Authority prior to the submission of a Reserved Matters application for an alternative phasing programme. The submission of subsequent Reserved Matters applications that vary from indicative plan 050-10 shall include details of how the remainder of the development site will be left until subsequent phases are implemented.

REASON:

To ensure that development takes place in an ordered and agreed methodology particularly in relation to odour control, and the early release of community facilities to be provided as part of the overall proposals. This condition allows the development to proceed in a flexible manner whilst the permission itself ensures the Local Planning Authority retain control over the overall delivery of the mixed use development.

05. APPROVAL CONDITION - Construction & Delivery Hours

All works relating to the construction of the development hereby granted, including the works to regrade the levels of the site, the construction of the new River Edge, and ground preparation prior to building operations shall only take place between the hours of:

Monday to Friday	08.00 hours to 18.00 hours
Saturdays	09.00 hours to 13.00 hours

and at no time on Sundays and public holidays.

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

All deliveries to and distribution from the site relating to the construction of the development hereby granted and any associated demolition works, including the removal or importation of ground materials to re-grade the levels of the site and ground preparation, the materials for the construction of the approved River Edge, the removal of demolition materials, and the provision of constructional materials shall only take place between the hours of:

A - for road traffic delivery/dispatch movements

Monday to Friday	08.00 hours to 18.00 hours
Saturdays	09.00 hours to 13.00 hours

and at no time on Sundays and public holidays.

B - for river traffic delivery/dispatch movements (subject to specific tide times during the year)

Monday to Friday	08.00 hours to 18.00 hours
Saturdays	08.00 hours to 16.00 hours
Sundays	08.00 hours to 13.00 hours

and at no time on public holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect the amenities of adjoining properties during the construction period.

06. APPROVAL CONDITION – Piling Method

Prior to the implementation of each phase as approved by Condition 4 above, including the detailed first phase and river edge works hereby approved, the applicant shall submit in writing to the Local Planning Authority the proposed method of piling to be used in the construction of development within that phase. No development within the relevant phase shall commence until the submitted details have been agreed in writing by the Local Planning Authority. Development shall be implemented and proceed only in accordance with the agreed details.

A "Foundation Works Risk Assessment Report" shall be submitted to the Local Planning Authority for their written approval prior to the commencement of any impact or percussion piling or foundation design using penetrative methods. This report shall include consideration of noise and vibration impact and mitigation. The piling shall then be carried out in accordance with the approved methods in the report.

REASON:

To satisfy the requirements of the Council's Environmental Health Department, Natural England and the Environment Agency, and to ensure that an appropriate form of piling is undertaken for each phase in the interests of protecting residential amenity and the habitat of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC), whilst ensuring that any piling methods used do not cause unreasonable pollution, harm or nuisance.

07. APPROVAL CONDITION – DCMS

Prior to the commencement of each phase of development, as approved by Condition 4 above, details shall be submitted to and approved in writing by the Local Planning Authority making provision for a "Demolition and Construction Method Statement" (DCMS) for the development of that phase. The DCMS shall include those mitigation measures as set out in the submitted Environmental Statement (March 2008) as amended (July 2008) and 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 to be used for the suppression of dust and dirt throughout the course of construction;
- i) Measures for the cleaning of wheels and the under chassis of lorries leaving the site;
- j) Details of how noise and vibration emanating from the site during construction will be mitigated;
- k) 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;
- l) The methods of supervision to ensure that workers have knowledge of the method statement;

The approved DCMS shall also include proposals to monitor these measures (as set out above) at the site boundary to ensure that a statutory nuisance does not arise beyond the site boundary, and shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

In the interest of safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety and to accord with the Environmental Statement.

08. APPROVAL CONDITION – Construction Materials By Water

Prior to the commencement of each phase of development, as approved by Condition 4 above, details shall be submitted to and approved in writing by the Local Planning Authority of any delivery of construction materials and waste, where appropriate, by water for that relevant phase. The details shall include a method statement, details of materials and a total number of trips. The development of each phase shall be carried out in accordance with the agreed details.

REASON:

In the interests of maximising the site's waterside location and reducing the need for heavy goods vehicles to use Woolston's highway network during the construction phase.

09. APPROVAL CONDITION - CEMP

Notwithstanding the information already submitted the applicant shall submit a Construction Environmental Management Plan to the Local Planning Authority for approval in writing prior to the commencement of development. The CEMP shall set out procedures to ensure that there are no adverse effects on the integrity of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC). The plan should include details of mitigation including measures to avoid disturbance to waterfowl and migratory salmon, including timetabling works to avoid sensitive periods for such species. The plan shall include monitoring procedures and shall be reviewed and agreed annually with the Local Planning Authority and Natural England, and more frequently if required, by these parties. Works shall be implemented in accordance with the agreed details and maintained thereafter.

REASON:

To ensure that the natural conservation interests of the site and surrounds are adequately safeguarded.

10. APPROVAL CONDITION - Samples of Materials

No development shall be carried out within any individual development phase unless and until a schedule of materials and final finishes (including full details of the manufacturers, types and colours of the external materials to be used, including all new glazing and stained weatherboarding) to be used for external walls, fenestration and the roof of the proposed buildings, including samples of the materials required for that phase, has been submitted to and approved in writing by the Local Planning Authority relating to that phase of development. Development shall be implemented in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of the relevant phase.

REASON:

To enable the Local Planning Authority to control the development in detail in the interests of visual amenities of the locality and by endeavouring to achieve buildings of visual quality.

11. APPROVAL CONDITION – Maximum Building Heights

The maximum building heights for individual blocks shall not exceed the heights shown approved plan ref: 001-05 Rev B; which was received by the Local Planning Authority on 23rd July 2008. At no time shall any building or structure exceed a height of 112 metres above ordnance datum (AOD) on the site.

REASON:

To define the permission and in recognition that development exceeding the specified height could endanger aircraft movements and the safe operation of Southampton Airport.

12. APPROVAL CONDITION – Car Park Ventilation

Prior to the commencement of each phase of development reliant upon basement car parking, as approved by Condition 4 above, details of the proposed means of ventilation to that basement shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

REASON:

As this outline application does not specify the design of the car park ventilation louvers required to serve a significant basement car park and in the interests of visual amenity.

13. APPROVAL CONDITION – Landscaping Phase 1

Notwithstanding the revised landscaping plan and Phase 1 Public Realm (Landscape Design Statement) already provided no development shall take place on Phase 1, as shown on plan ref: 050-10 (Phasing Strategy) until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority and the BAA. The submitted details shall include:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc);
- ii. planting plans; written specifications (including subsoil, topsoil, cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; and test results from soil analysis (both of existing and imported) with a summary of conclusions and recommendations provided at the appropriate time when the material is delivered to site;
- iii. details of any proposed boundary treatment; and
- iv. a landscape management scheme.

The hard and soft landscaping works serving Phase 1 shall be carried out in accordance with the details approved. The approved scheme shall be carried out prior to occupation of the first phase, or during the first planting season following the full completion of building works (whichever is sooner), or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of five years from the date of completion of the hard and soft landscape works within Phase 1, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent 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.

14. APPROVAL CONDITION – Landscaping Phase 2 & 3

Notwithstanding the information already provided within Phase 1 landscaping details no development shall take place on Phases 2 and 3 as shown on plan ref: 050-10 (Phasing Strategy) until a revised detailed landscaping scheme for the areas to the front of Blocks A, A1, A2, A3, A7, K3 and K5 has been approved in writing by the Local Planning Authority. The landscaping of Phase 2 and 3 shall proceed in accordance with the agreed details as supported by the Reserved Matters submission.

REASON:

As the frontage to blocks A, A1, A2, A3, A7, K3 and K5 should relate to the design of these buildings and not the spine road as shown on plan ref: 050-10 (Phasing Strategy).

15. APPROVAL CONDITION – River Edge Details

The River Edge works for which permission is hereby approved shall be implemented and completed in accordance with plan ref: CS/004622/GEN/001 Rev J (River Edge Terraces) on a phased basis in accordance with the phasing strategy that shall be agreed as part of Condition 4 above..

REASON:

To ensure a successful habitat is created adjacent to the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC).

16. APPROVAL CONDITION – Public Realm Management

Prior to the first occupation of each phase of development, as approved by Condition 4 above, a management plan for the landscaping and areas of non-adoptable public realm within that relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be implemented and maintained in accordance with the approved details.

REASON:

To ensure appropriate areas of open space, and private amenity space are provided and managed.

17. APPROVAL CONDITION – Detailed Hard Landscape Construction

Prior to the commencement of each phase of development, as approved by Condition 4 above, including the first phase hereby approved a detailed hard landscape layout and construction details generic to that phase shall be submitted to and approved in writing by the Local Planning Authority. Whilst full working drawings for the entire phase are not expected the details shall include construction and specification details to be applied across the whole phase, including those relating to the detailed design of the tree pits in paved areas. The development of each phase shall be implemented and maintained in accordance with the approved details.

