

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 4<sup>th</sup> August 2015**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land Opposite 69 – 73 Whitworth Crescent, Southampton			
<b>Proposed development:</b> Works to facilitate and use of the site for 4 x residential houseboats			
<b>Application number</b>	14/01431/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	15.10.2014	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Fuller Cllr Inglis Cllr White
<b>Referred by:</b>	N/A	<b>Reason:</b>	N/A

<b>Applicant:</b> Mr Clive Kennedy	<b>Agent:</b> WYG
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is considered to satisfactorily address the character of the area, impact on the site ecology, highway safety and impact on residential amenity (noise and privacy) for the reasons given in the report to the Planning and Rights of Way Panel on 4<sup>th</sup> August 2015. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP20, SDP22, SDP23, NE3, NE4, NE5, HE6, CLT3, CLT12 and CLT13 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS12, CS13, CS19, CS20, CS21, CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and the provisions set out in Marine Policy Statement (2011).

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

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to:
  - a) Notwithstanding the submission of an existing site survey and proposed spot levels the receipt of a satisfactory plan showing a series of cross sections to scale through the site from the road at Whitworth Crescent down to the foreshore clearly illustrating the changes in land levels at 1m intervals; and,
  - b) Details of the earthworks (both cut and fill) required to be undertaken in terms of the volume of material required to be moved and how this work will be undertaken; and,
  - c) No objection being received from the Council's Ecologist and Structural Engineer following receipt of the additional information.

In the event that a satisfactory plan or sufficient details (as set above) are not submitted or an objection is raised from the necessary consultees within three months from the date of this Panel meeting the Planning and Development Manager be authorised to refuse permission as necessary.

2. That the Planning and Development Manager be given delegated powers to add, vary and /or delete conditions as necessary, and particularly in relation to the above matter being satisfactorily resolved.

## **Background**

Planning permission is sought for the physical works required to provide appropriate moorings for 4 houseboats. These works comprise the subdivision of the plot, the creation of car parking with access onto Whitworth Crescent, the regrading of the site to provide pedestrian access and the pontoons themselves. The houseboats are not development requiring planning permission, although the use of the site for residential purposes requires planning permission. A similar application was approved in 1993. At that time a 5 year permission was granted for the subdivision of site into 4 separate plots for use as a private boating facilities with the construction of pontoons (LPA ref: 930663/E). This permission did not propose a residential use, as is the case with the current scheme, but did include the subdivision of the plot with additional works at Whitworth Crescent to facilitate parking and pedestrian access to the foreshore with 4 pontoons. This permission was implemented but the works were never completed meaning that this permission is extant and could be finished without the need for further planning permission. This is a material consideration in the determination of the current planning application.

### **1.0 The site and its context**

- 1.1 The site lies on the east bank of the River Itchen and part of it is located within the foreshore (between the high and low water marks). The River Itchen Mudland Site of Importance for Nature Conservation (SINC) abuts the site on three sides. The River Itchen Special Area of Conservation (SAC) lies to the north of the application site. Part of the site near the foreshore comprises the remains of broken glass which has resulted in land reclamation reclaimed in the late 19th-early 20th century. The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. The site fronts Whitworth Crescent where the car parking spaces and access to the

houseboats are to be located. There is a change in level of about 7 metres from this point down to the foreshore.

- 1.2 The application site itself is overgrown including Buddleia, bramble, Willow and Oak. The Oak tree is protected by a Tree Preservation Order (TPO). The boundary fronting Whitworth Crescent is formed by part wall, part fencing and a stretch of it is open to views. Due to the overgrown nature of the site the only part visible from the wider streetscene is the vegetation boundary. The site has previously been used for boating activities incidental to the use of the river for leisure purposes.