REASON:

To ensure that the quality of the hard and soft landscaping is achieved in order 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.

18. APPROVAL CONDITION – Lighting Scheme

Notwithstanding the information already submitted for consideration, prior to the commencement of each phase of development, as approved by Condition 4 above, including the first phase hereby approved a detailed lighting plan and strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall include light scatter diagrams with relevant contours. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The development of each phase shall be implemented and maintained in accordance with the approved details.

REASON:

In the interests of ensuring a good balance is achieved between providing a well lit environment without prejudicing the amenities of residents living within the scheme or the special qualities of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC).

19. APPROVAL CONDITION – Inter-tidal Habitat Protection

Prior to the commencement of each phase of development relating to the riverside walkway and River Edge works, as approved by Condition 4 above, details of measures to control and/or mitigate disturbance including human disturbance of the protected intertidal habitats and areas within and in the vicinity of that phase, shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the Design Code these measures shall include effective means of preventing access to the tidal and proposed inter-tidal areas on the river frontage. The measures shall also:

- a) Incorporate a waist high barrier (or an alternative equally acceptable solution to be agreed in writing with the Local Planning Authority prior to its installation) to screen pedestrian and dog activity on the riverside walkway to avoid affecting the interest features of the designated sites;
- b) Notwithstanding the information submitted with Condition 18 above, demonstrate (through measures to be specified) that any lighting proposed along the river frontage and open areas that are visible from the River Itchen and open areas that are visible from the River Itchen whether on buildings or otherwise shall have minimal impact on protected species and interest features of the designated site.

The development of each phase shall be implemented and monitored in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of safety, amenity and the special qualities of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC).

20. APPROVAL CONDITION - Biodiversity Mitigation & Enhancement Plan

Prior to the commencement of each phase of development, as approved by Condition 4 above, including the first phase hereby approved an ecological assessment and "Biodiversity Mitigation and Enhancement Plan" relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The ecological assessment shall demonstrate that the external materials and the design of buildings and other structures will not adversely affect waterfowl by nature of glare or likelihood of bird strikes. The "Biodiversity Mitigation and Enhancement Plan" shall include demonstration of appropriate consideration and implementation of green and brown roof techniques (such as netting the tower roofs) in consultation with British Airports Authority, provision of structures for swift, peregrine and kingfisher nesting as well as bat roost opportunities, bird roosting ledges and shingle beaches within sea wall design, bird rafts within embayments and habitat creation as part of landscaping. Provision for appropriate monitoring and management of measures, including mechanisms for long term management shall be included. Development of each phase shall be carried out in accordance with the agreed details.

REASON:

To safeguard the ecology & biodiversity of the area and in the interests of nature conservation.

21. APPROVAL CONDITION - Restricted Access to Intertidal Areas

Unless for the purposes of maintenance or organised educational visits there shall be no public access to the inter-tidal areas, particularly from the walkway and embayments unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of protecting and safeguarding the ecology and biodiversity of the waterside area

22. APPROVAL CONDITION – Riverside Terrace Construction

Notwithstanding the submitted Environmental Statement the material used to make the revetments required to stabilise the riverside terraces should be formed from rock only and not site-won material unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development.

REASON:

As the use of inert materials such as recycled concrete on the foreshore would not be an acceptable medium for these works.

23. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP)

Development shall not commence until a Bird Hazard Management Plan (BHMP), in accordance with the response received by the BAA to this application dated 22nd May 2008, has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

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

24. APPROVAL CONDITION – A1 Retail Floorspace Restriction

Notwithstanding the approved foodstore, the remaining A1 retail floorspace to be provided within the site shall be limited in terms of individual retail unit floor space size so that no individual comparison retail unit shall exceed 100sqm in net floor area unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site.

25. APPROVAL CONDITION – A1 Retail Use Restriction

Notwithstanding the approved foodstore, the remaining A1 retail floorspace to be provided within the site shall be limited for the sale of goods directly associated with yachting, sailing or boating, or a sandwich bar, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site.

26. APPROVAL CONDITION – A1/A3 Floorspace Location

Both the foodstore and other ancillary A1 (retail) and A3 (restaurant) floorspace hereby approved shall only be located within those Blocks identified in the approved plans and documents unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of residential amenity and to ensure the retail focus of Woolston District Centre is not diluted by retail use within the site.

27. APPROVAL CONDITION – A1/A3 Floorspace

The "dual A1 (retail) and/or A3 (restaurant) use" hereby permitted for the development as located in accordance with Condition 26 above shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a

limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

28. APPROVAL CONDITION – A1 (Retail) Hours of Use Restriction

The A1 retail uses, including the foodstore, hereby permitted shall not operate outside the hours of 07.00 to 24.00 (midnight) unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to control the use in the interests of amenity

29. APPROVAL CONDITION – A3 (Restaurant) Hours of Use Restriction

The A3 restaurant uses hereby permitted shall not operate outside the following hours:

Monday to Thursday	11.00 to 23.30 (11.00am to 11.30pm)
Friday and Saturday	11.00 to 00.30 (11.00am to 00.30am)
Sundays and public holidays	12.00 to 23.00 (12.00pm to 11.00pm)

unless otherwise agreed in writing by the Local Planning Authority.

Any A3 cafe uses hereby permitted shall not operate outside the following hours:

Monday to Saturday	07:00 to 19:00 (07:00am to 07:00pm)
Sundays and public holidays	08.00 to 19.00 (08.00am to 07:00pm)

unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to control the use in the interests of amenity

30. APPROVAL CONDITION – A3 (Restaurant) Bar Area Restriction

The A3 restaurant uses hereby permitted shall provide an "ancillary" dedicated bar area only that does not exceed more than 30% of the gross internal floorspace provided unless otherwise agreed in writing by the Local Planning Authority on submission of a planning application for a mixed A3/A4 use.

REASON:

To define the permission and in order to control the use in the interests of amenity

31. APPROVAL CONDITION – External Seating & Umbrellas Restriction

No external seating or umbrellas shall be erected in relation to a non-residential use without the prior written approval of the Local Planning Authority. Any external seating or umbrellas shall only be provided in accordance with the agreed specification and locations unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of visual amenity and to protect the residential amenities of prospective residents of the scheme.

32. APPROVAL CONDITION - Delivery Hours (Non Residential)

With the exception of the foodstore hereby approved deliveries and servicing of non residential uses shall only take place between the following hours:

Monday to Friday	08.00 to 18:00 (08.00am to 06:00pm)
Saturday	09.00 to 13:00 (09.00am to 01:00pm)
Sundays and public holidays	Not permitted

unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of the amenity of adjacent and surrounding residential properties.

33. APPROVAL CONDITION – External Ventilation & Extraction Details

Details of suitable ventilation, extraction and filtration equipment for the non-residential uses, if required, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit to which the details relate. The equipment shall be installed and maintained in accordance with the agreed information and made ready for use prior to the first use of the unit to which the details relate.

REASON:

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

34. APPROVAL CONDITION - Changing Facilities

Details of changing, washing and shower facilities for the benefit of staff, customers and patrons (as required) to be provided within the non residential uses shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the relevant non-residential element for each phase of the development. The development of each phase shall be implemented in accordance with the approved details.

REASON:

To encourage cycling as an available alternative sustainable transport and in the interests of hygiene safety.

35. APPROVAL CONDITION – Active Frontages

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 A1 (retail units), A3 (restaurants) and D1 (community uses) 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 vinyls) in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of retaining a lively and attractive streetscene whilst ensuring adequate natural surveillance is offered to the public realm.

36. APPROVAL CONDITION – Refuse Management

Self closing rubbish bins shall be provided for the disposal of putrescible waste as part of each phase of the development in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The approved details shall include a management strategy for the emptying of the bins on a regular basis to prevent the build up of waste materials across the development and shall be implemented in accordance with the agreed details prior to the occupation of the relevant phase.

REASON:

To avoid endangering the safe operation of aircraft through the attraction of birds and in the interests of hygiene

37. APPROVAL CONDITION – Recycling Facility

On-site recycling facilities for public use shall be made available as part of any phase (except for the detailed Phase 1 hereby approved) including the approved foodstore and/or D1 community uses in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission for that relevant phase. The approved details shall include a management strategy for the collection of recycled goods and shall be implemented in accordance with the agreed details prior to the occupation of the relevant phase.

REASON:

In the interests of hygiene and the promotion of recycling as part of a wider sustainability agenda.

38. APPROVAL CONDITION – Signage Strategy

Prior to the commencement of each phase of development, as approved by Condition 4 above, excluding the first phase hereby approved details of a "Signage Strategy" for any non residential uses within that phase shall be submitted to and approved in writing by the Local Planning Authority for use in the determination of any subsequent applications for Advertisement Consent. The Strategy shall include details of a universal fascia size, means of projection, the use of materials and the form of illumination. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

REASON:

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

39. APPROVAL CONDITION – A1 (Foodstore) Floorspace Restriction

The A1 (foodstore) hereby approved shall be limited to a maximum retailing floorspace of 3,024sq.m (net) and a gross floorarea of no more than 4,320sq.m unless otherwise agreed in writing with the Local Planning Authority as part of any Reserved Matters application pursuant to this planning permission for that relevant phase.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site, and as a case has been made within the submitted Environmental Statement for the agreed levels of food based retail.

40. APPROVAL CONDITION – A1 (Foodstore) Concessions & Comparison

The A1 (foodstore) retailing floorspace hereby approved shall not provide more than 450sq.m of comparison goods, and the store itself shall exclude any concessions' units such as post office, pharmacy, dry cleaners, travel agents, film processing or hairdressers unless otherwise agreed in writing with the Local Planning Authority as part of any Reserved Matters application pursuant to this planning permission for that relevant phase.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site, and as a case has been made within the submitted Environmental Statement for the agreed levels of non-food based retail.

41. APPROVAL CONDITION - A1 (Foodstore) Subdivision

The A1 (foodstore) hereby approved shall not be subdivided into individual trading units without the prior written approval of the Local Planning Authority.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site

42. APPROVAL CONDITION – A1 (Foodstore) Trolley Management

Trolleys bays shall be provided as part of the development phase comprising the A1 (foodstore) in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The approved details shall include a management strategy to ensure that shopping trolleys remain within the site. The A1 (foodstore) shall be implemented and operated in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the foodstore is properly planned in the interests of visual amenity and highway safety

43. APPROVAL CONDITION - Delivery Hours (Foodstore)

Deliveries and servicing of the foodstore hereby approved shall only take place between the following hours

Monday to Friday	07:00 to 18:30 (07.00am to 06:30pm)
Saturday	08.00 to 13:00 (08.00am to 01:00pm)
Sundays and public holidays	09.00 to 13:00 (09.00am to 01:00pm)

unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of the amenity of adjacent and surrounding residential properties.

44. APPROVAL CONDITION – D1 (Day Nursery) Design

A roof canopy above part of the proposed external space; obscured balconies and separate entrance points to the residential uses hereby approved shall be provided as part of the development phase comprising the D1 (day nursery) in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The relevant block shall be implemented and retained in accordance with the agreed details prior to its first occupation unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the submitted detail is indicative at this stage and in the interests of protecting the privacy of children at the day nursery in accordance with the advice given by the Council's Early Years Development & Childcare Manager.

45. APPROVAL CONDITION – D1 (Library) Design

The D1 (library) hereby approved shall be provided on a single level only, in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The relevant block shall be implemented in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the submitted detail is indicative at this stage and to ensure that the library building can be properly staffed and fully accessible in accordance with the advice given by the Council's Library Services Manager.

46. APPROVAL CONDITION – D1 (Library) Design & Public Toilets

The D1 (library) hereby approved shall be provided with space for a disabled toilet of no less than 10sq.m for the benefit of public use in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The relevant block shall be implemented and retained in accordance with the agreed details prior to its first occupation unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the submitted detail is indicative at this stage and to ensure that the library building can be properly staffed and fully accessible in accordance with the advice given by the Council's Library Services Manager.

47. APPROVAL CONDITION – Healthcare Floorspace

In the event that the healthcare provision hereby approved is not taken by the Primary Care Trust (PCT) the 730sq.m of floorspace proposed shall benefit from "dual use" for the purposes of D1 (community uses) and/or A1 (retail) and/or A3 (restaurant) use, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, for a limited period of 10 years only from the date of this Decision Notice. The

units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use, whilst ensuring that the community uses are provided.

48. APPROVAL CONDITION – MEQ Operation Restriction - Internal

Unless the Local Planning Authority otherwise agree in writing the marine employment area premises, identified on the phasing plan approved as part of Condition 4 above (including the buildings, land and jetties/pontoons with the exception of the publicly accessible jetty), to which this permission relates shall not be open for business outside the hours specified below:

Monday to Friday	07.00 to 20.00 (07:00am to 08:00pm)
Saturday	07.00 to 20.00 (07:00am to 08:00pm)
Sundays and public holidays	08.00 to 13.00 (08:00am to 01:00pm)

Business in relation to this condition includes any activity involving access or egress from the site by land, the loading or unloading of vessels from the river, the working on vessels either on land or on the water by hand or by the use of machinery (handheld or not), and any other activity or operation on the site.

REASON:

To safeguard the amenities of nearby residents and those living on routes leading to or from the site.

49. APPROVAL CONDITION – MEQ Operation Restriction - External

Unless the Local Planning Authority otherwise agree in writing the external boatyard of the marine employment area premises, identified on the phasing plan approved as part of Condition 4 above (including jetties/pontoons with the exception of the publicly accessible jetty), to which this permission relates shall not be utilised for business purposes outside the hours specified below:

Monday to Friday	08.00 to 18.00 (08:00am to 06:00pm)
Saturday	08.00 to 13.00 (08:00am to 01:00pm)
Sundays and public holidays	Not Permitted

Business in relation to this condition includes any activity involving access or egress from the site by land, the loading or unloading of vessels from the river, the working on vessels either on land or on the water by hand or by the use of machinery (handheld or not), and any other activity or operation on the site.

REASON:

To safeguard the amenities of nearby residents and those living on routes leading to or from the site.

50. APPROVAL CONDITION – Operational Environmental Protection

Prior to the commencement of each building and/or phase (as applicable) forming the approved marine employment quarter, as identified on the phasing plan approved as part of Condition 4 above, the applicant shall submit for approval a written Environmental Protection Management Plan. This Plan shall include details of how the operational development will prevent or minimise the impacts from noise, vibration, dust and odour for all operations, as well as provide details of how these measures will be monitored at the site boundary to ensure that emissions are minimised beyond the site. The development of each building and/or phase (as applicable) forming the approved marine employment quarter shall proceed and operate only in accordance with the agreed details.

REASON:

In the interests of existing residential amenity and to prevent pollution and in accordance with the Environmental Statement.

51. APPROVAL CONDITION - Pontoon Jetties

Details of all and any pontoons jetties or pier structures associated with this proposal shall be submitted to and approved in writing by the Local Planning Authority prior to any works relating to them being enacted. Such pontoons, jetties, and or pier structures shall project no further into the River Itchen than is needed in order to comply with the requirement that no berthing (either permanent or temporary) shall be permitted to the west of the outer berthing limit without the berth operator or berth user requesting and receiving the prior written permission of the Local Planning Authority (after consultation with the Harbour Master).

The outer berthing limit is taken as the line formed by the following co-ordinated points:

- Point 1 shall be taken as East (OSGB) 443341 North (OSGB) 110840
- Point 2 shall be taken as East (OSGB) 443380 North (OSGB) 110912
- Point 3 shall be taken as East (OSGB) 443395 North (OSGB) 110965
- Point 4 shall be taken as East (OSGB) 443409 North (OSGB) 111011
- Point 5 shall be taken as East (OSGB) 443417 North (OSGB) 111040
- Point 6 shall be taken as East (OSGB) 443441 North (OSGB) 111122

REASON:

In the interests of safe navigation of the River Itchen

52. APPROVAL CONDITION - Moorings

Within that part of the red line application site that is shown to cover part of the water area of the River Itchen no moorings for any vessels shall be laid or provided other than those hereby approved or that may subsequently be approved in writing by the Local Planning Authority upon the submission of a planning application.

REASON:

In the interests of nature conservation, river navigation and the protection of the character of the waterside area.

53. APPROVAL CONDITION - Car Park Management Plan

Prior to the commencement of each phase of development, as approved by Condition 4 above, details shall be submitted to and approved in writing by the Local Planning Authority making provision for a "Car Park Management Plan" for that relevant phase. The details shall include the number of spaces per use, access controls, details of their layout (which shall, in the case of the basement car-parks, incorporate the subdivision of the car park into defined areas), lighting, pricing (where appropriate), means of security and details of CCTV provision. The development of each phase shall be implemented in accordance with the approved details and the agreed level of parking shall be made available prior to the first occupation of the phase to which it relates.

REASON:

In the interests of the safety and security of users and to ensure that the development is sufficiently served by on-site car parking in line with the Council's current standards.

54. APPROVAL CONDITION - Multi-storey Car Park

Notwithstanding the submitted information a full assessment and justification of the need for those car parking spaces included within the multi-storey car park hereby approved shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission for that phase. The multi-storey car park shall be implemented (and operated thereafter) in accordance with the agreed details prior to the first occupation of any of the D1 (community) uses unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the case for the multistorey car park may change and to ensure that the scheme provides a suitable level of parking to serve its needs in accordance with the Council's current standards.

55. APPROVAL CONDITION – Temporary Car Parks

Prior to the commencement of each phase of development, as approved by Condition 4 above, details of any temporary car parking required for that phase shall have been agreed as part of any Reserved Matters application pursuant to this planning permission for that phase. The details shall include the number of spaces per use, access controls, details of the layout (including provision for disabled users), pricing (where appropriate), lighting, landscaping, means of enclosure, means of security and details of CCTV provision, and a phased programme for the removal of the temporary spaces from the development. The temporary car parking shall be implemented (and operated thereafter) in accordance with the agreed details prior to the first occupation of the phase to which it relates unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking to serve its needs in accordance with the Council's current standards, and that the removal of the temporary spaces is removed to ensure that an over supply does not occur.