## **2.0 Proposal**

- 2.1 The original application was submitted in 2014 and has since been amended. Initially approval was sought for works to facilitate 4 bungalows on pontoons. The amended application seeks to facilitate 4 genuine houseboats. As such, the revised proposal seeks to change the use of the land to allow for the permanent mooring of four houseboats and for engineering works and pontoons to facilitate their provision; both elements require planning permission in their own right. Access to the houseboats from land is via Whitworth Crescent where four parking spaces and refuse storage are provided. Part of the front boundary screen and the Oak Tree are to remain to retain some of the landscaping boundary.
- 2.2 A ramped access slope leading to four pontoons between each boat is proposed to gain access to these houseboats. In addition to the ramped access landscaping and garden areas are proposed to allow for some supplementary landscaping. Each pontoon is proposed to accommodate houseboats with a maximum length of 19.8m and width of 4.5m. Access to them would be above the high water mark.

## **3.0 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). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Saved Local Plan Policy CLT13 provides the policy framework for dealing with applications for houseboats. It states that planning permission for houseboats will only be granted where the design and siting of the houseboats does not unacceptably harm the character of the river frontage or adversely affect nature conservation interests. It adds that suitable arrangements should be made for parking, refuse storage, access and servicing.
- 3.3 Marine Planning has responsibility for planning to the mean high water mark with land-use planning to the mean low water mark. The Marine Policy Statement (March 2011) provides the policy framework for marine related development and is supportive of sensitive marine and water-related development in principle.
- 3.4 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies

accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### **4.0 Relevant Planning History**

4.1 In 1993 planning permission (930663/E) was given for the subdivision of the site into 4 separate plots for use as private boating facilities with the construction of pontoons. The development has been implemented and officers confirmed this in writing in January 1999. This scheme is similar to the scheme seeking approval with the exception of the proposed residential use. The site's full planning history is set out at **Appendix 2**.

#### **5.0 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 and erecting a site notice (05.09.2014 and following amended plans 12.06.2015). At the time of writing the report **16 representations** have been received from surrounding residents (including comments from City of Southampton Society). The following is a summary of the relevant planning related points raised:

##### **5.2 The proposal would detrimentally affect the wildlife in the area especially swans**

###### Response

The planning application is supported by an extended Phase 1 Habitat Survey. The Council's Ecologist has assessed the application and has not objected to the scheme on these grounds. However, a condition protecting nesting birds is suggested. The submitted Survey recommends further survey work is undertaken and a planning condition is recommended to ensure compliance.

##### **5.3 The size of the boats should be restricted**

###### Response

Agreed. A planning condition is suggested to limit the size of the boats.

##### **5.4 The proposal results in overlooking between the boats and the neighbouring house boat adjacent**

###### Response

There are no privacy distance restrictions for distances between boats but regard should be had to the proximity of proposed houseboats to other residential uses. The relationship between the four proposed mooring areas is a 'buyers beware' situation and the distance proposed between mooring is similar to those found on other sites around the country, including along the Itchen itself. There is a 7m separation distance retained between the existing house boat at 75 Whitworth Crescent and the nearest houseboat proposed. This is at an acceptably oblique angle. The outlook from this existing houseboat will alter but not to the detriment of these occupiers.

**5.5 The site lies in an area defined as Waterside Open Space**

Response

This is correct. Local Plan Policy CLT12 explains that only private shore-based facilities and pontoons will be permitted in this location. Policy CLT13 also confirms that the principle of further houseboats is acceptable. The Council's Planning Policy team have not objected to the application.

**5.6 The proposal will have an impact on the Oak tree covered by a Tree Preservation Order**

Response

The proposal has been designed to move works away from the tree and conditions are suggested to provide details of the parking area and refuse storage to control the level of groundworks required to be undertaken - as well as requiring the submission of an Arboricultural Impact Assessment and Method Statement. The Council's Tree Officer is satisfied that the development can take place without prejudicing the TPO.

**5.7 Noise and disturbance**

Response

The site lies in an area that is mainly residential in character where the introduction of a further four residential units would not detrimentally alter the character of the area or impact negatively on neighbouring occupiers. Residents in Whitworth Crescent will experience increased activity from the site if permission is granted. A similar level of activity could, however, arise if the earlier extant permission were to be completed. The level of activity and the associated comings and goings and noise will not, assuming reasonable behaviour, be out of keeping with this residential street. No objection has been raised by the Council's Environmental Health Officer on these grounds.