56. APPROVAL CONDITION – Residential Parking

The residential parking shall be provided on a phase by phase basis across the development at a ratio of 0.84 parking spaces per 1 bed dwelling, and 1 parking space shall be provided for each 2, 3 and 4 bed dwelling hereby approved. No more than 1 parking space shall be allocated to each dwelling unless otherwise agreed in writing with the Local Planning Authority. Phase 1 shall be delivered in accordance with the 0.84 parking ratio and any shortfall shown on the approved plans for Phase 1 shall be delivered prior to the 1st occupation of Phase 2 of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking for each phase to serve its needs and as a case has been made in this instance for a departure from the Council's current maximum parking standards.

57. APPROVAL CONDITION – Drop Off Parking (D1 Community Uses)

Provision shall be made within the development for "drop off" parking spaces, with short stay/restricted waiting times, to serve the D1 community uses hereby approved. The details of this car parking shall have been agreed as part of any Reserved Matters application pursuant to this planning permission for any phase including a D1 use. The "drop off" parking spaces shall be implemented (and operated thereafter) in accordance with the agreed details prior to the first occupation of the phase to which they relate unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking for each phase to serve its needs and in the interests of highway safety.

58. APPROVAL CONDITION – Victoria Road Improvement Works

The Victoria Road Improvement Works hereby approved shall be carried out in accordance with plan ref: 050-10 (Phasing Strategy), as may be subsequently amended as part of Condition 4 above. A minimum of 57 parking spaces shall be retained along Victoria Road throughout the construction phase and on completion of the approved works for the benefit of existing residents only unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking for each phase to serve its needs and in the interests of highway safety.

59. APPROVAL CONDITION – Phase 1 Spine Road

The spine road and its junction with Victoria Road and Weston Grove Road as shown on the detailed first phase of this development is hereby approved and shall be implemented and made ready for its intended use prior to the first occupation of the detailed Phase 1 unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the development, and users of it, is served by an appropriate access in the interests of highway safety.

60. APPROVAL CONDITION – Traffic Management Plan

Provision shall be made within the development for a "Traffic Management Plan" to serve those areas on plan ref: 050-06 Rev A (as may be subsequently amended) that are not to be offered for highway adoption. The Plan shall include, for instance, details for preventing parking outside of the scheme's designated parking spaces (including within the "Upper" and "Centenary" squares) and the management of any servicing and/or drop off bays. The details of this traffic management plan shall have been agreed as part of any Reserved Matters application pursuant to this planning permission for any relevant phase, and shall be implemented (and operated thereafter) in accordance with the agreed details prior to the first occupation of the phase to which it relates unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of visual amenity to ensure that the scheme provides a suitable level of management, especially in areas of shared surface, to ensure that vehicles are parked in specified areas in the interests of highway safety.

61. APPROVAL CONDITION – River Edge Vehicular Access

The River Edge walkway shall not incorporate vehicle access or parking except in accordance with the approved details of servicing and access for the emergency services unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of pedestrian and cyclist safety

62. APPROVAL CONDITION – Taxi/Disabled Parking Provision

As part of the car parking layout to be approved to serve the A1 (foodstore) and D1 (community) uses, and in relation to the parking management plan to be approved in accordance with Condition 53 above, there shall be provision made within the site for the following:

- a) At least 2 disabled parking spaces in close proximity of the library building; and,
- b) A Hackney carriage taxi parking rank in the location of the foodstore, library and other community buildings as detailed on the approved phasing plan, which may otherwise be amended in accordance with Condition 4 above.

REASON:

To ensure adequate facilities are available to disabled users of the community facilities.

63. APPROVAL CONDITION – Highway Safety Audit

Any works to the highway required following an independent stage 1 safety audit instructed by the Council shall be agreed and implemented prior to the occupation of each phase of the development.

REASON:

In the interests of highway safety.

64. APPROVAL CONDITION – Staff, Resident & Visitor Cycle Storage

Notwithstanding the detailed first phase hereby approved, before each phase of the development hereby approved is first occupied the developer shall submit to the Local Planning Authority for its approval in writing details of elevation and materials to be used in the covered, lockable and secure enclosures to be built integral to the buildings in that phase, or in close proximity to the buildings they are to serve to provide short and long stay resident, staff and/or visitor bicycle parking (as applicable) to meet the minimum standards employed by the Council. No more than 50% of the residential units within any particular phase shall be occupied in that relevant phase until the agreed facilities for enclosed and secure bicycle parking have been provided and made available. The agreed bicycle storage provision shall be made available prior to the first occupation of any non-residential use. Once provided those facilities shall be retained at all times thereafter for the purposes of parking bicycles.

REASON:

In order to promote cycling as a sustainable form of transport.

65. APPROVAL CONDITION – Cycle Storage – Phase 1

The cycle storage hereby approved as part of the plans identified by Condition 3 above to serve the first residential phase (as shown on plan ref: 050-10 (Phasing Strategy)) shall be made available prior to the first occupation of each dwelling.

REASON:

In order to promote cycling as a sustainable form of transport.

66. APPROVAL CONDITION – Refuse & Waste Management Plan

The refuse storage hereby approved as part of the plans identified by Condition 3 above to serve the first residential phase (as shown on plan ref: 050-10 (Phasing Strategy)) shall be made available prior to the first occupation of each dwelling within that phase. Prior to the commencement of each subsequent phase of development, as approved by Condition 4 above (excluding the detailed first phase hereby approved) details shall be submitted to and approved in writing by the Local Planning Authority making provision for a "Refuse and Waste Management Plan" together with the provision of suitable bins for that relevant phase. The details shall include the location of refuse stores, the means and frequency for collection and the provision for on-site recycling of residential and commercial waste. The development of each phase shall be implemented in accordance with the approved details and the agreed refuse storage shall be made available prior to the first occupation of the phase to which it relates.

REASON:

In the interests of the residential and visual amenity and to ensure that the development is correctly catered for in line with the Council's current waste management standards.

67. APPROVAL CONDITION – Odour Control & Phasing

Residential units in the areas currently designated as phases 6 and 7 on plan ref: 050-10 (Phasing Strategy), as may be subsequently amended, shall not be occupied until either:

- a) the construction phase of works to transfer waste water flows presently treated at the Woolston Waste Treatment Works to another treatment facility have commenced; or,
- b) it is demonstrated through total odour monitoring and dispersion modelling that a maximum value of 1.5ou/m³ as a 98th percentile value of hourly values exists at the southern most points of these units to be released for occupation as part of that phase of development.

REASON:

To allow the release of development land in phases which address the odour control standard as agreed.

68. APPROVAL CONDITION – Contaminated Land Assessment

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 prior to works commencing), a scheme to deal with contamination shall be submitted to and approved by the Local Planning Authority.

That scheme shall include all of the following stages unless specifically excluded, in writing, by the Local Planning Authority:

- a. An assessment of the risks to all receptors presented by those contaminants identified on the site.
- b. Based on the findings of (1) a method statement detailing all the remediation actions required and how they will be undertaken.
- c. A risk communication strategy that will ensure adjacent residents and future occupants of the site are kept informed of the actions undertaken in respect of the management of the land contamination.

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.

69. APPROVAL CONDITION - Unsuspected Contamination

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

REASON:

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

70. APPROVAL CONDITION - Validation of Land Remediation

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

REASON:

To ensure all land contamination risks associated with the site are remediated to an appropriate standard.

71. APPROVAL CONDITION – Surface Water Drainage

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON:

To protect controlled waters

72. APPROVAL CONDITION - Use of Uncontaminated Soils and Fill

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

REASON:

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

73. APPROVAL CONDITION - Groundwater Monitoring

No development approved by this planning permission shall be commenced until a scheme for the monitoring of groundwater has been submitted and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON:

To protect controlled waters

74. APPROVAL CONDITION – Microclimate & Daylight Reassessment

Notwithstanding the information already submitted with the Environmental Statement and the detailed first phase hereby approved, no development of any subsequent phase, as approved by Condition 4 above, shall take place until a further assessment of microclimate, daylight, sunlight and overshadowing have been agreed as part of any Reserved Matters application pursuant to this planning permission for that phase. The development shall proceed in accordance with an agreed scheme of mitigation in relation to each detailed design phase unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the submitted Environmental Statement identifies the need for further assessment work at the detailed design stage and to ensure that the residential amenity of existing and prospective residents is acceptable.

75. APPROVAL CONDITION – Flood Risk Assessment

The development shall be implemented so as to fully comply with the mitigation strategy detailed within the applicant's Flood Risk Assessment (FRA) (produced by Capita Symonds (dated March 2008)) before any of the development hereby approved can be occupied.

REASON:

To ensure that the site can be developed safely in accordance with the mitigation strategy set out in the FRA.

76. APPROVAL CONDITION - Surface Water Drainage

Prior to the commencement of each phase of development, as approved by Condition 4 above, details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate appropriate drainage control using foul sewers for very high risk areas, Oil separators for high risk areas and trapped gulleys for lower risk areas. Consideration should also be given to the use of sustainable urban drainage systems (SUDS) where appropriate, including a feasibility study demonstrating an assessment of the potential for the creation of an integrated sustainable drainage system for each phase of the development, which shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of each phase of the development hereby granted consent. A sustainable drainage system to the approved specification shall be installed and rendered fully operational prior to the first occupation of each phase of the development hereby granted consent and retained and maintained thereafter. Details of drainage options are contained in our Pollution Prevention Guidelines. The development of each phase shall be implemented in accordance with the approved details.

REASON:

To (i) ensure that drainage from this development is controlled in a manner to protect the receiving waters from pollution, (ii) to ensure that consideration is given to conserving valuable water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local Plan (2006), (iii) to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006) and, (iv) to prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and to accord with the Environmental Statement.

77. APPROVAL CONDITION - Foul Drainage

Construction of each phase of the development shall not commence until details of the proposed means of foul sewerage have been submitted to and approved in writing with the Local Planning Authority. Foul drainage from the development shall connect to the public mains foul sewer unless otherwise agreed in writing with the Local Planning Authority.

REASON:

The mains foul water sewer is in close proximity to the site and there is a presumption for connection to this system following further consultation with Southern Water.

78. APPROVAL CONDITION – Water Conservation

Unless otherwise agreed in the Local Planning Authority prior to the commencement of each phase of the development, details of water efficiency, conserving measures and appliances to be designed into the building fabric shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of each phase of building development, and such approved water conserving appliances shall be installed prior to occupation of each building. Such details shall include the specification of facilities such as low or dual flush toilets, spray taps to hand basins and shower units which utilise a maximum of 9 litres of water a minute.

REASON:

In the interest of water conservation.

79. APPROVAL CONDITION.- Energy & Water Conservation

With the exception of Phase 1 hereby approved that is to be constructed to a minimum "Excellent" EcoHomes level the remaining development shall be carried out to achieve a minimum Code for Sustainable Homes Level 3 (or the equivalent, in relation to the residential buildings) and a "Very Good" BREEAM rating (or the equivalent, in relation to the non residential buildings) and verified in writing by the applicant prior to the first occupation of each phase of the development hereby approved unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of each phase.

REASON:

In the interests of maximising the site's contribution towards energy and water conservation as agreed by the applicants in their Planning submission and Environmental Statement

80. APPROVAL CONDITION - Renewable & Decentralised Energy

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable and/or low-carbon energy technologies on the site, that will achieve a total reduction in CO₂ emissions of at least 10% shall be produced. Plans for the incorporation of renewable and/or low-carbon energy technologies to the scale that is demonstrated to be feasible by the study must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of the development hereby granted consent. Proposals that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

REASON:

To ensure the development minimises its overall demand for resources and complies with policy SDP13 (vi) of the City of Southampton Local Plan.(2006).

81. APPROVAL CONDITION – Lifetime Homes Standard

All residential units hereby approved shall be completed to Lifetime Homes Standards in accordance with the applicant's "Statement of Clarification and Additional Information" document (July 2008) unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of each phase-of development.

REASON:

To ensure that the development meets agreed requirements by offering a full range of accommodation for all residents of the scheme in accordance with the Council's current disability standards.

82. APPROVAL CONDITION – Archaeology Investigation

No groundworks or any phase of the development shall take place within the site until the implementation of a programme of archaeological works has been secured for that phase in accordance with the written scheme of investigation which has been submitted to and approved by the Local Planning Authority prior to those works commencing.

REASON:

To ensure that the archaeology of the site is properly investigated in accordance with the Environmental Statement.

83. APPROVAL CONDITION – Archaeological work programme

The developer will secure the completion of a programme of archaeological work within an agreed timescale in accordance with the written scheme of investigation which has been agreed by the Local Planning Authority in relation to Condition 83 above.

REASON:

To ensure that the archaeological investigation is completed in accordance with the Environmental Statement.

84. APPROVAL CONDITION - Acoustic Mitigation (Residential)

Prior to development works commencing on the affected phases an "Acoustic Survey and Noise Attenuation Strategy" shall be submitted to and approved in writing by the Local Planning Authority in relation to those phases that are not wholly residential. The details shall assess the impact of environmental noise on the prospective residents of the new dwellings and provide details of mitigation measures to attenuate external noise levels to the affected dwellings. The development shall be implemented in accordance with the approved details and findings prior to the occupation of the residential units included within that phase.

REASON:

To protect the amenities of residents of nearby dwellings.

85. APPROVAL CONDITION – Acoustic Mitigation (Non-Residential)

Prior to development works commencing on each non residential building (including the Energy Centres) an "Acoustic Survey and Noise Attenuation Strategy" shall be submitted to and approved in writing by the Local Planning Authority. The details shall assess the building's structural acoustic integrity and ability to contain noise, detailing any necessary attenuation measures so that noise and vibration do not affect surrounding residential or commercial units. The development shall be implemented in accordance with the approved details and findings prior to the occupation of the non residential units to which the information relates.

REASON:

To protect the amenities of residents of nearby dwellings.

86. APPROVAL CONDITION – Acoustic Mitigation (Spine Road)

Prior to development works commencing on the affected phases an "Acoustic Survey" shall be submitted to and approved in writing by the Local Planning Authority in relation to those residential dwellings facing Victoria Road, the spine road, to the west of the spine road and the three towers. The details shall assess the impact of environmental noise on the prospective residents of the new dwellings and provide details of mitigation measures to attenuate external noise levels to the affected dwellings. The development shall be implemented in accordance with the approved details and findings prior to the occupation of the residential units included within that phase.

REASON:

To protect the amenities of residents and to accord with the Environmental Statement

87. APPROVAL CONDITION – PD Restriction (Residential)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, (Classes as listed below) shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

- Class A (enlargement of a dwelling house);
- Class B (roof alteration);
- Class C (other alteration to the roof);
- Class D (porch);
- Class E (curtilage structures), including a garage, shed and greenhouse;
- Class F (hard surface area);
- Class G (heating fuel store); and
- Class H (satellite antenna or dish).

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area in line with Local Plan Policy SDP1

88. APPROVAL CONDITION – Use of Garages – Domestic Ancillary Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

REASON:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

89. APPROVAL CONDITION – Telecommunications PD Restriction

Notwithstanding the provisions of Schedule 2 Part 25 the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no telecommunication equipment shall be erected or carried out to any building hereby permitted without the prior written approval of the Local Planning Authority.

REASON:

In the interests of visual amenity.

90. APPROVAL CONDITION – Library Retention

The premises identified for a library in Blocks K2 and K4 shall be used for a library and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

REASON:

To allow the Local Planning Authority to retain control over the intended use in the interests of local amenity and the wider community offer.

91. APPROVAL CONDITION – Day Nursery Retention

The premises identified for a day nursery in Block J3 shall be used for a day nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

REASON:

To allow the Local Planning Authority to retain control over the intended use in the interests of local amenity and the wider community offer for Woolston.

92. APPROVAL CONDITION – Marine Employment Retention

The premises identified for marine employment activities in Blocks L, P1, P2, P3, N1 and N2 shall be used for such activities and for no other purpose (including any other purpose in Class B1, B2 and/or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

REASON:

To allow the Local Planning Authority to retain control over the intended use in the interests of local amenity and the wider employment offer for Woolston.

93. APPROVAL CONDITION – Restricted Change to A2 Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, the A3 (restaurant) uses hereby approved shall not convert to an A2 (financial and professional services) use without the prior written approval of the Local Planning Authority.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site.

94. APPROVAL CONDITION – Mezzanine Levels

Other than those hereby approved there shall be no further mezzanine levels added to create additional floorspace without the prior written approval of the Local Planning Authority.

REASON:

As the Local Planning Authority have assessed a specific floorspace and to enable the LPA to retain control over the development as a whole.

95. APPROVAL CONDITION – Courtyard Gates

Prior to the first occupation of Blocks B1, C1, D1 and/or E1 as hereby approved details shall be submitted for the means of enclosure into the proposed courtyards. The details shall include the design, materials and management. The agreed details shall be implemented prior to the first occupation of the blocks to which they relate and shall be retained and managed as agreed during the lifetime of the development.

REASON:

In the interests of reducing crime and disorder and to prevent non-residents loitering within the proposed courtyard areas in accordance with the comments received from Hampshire Constabulary.