**5.8 The proposal would result in a precedent**

Response

Every application is assessed on its own merits. Further applications for houseboats will be assessed against the development plan that is in place at that time.

**5.9 The introduction of car parking spaces within the streetscene would be harmful**

Response

The character of the area would be altered by the proposal but the scheme has been designed to minimise the loss of the landscape boundary along Whitworth Crescent. The impact on the streetscene needs to be weighed against the provision of four housing units, which aid the Council's housing supply. A similar parking layout can be implemented to support the scheme approved in 1993.

**5.10 Applications for residential units/boats houses have been refused since**

**1960**

Response

Applications have to be assessed within the policy framework at the time of determination and a lot of planning policy changes have occurred since the 1990s, including the adoption of Local Plan Policy CLT13. An application for a houseboat at 51 Whitworth Crescent was approved in 2007 and the current scheme should be assessed on its own bespoke merits and characteristics regardless of other schemes on other sites.

**5.11 The site does not lie solely within the applicants ownership**

Response

No proof or information has been provided to indicate this is the case. Therefore, as Certificate A has been submitted that is sufficient for the purposes of the application and its determination. If once permission is granted the site is found to belong, whether in full or in part, to somebody else this becomes a civil matter and not a matter to influence the determination of this application.

**5.12 Earth works are required as part of this application**

Response

The applicant has confirmed that none of the existing soil will be removed but that it will be redistributed throughout the site. At the current time it is considered that further details are required before planning permission can be granted. The officer recommendation is to delegate approval for this scheme subject to details setting out the reworking of the land levels for this site in more detail. A condition preventing any works encroaching onto the intertidal mudflats (SINC) is also suggested.

**5.13 Concerned about fire safety issues**

Response

Houseboats are exempt from Building Regulations, which would normally pick up the issue of means of escape during a fire. However, Hampshire Fire and Rescue Service has been consulted on the application and have not objected on these grounds.

**Consultation Responses**

**5.14 SCC Highways - No objection raised**

One for one parking has been provided in line with policy and subject to conditions requiring the provision of cycle storage and a condition securing the size of parking spaces, in line with policy to secure a bigger gap between the two sets of parking spaces, the proposal is acceptable on highway grounds.

**5.15 SCC Policy - No objection raised**

Under Local Plan Review CLT 12 'Waterside Open Space' this site is designated as open space where development is restricted. However the policy permits '*private-shore based facilities and pontoons*' providing they do not involve the '*provision of facilities to serve moorings outside the site; or the introduction of commercial or industrial type activities*'. This policy replaces policy G22b from the City of Southampton Local Plan 1991-2001. This plan also designated the area as open space and restricted development apart from '*the development or*

*redevelopment of private-shore based facilities and pontoons' providing they met the criteria set out. In policy G22b this included criteria that development does not 'damage the character of the area as a predominantly waterside open space by the introduction of commercial or industrial type activities'.*