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out in the Planning & Rights of Way Panel Report (and repeated below). The Council has also taken into account:

- the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;
- An appropriate assessment in accordance with the Conservation (Natural Habitats etc) Regulations 1994;
- The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and,
- The extant planning permission for this site (05/00816/OUT refers)

The development will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits. These benefits, in terms of physical and community renewal, tangible job creation, new homes (including an increase in traditional family housing when compared with the extant SEEDA planning permission), community facilities and the creation of a distinctive place with improved access to the river have been weighed against the concerns raised by residents about traffic, parking, dense high-rise urban development in close proximity to existing dwellings, and its subsequent integration into Woolston.

It has also be taken into account that although a single and major employer has been lost from the site, the development brings an opportunity to remove the contamination, pollution, and disturbance generated by the former shipyard.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance, whilst opening up the riverside environment to the public. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Other material considerations do not have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted

Policies of the City of Southampton Local Plan.

SDP1-SDP17; SDP20-22; NE1-5; HE6; CLT1; CLT2; CLT5; CLT6; CLT6; CLT7; CLT11; L4; H1-3; H7-12; REI1; REI5; REI7; REI15; HC3; T1; MSA18 and IMP1.

Note to Applicant**S.106 Agreement Informative**

An Agreement under S106 of the town & Country Planning Act 1990 has been completed in respect of the development hereby approved.

Lighting Informative

The development is close to the aerodrome and the approach to the runway. The applicant's attention is drawn to the need to carefully design lighting proposals. This is further explained in Advice Note 2 'Lighting near Aerodromes' available at www.caa.co.uk/srg/aerodrome

Cranes Informative

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within

British Standard Code of Practice for the safe use of cranes, and for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and other construction issues' available at www.caa.co.uk/srg/aerodrome

Water Resources Act Informative

Under the terms of the Water Resources Act 1991 the prior written agreement is required for discharging dewatering water from any excavation or development to any controlled waters. The applicant is advised to contact the Hants and IOW Area office Environment Management (Ichen Team) to discuss this matter further. Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters.

Water Resources Act Informative

Under the terms of the Water Resources Act 1991 the prior written agreement is required for discharging dewatering water from any excavation or development to any controlled waters. The applicant is advised to contact the Hants and IOW Area office Environment Management (Ichen Team) to discuss this matter further. Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters.

Approved Plans – Variation - Informative

The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The local planning authority must be immediately advised of any proposed variation from the approved documents and the prior approval in writing of the Council must be obtained before any such works are carried out on the site. Failure to comply with this advice may render those responsible liable to enforcement proceedings which may involve alterations and/or demolition of any unauthorised building or structures and may also lead to prosecution.

Pre-commencement/occupation Planning Conditions - Informative

Your attention is drawn to the pre-commencement conditions above which require the terms of the conditions to be satisfied before development commences. If development commences in contravention of that these conditions, the development taking place will be made unauthorised in planning terms. This may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council.

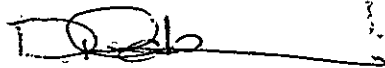
Further Advice Informative

The applicant is reminded that further advice regarding the redevelopment of this site has been given by Natural England (in their response dated 9th June 2008) and the Environment Agency (in their response dated 30th May 2008).

Signage & Other Material Alterations Informative

The applicant is reminded that the provision of signage to support the non-residential uses hereby approved may require the express consent of the Local Planning Authority.

Planning permission should also be obtained before the installation of any external vents, air conditioning units, roller shutters and external ATM cash machines. Further advice is available from Southampton City Council.



David Rothery
Development Control Manager

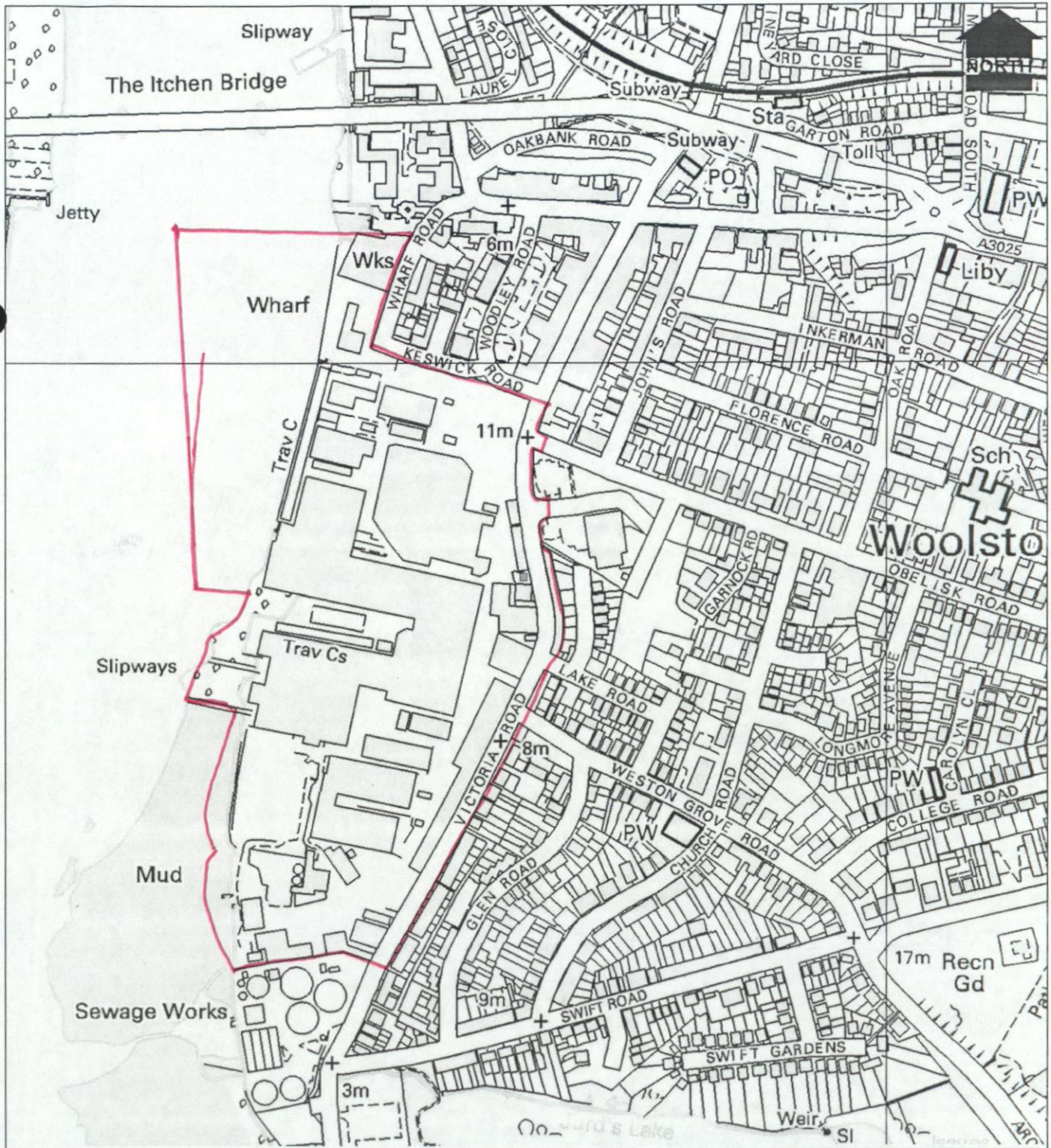
Date: 31 DEC 2009

If you have any further enquiries please contact:
Stephen Harrison

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be, in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals can be submitted on line www.planning-inspectorate.gov.uk or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted other than subject to the conditions imposed by it having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under that Order.
4. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
7. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
8. The applicant is recommended to retain this form with the title deeds of the property.

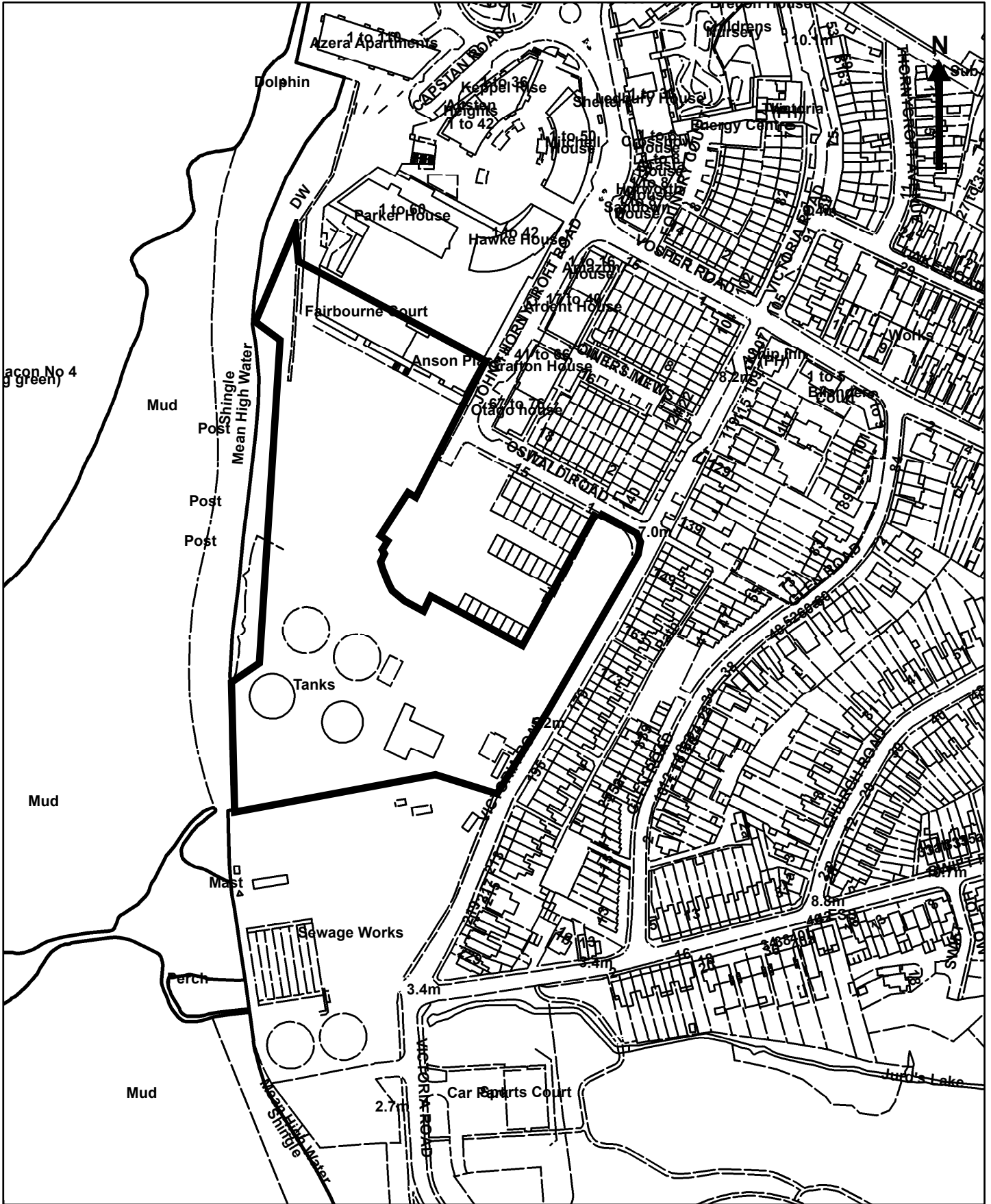
Please address any correspondence in connection with this form quoting the application number to: **Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS**



Comments

Scale: 1:5000

Agenda Item 5 22/00588/REM



Scale: 1:2,500

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Planning and Rights of Way Panel 11th October 2022
Planning Application Report of the Head of Green City & Infrastructure

Application address: 14 Abingdon Gardens, Southampton			
Proposed development: Erection of a single-storey rear extension, porch and roof canopy following demolition of garage and conservatory with the provision of a wider access, hardstanding and dropped kerb extension - Amended Description			
Application number:	22/00987/FUL	Application type:	FUL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	18.10.2022	Ward:	Bassett
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors:	Cllr L Harris Cllr R Blackman Cllr J Hannides
Referred to Panel by:	Cllr Hannides	Reason:	Concerns raised about; the scale of the proposal, that is not in keeping and the extension of the dropped curb will remove on street parking spaces
Applicant: Mr B Macintyre		Agent: Relph Ross Partnership Architects	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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. Policy – CS13 and CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7 and SDP9 of the City of Southampton Local Plan Review

(Amended 2015). Policies – BAS1 and BAS4 of the Bassett Neighbourhood Development Plan (2016), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

Appendix attached

1	Development Plan Policies	2	Relevant Planning History
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Recommendation in Full

Conditionally approve

1. The site and its context

1.1 Abingdon Gardens is characterised by large semi-detached houses and is a small cul-de-sac with thirteen properties. The application site is the only detached property within the close and is located on the corner with Winchester Road, with access via Abingdon Gardens. Properties along Abingdon Gardens are set within spacious plots with large rear gardens, substantial front gardens and off-road parking in the form of both garages and driveways. Vegetation and trees are present within many of the front and rear gardens.

1.2 The application property has previously been extended to provide a conservatory style extension between the existing garage and dwelling. The property is enclosed by a vegetation/fence boundary on all sides. There is a pedestrian access and separate vehicular access with an existing dropped kerb fronting Abingdon Gardens.

2. Proposal

2.1 The proposal seeks to provide a single storey extension to provide a large dining/living area. The depth of the proposal would be 8 metres, and the width 6.9 metres. The extension is linked via the existing kitchen but also has a separate door from the north-east elevation onto Abingdon Gardens and bi-fold doors to the side and rear.

2.2 A porch element has been included together with a canopy to link to the proposed extension. Both elements are to be tile clad to match the existing roof and the roof of the main extension. Part of the existing north-east elevation of the property (that houses the front door, existing WC and utility) together with the extension are to be rendered at ground floor level. The entrance to the extension from Abingdon Gardens is located further forward than the main part of the extension to enable a simple design link with the proposed porch/canopy works. Six roof lights are proposed to allow additional light into the planned room.

2.3 Amended plans have been received following an objection from the Highways team to the extension to the dropped kerb. The amended plans have reduced the length of the proposed dropped kerb onto Abingdon Gardens from 7.3 to 5 metres to allow 2 cars to be sited side by side instead of the 3 initially proposed.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of

the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The 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.
- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy, and policies BAS1 (New Development) and BAS4 (Character and Design) of the Bassett Neighbourhood Plan, assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. These policies are supplemented by design guidance and standards set out in the Residential Design Guide (RDG) SPD, which seeks high quality housing, maintaining the character and amenity of the local area.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **11 representations** have been received from surrounding residents. This includes 4 letters of support and 7 in objection. Amended plans have been received and third parties have been notified of these plans. The Panel will be advised at the meeting of any further representations made following this consultation period. The following is a summary of the points raised:

Comments in Objection

- 5.2 ***Loss of on-site parking due to the extension of the dropped kerb and highway safety impacts resulting from this.***

Response

The proposal has been amended to provide a dropped kerb for two cars. Therefore, increasing the existing dropped kerb by 1.5 metres. This will result in the loss of an on street parking space. There are no parking restrictions within the area and no objection has been raised by highway officers on highway safety grounds to the amended plans.

- 5.3 ***What is the reason for the dropped kerb extension as only a residential extension is proposed and not a house.***

Response

The amended plans demonstrate that two spaces are proposed to serve the house, this provision meets the maximum adopted parking standards for the size of the dwelling which in the case is a three-bedroom dwelling.

5.4 ***Excessive footprint doubles the size of the ground floor***

Response

The proposal does result in a large extension but no more than 50% of the total curtilage of the site is being constructed on or is laid out for hardstanding. As such the application meets with the adopted Residential Design Guide guidance. In addition, the extension is subordinate in both design and footprint to the existing dwelling as the proposed depth of the extension is three metres shorter than the existing depth.

5.5 ***Proposal is not in keeping with the character of the area***

Response

The existing property is detached and its current design relates more to the properties on Winchester Road. The extension would alter the character of the property and the area but due to the design and the set back the proposal is not deemed detrimentally harmful as set out further in section 6 of this report.

5.6 ***Proposal would result in the loss of landscaping/Vegetation***

Response

The proposal will result in the loss of some boundary treatment due to the extension of the dropped kerb but additional landscaping is proposed and its provision and retention will be secured via condition.

Comments in Support

5.7 ***Great design, in keeping as the design of the property is different to neighbouring properties and minimal loss of vegetation***

Response

Noted see section 6 below.

5.8 ***Lack of parking is not an issue so the small increase un dropped kerb length would not be harmful.***

Response

Noted see section 6 of the report.

Consultation Responses

5.9	Consultee	Comments
	Highways Development Management	No further objections to the amended plans, which keep the width of the dropped kerb to 5m and thus not resulting in loss of on-street parking. When construction of the site is complete, the applicant will need to apply for a licence to carry out the works on the highway to the reposition the dropped kerb access.

Cllr Hannides	Residents have expressed serious concern to me about the excessive scale of the proposal in relation to the size of the existing dwelling. It is not in keeping with the character of neighbouring dwellings. Residents are also very worried the proposal to insert a dropped curb will remove parking spaces in a cul-de-sac which already suffers from acute parking problems. Due to the representations I have received regarding this I am registering an objection to this application. In the event you are minded to approve the proposal I request it is referred to the Planning Panel for determination.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Design and effect on character;
 - Residential amenity; and
 - Impact on parking

6.2 Design and effect on character

6.2.1 The NPPF states in paragraph 124 that planning policies and decisions should support development that makes efficient use of land whilst taking into account a number of considerations including ‘d) *the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.*’

Furthermore, paragraph 130 says that development should be ‘*sympathetic to local character and history, including the surrounding built environment and landscape setting*’.