- 5.16 The provision of pontoons and mooring of boats in this location could be acceptable under policies CLT 12 (and G22b) and this has been established by the previous planning permission. The issue here is whether the mooring of houseboats in particular is acceptable in this location or would it unacceptably harm the area. This is addressed in Local Plan Review policy CLT 13 'House Boats' which sets out the criteria for granting permission for house boats. These address the impact on the character of the river, nature conservation interests and amenity issues (parking, refuse, access and services).
- 5.17 Part of the character of this area of the River Itchen is due to boats being moored on the river. The applicant is proposing to submit details of the boats to be moored and restrict their size. Providing there are no nature conservation issues or harm that would result from either the size or design of the boats themselves or the services associated with permanent residence, no objection is raised. Planning Policy would support the reduction in car parking spaces proposed to reduce the impact of this proposal on the street scene. Glass recycling and cycle storage taking the place of additional car parking spaces should be designed to minimise the visual impact from Whitworth Crescent. Subject to the detailed design of the parking spaces, waste, recycling and cycle storage. Planning Policy does not object to the proposal.
- 5.18 **SCC Trees - No objection raised**  
The significant trees along the boundary of the site are protected by The Southampton (Whitworth Crescent) Tree Preservation Order 1994. They are a material consideration in the determination of this application.
- 5.19 The proposed location of the bin store, as shown on site plan 376-02 Rev F, shows the its location being in close proximity to a protected Oak on site and to the adjacent Oak on neighbouring land. If this area falls within the Root Protection Area (RPA) of these trees a method statement on how this area is to be constructed is required. If this area falls within the RPA standard foundations and an increase of land level, would not be supported, therefore an alternative engineering solution would need to be considered. Further clarification would be required to show the location of the RPAs and a tree survey will be required prior to commencement of the development. The plan also shows that a water supply will be routed in close proximity to the trees. Clarification on how this is to be installed whilst protecting the tree is required within a method statement. Conditions securing an Arboricultural Impact Assessment and Method Statement are suggested.
- 5.20 **SCC Ecology - No objection raised**  
Subject to the submission of a Construction Environmental Management Plan to be secured via condition. The additional information submitted has largely addressed previous concerns although one issue, the impact of silt mobilisation on Atlantic salmon remains. Atlantic salmon, a species for which the River Itchen Special Area of Conservation (SAC) is designated, regularly pass the application site whilst moving between the SAC and the sea. The presence of silt can act as a barrier deterring the movement of salmon. Measures will therefore be required

to minimise the loss of silt from the application site and hence avoid adverse impacts on Atlantic salmon. These measures should be set out in the Construction Environmental Management Plan (CEMP). The CEMP should also include details of the piling methodology and timing and any measures designed to safeguard otters.

**5.21 SCC Sustainability Team - No objection raised**

As mobile and transportable homes are not covered by the building regulations, the water requirements as per Core Strategy Policy CS20 can apply and therefore a condition securing the water usage are suggested.

**5.22 SCC Archaeology - No objection raised**

Although the site lies adjacent to the Porstwood, Highfield and St Denys local area of archaeological potential the potential for archaeological deposits to survive on site is low.

**5.23 SCC Environmental Health (Pollution & Safety) - No objection raised**

No objection subject to a condition securing details of the use of piling.

**5.24 Environment Agency - No objection raised**

The houseboats would remain above the predicted future flood level (as they are assumed to float) and there would also be access to higher ground at the site itself. The area shown as car parking is above the 1 in 200 year design event for this area.

**5.25 Hampshire Fire and rescue - No objection raised**

Officers recommend a fire point should be made available on the approach to the houseboats containing firefighting equipment and that the all the houseboats should have alarms.

**5.26 Southern Water - No objection raised**

Subject to an informative requiring connection to the public sewerage system.

**6.0 Planning Consideration Key Issues**

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

- Principle of development and change of use;
- Impact on the street scene;
- Residential Amenity;
- Ecology, Flooding and Tree issues; and
- Highway safety
- S.106 mitigation

6.2 Principle of Development and change of use

6.2.1 The principle of development is acceptable. The proposal seeks to provide 4 houseboats located along the shore of the Itchen River. Each houseboat to be moored would be approximately 19.8m long by 4.5m wide and 4.5 m high. The site is located within an area of protected waterside open space where no development other than the provision of private shore-based facilities and pontoons are to be approved. This proposal seeks to provide private pontoons in line with this policy and the approved scheme. Policy CLT13 leads on from this



as it sets out the circumstances when houseboats will be acceptable. The policy states that houseboats are acceptable provided their design and siting does not unacceptably harm the character of the river frontage or adversely affect nature conservation interests; and suitable arrangements can be made for parking, refuse storage, access and service connections. Officers feel that this is the case here as set out in the planning considerations below.

- 6.2.2 The local context is mixed in character with residential dwellings on Whitworth Crescent and various outbuildings/summerhouses located between Whitworth Crescent and the foreshore. Along the foreshore it is clear there are a number of moorings within this stretch of Whitworth Crescent. The proposal will result in a change of use from leisure based mooring to residential mooring but as the houseboats will be similar in design and size than other boats within the area the change of use is not deemed to be detrimentally harmful.
- 6.2.3 The site is located within the policy area for the South Inshore and South Offshore marine plan which is secured by the Marine Policy Statement 2011 (MPS). The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment. The scheme is in line with the provision and principles set out in MPS. This proposal seeks to introduce compatible activities and therefore is in line with the MPS.