6.2.2 Core Strategy Policy CS13 requires development to ‘*respond positively and integrate with its local surroundings*’ and ‘*impact positively on health, safety and amenity of the city and its citizens*’. Local Plan Policies SDP1, SDP7 (iii) (iv) and SDP9 (i) require new developments to respond to their context in terms of layout and density and contribute to local distinctiveness. Moreover, the RDG in paragraph 3.7.7 states that new development ‘*should complement the pattern of development in the rest of the street.*’ In this case, given the small-scale nature of the proposal the proposed development would complement the scale of the neighbouring properties and would not be out of keeping.

6.2.3 Policy BAS1 of the Bassett Neighbourhood Plan advises that: Development proposals

should be in keeping with the scale, massing and height of neighbouring buildings and with the density and landscape features of the surrounding area. Policies BAS1 and BAS4 of the Bassett Neighbourhood Plan advise that new development will only be supported where it respects the existing character and context of the surrounding area. Policy BAS 4 'Character and Design' is of particular relevance particularly in relation to the design of new extensions and spacing. The proposed development incorporates a large, but proportionate, addition to the existing property and is limited to a single storey addition. The proposals would retain sufficient space around the detached building to accommodate the development and a generous set back from the sites front boundary is retained. In addition, the proposed extension would sit well below the existing roof and incorporates a design solution that remains sympathetic to the existing property and its surroundings. On this basis the extended dwelling would relate appropriately to the character of the area and would not be incongruous or harmful to the visual amenities of the immediate area. The materiality chosen for the proposed development is appropriate and a condition is imposed to ensure the development is undertaken in line with the submitted details.

6.2.4 The development would therefore respect the context of the local area and complies with saved Local Plan policy SDP1, SDP7 and SDP9 and the relevant sections of the approved RDG and policies BAS1, BAS3, BAS4 and BAS5 of the Bassett Neighbourhood Plan.

6.3 Residential amenity

6.3.1 The proposal is for a single storey extension which would be well contained within the existing plot. The nearest neighbouring property is 448 Winchester Road, which has had an extension its garage to provide further living accommodation. This extension runs along the shared western boundary, albeit some 4m is retained between buildings, and there are no windows on the elevation facing the application site. This relationship between the two properties would ensure that the outlook for occupiers of the proposed extension and the privacy of the neighbouring property would not be adversely harmed. In addition there is dense vegetation surrounding the site which reduces the views from other properties within Abingdon Gardens.

6.3.2 Overall, given the window positions, the single storey nature of the proposals, and the size of the windows fronting Abingdon Gardens as well as the siting away from 448 Winchester Road the proposal would not result in harm to the occupiers of neighbouring properties. The application, therefore, complies with saved Local Plan Policy SDP1(i).

6.4 Impact on parking

6.4.1 Amended plans were requested and obtained to demonstrate that two car parking spaces can be provided on site instead of the three initially sought. The provision of two parking spaces is in line with adopted parking standards for the dwelling. As Abingdon Gardens is not a classified road planning permission is not required for the dropped kerb. It is noted that the other properties within Abingdon Gardens are served by a single dropped kerb and not a double one as proposed. However, following the receipt of amended plans officers have raised no objection to the

dropped kerb extension with respect to highway safety following the reduction in width of the accessway.

6.4.2 The loss of on-street parking has been raised by third parties given the length of the initial dropped kerb proposal. There will be a reduction in on-street parking given the increase in dropped kerb length from the existing provision. However, this reduction in on-street parking is not sufficient to raise an objection on amenity grounds given that there is capacity within the road to accommodate on street parking. Therefore, on this basis the proposal is considered to address the concerns relating to parking and highway safety.

7. Summary

7.1 The proposed extension/alteration to an existing dwelling would not cause harm to the amenity of neighbouring residents, and the design of the extensions and alterations would not appear out of character with the host dwelling. Moreover, the site is large enough to accommodate the proposals, and they would not be detrimental to neighbour amenity nor highway safety.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

Case Officer Anna Lee

PROW Panel 11.10.2022

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than 14th November 2022.

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

2. Materials in accordance with submission (Performance)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall be in accordance with the submitted plans and information hereby approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

3. Landscaping & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) planting plans; written specifications; schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (ii) details of any additional hard surfacing and means for dealing with surface water drainage and runoff;
- (iii) details of any proposed boundary treatment, including retention of the existing hedging; and
- (iv) a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the extension 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, with the exception of boundary treatment and external lighting which shall be retained as approved for the lifetime of the development.

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.

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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS19 Car & Cycle Parking

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

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Bassett Neighbourhood Development Plan – (Adopted 2016)

BAS1 New Development
BAS4 Character and Design

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)
Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

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

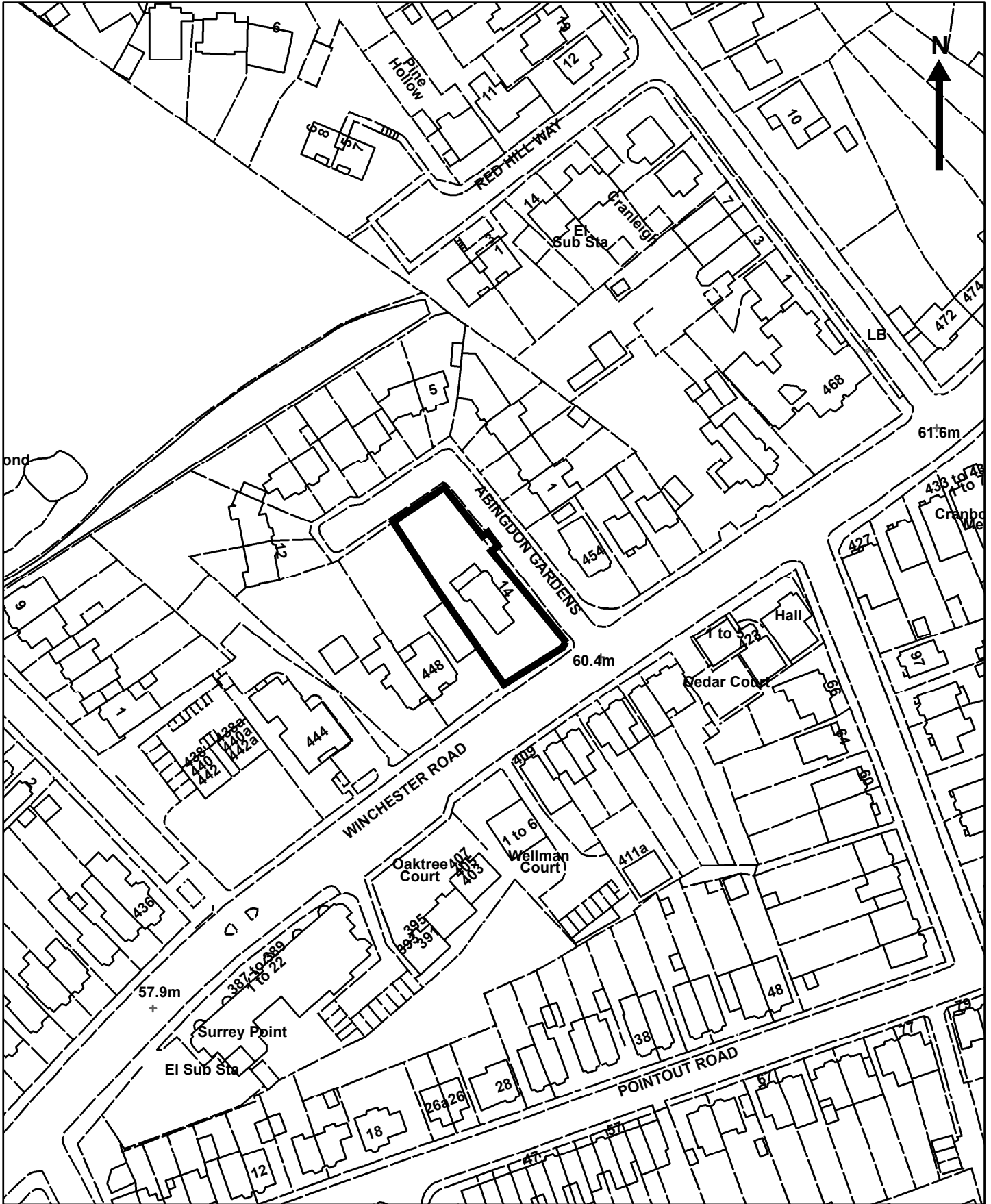
Relevant Planning History

Case Ref	Proposal	Decision	Date
1010/25	Erection of a dwelling	Conditionally Approved	27.01.1953
1136/4	Erection of a conservatory and garage	Conditionally Approved	28.07.1958
892382/W	Erection of a two storey side extension	Application Refused	30.03.1990
19/02050/FUL	Erection of a 3-bed detached house with associated parking and refuse storage	Withdrawn	03.02.2020
20/00614/FUL	Erection of a two-storey 3 bed dwelling with associated works (Re-submission of 19/02050/FUL).	Application Refused Appeal dismissed	07.07.2020 22.03.2021

Agenda Item 6

22/00987/FUL

Appendix 1



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