### 6.3 Impact on the street scene

- 6.3.1 The erosion of the street scene by the introduction of parking spaces has already been approved in 1993 application, and these works could take place at any time. This revised scheme results in an improvement to the proposed street scene as the scheme reduces the loss of the landscaped boundary along Whitworth Crescent as fewer parking spaces are now proposed. The retention of a landscape boundary is achievable by the reduction of parking spaces to one space per unit, in comparison to the eight approved within the commenced scheme.

Whilst mooring a boat onto the pontoon is not development requiring planning permission it is felt that any houseboat with a degree of permanency could impact upon the visual amenity of the river. A planning condition is recommended to ensure that, despite the indicative nature of the submitted elevations, in the event that the moorings are used on a semi-permanent basis that the Local Planning Authority should retain control over the visual appearance of the houseboats themselves. This approach offers reasonable flexibility to the applicant in terms of providing a mooring and the planning authority in terms of ensuring the character of the area is not unduly harmed by the siting of inappropriate structures.

### 6.4 Residential Amenity

- 6.4.1 In the case of side by side houseboat moorings such as this, there will inevitably be mutual overlooking and impact on the outlook from habitable rooms, since windows are typically orientated on the sides of the vessels. However, this impact is usual and occupiers will be aware of this relationship. Houseboats are not static and this relationship may change over time due to a change in boat. There are no standards for privacy distance for a development of this type but the nearest neighbour is 7 metres away and set closer to the foreshore so the views into the houseboats would not be sufficiently detrimental. The impact upon existing residential amenity will be negligible.

- 6.4.2 Each houseboat has its own electric metre and connects into the mains water supply and waste pump, which will empty into the public sewerage system. Each house boat is accessed via a ramped walkway which will be landscaped by beech shrubs and other non-berry shrubs to prevent issues of encouraging birds and potential bird strike by aircraft
- 6.5 Ecology, Flooding and Tree issues
- 6.5.1 An area of garden is proposed for each plot between the walkway and the foreshore. The proposal includes the provision of bat boxes to be located within the existing oak tree.
- 6.5.2 The proposed development will result in works to the foreshore and the bank which will result in a loss of habitat due to the overgrown nature of the site. Details of the works required to undertake this development in terms of the digging out and relocating the land are secured within the officer's recommendation, which requires details of these works to be submitted prior to approval being given.
- 6.5.3 The applicant has confirmed that none of the existing soil on the site will be removed as part of the proposals but instead, it will be redistributed around the site. All of the soil on the site is the result of digging out the original bank which ran the whole width of the site, to enable the installation of the footing for the retaining wall constructed pursuant to the extant 1993 planning permission for the site. This soil was deposited in the centre of the site at this time. Following completion, some of the soil was then relocated to the northern part of the site to allow the plant and machinery to leave the site. Following installation of the services proposed as part of the current application this soil would be redistributed across the site.
- 6.5.4 The Council's Ecologist is satisfied that the proposal will not be harmful providing the attached conditions are enforced. Further information on how the work is going to be undertaken without damaging the habitat of the Atlantic salmon, which would be detrimentally affected if silt mobilisation occurs, is sought. In addition, details of how measures to secure the habitat of otters is also required. The site adjoins the SINC mudflats and therefore in order to protect these areas a condition is secured to prevent works to this area. Works should only take place on the reclaimed land and the bank.
- 6.5.5 The site is located within flood risk zone 3, however, the fixed parts of the proposed development are to a height of 3m. In this location the required height for fixtures due to predicted flooding level is 2.7m so there will be safe egress for occupiers should they need it. On this basis the Environment Agency is satisfied that the proposal, due to the level of the walkway proposed, provides a safe access and egress during a flood event.
- 6.5.6 The oak tree protected by a Tree Preservation Order (TPO) within the site on the boundary provides great amenity value within the street scene and privacy for the site. The reduction in car parking spaces, which are to be located at the northern end of the site, provides a greater separation distance from the Oak tree set by the 1993 permission ensuring that the proposals will reduce the proposed impact on the tree. Details of the refuse storage are required to ensure the proposed groundworks will not harm the root protection zone of the protected tree. The

trees within the site, and their protection, are key and tree protection conditions are recommended to safeguard the trees during development.

## 6.6 Highway safety

6.6.1 The proposal provides four parking spaces (one for each houseboat) and a screened shared bin storage area is provided fronting Whitworth Crescent. Space is also available for cycle storage which will be secured via condition.

6.6.2 The provision of one car parking space per units has raised no objection by highway officers. This is deemed to be an appropriate standard to adopt in these circumstances given the site's proximity to the Bitterne Triangle services and the railway itself. The application is not supported by a parking stress survey, despite requests, and the development plan does not insist that one should be undertaken with every residential scheme. However, a recent scheme for 9 flats at 74 Whitworth Crescent (LPA 15/00610/FUL) was approved in June 2015 by the Planning Panel with the provision of 5 on-site spaces for the site. The survey area for this neighbouring scheme covers Whitworth Crescent to the north up to where it meets Cobden Avenue (a distance of 220m), Whitworth Crescent to the south for another 220m up to where it turns shapely south east, and also includes Harcourt Road which measures 170m to the east. The survey was carried out on two separate occasions, both mid-week and outside of school and public holidays. The surveys, which were undertaken on 11 and 12 March 2015, were carried out at 01:00 and 04:00 when occupancy levels would be at their highest.

6.6.3 The survey area included a total of 120 available on road parking spaces and on 11 March 2015 74 were occupied leaving 46 available; and on the 12 March 2015 there were 67 that were occupied and thus 53 remained available. The results of the survey demonstrated that the survey area can cope with any overspill parking should 1:1 parking not be sufficient.

## 6.7 S.106 Mitigation

6.7.1 The level of development proposed is below the Council's threshold for needing a S.106 legal agreement. The application was also submitted prior to the Council's requirement for seeking contributions from residential development towards the Solent Disturbance Mitigation Project (SDMP). As such, no off-site contributions are necessary to support the scheme.

## 7.0 Summary

7.1 The application for 4 residential houseboats follows an extant permission for 4 recreational moorings from 1993. The physical works associated with this change of use are deemed to be appropriate to the character of the area, local ecology, residential amenity and highway safety. Overall, the change of use of the site to residential, and the provision of pontoons, will alter the character of the area but not to the detriment of the existing waterside characteristics. The retained boundary along Whitworth Crescent has been consented. The proposal provides sufficient facilities for parking, refuse storage, access and service connections without resulting in harm to the character of the river frontage or the nature conservation interest within the vicinity the scheme. The application is deemed to be compliant with the adopted development plan.

## **8.0 Conclusion**

8.1 The application is recommended for approval subject to securing the matters set out in the recommendations section of this report and the 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)(d), 4(f)(qq), 6(c)

### **ARL for 04/08/2015 PROW Panel**

### **PLANNING CONDITIONS**

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works  
The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

02. APPROVAL CONDITION – Car parking layout [Pre-Commencement Condition]  
Prior to development commencing a detailed plan of the parking area demonstrating where the proposed car parking spaces are to be located, their size to comply with current standards and their allocation on a 1:1 basis shall be submitted to and be agreed in writing by the Local Planning Authority prior to the commencement of development. The agreed scheme shall be implemented in accordance with the approved plans prior to the first occupation of the development. The parking shall be retained to serve the approved use..

Reason:

In the interest of highway safety.

03. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction; (f) details of demolition and construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during demolition and construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

04. APPROVAL CONDITION – Details of the pontoons & boats [Pre-Commencement Condition]

Further details of the design and appearance of the proposed pontoons shall be submitted to and agreed with the Local Planning Authority prior to the commencement of the development hereby permitted.

Any houseboat to be moored on a long-term basis (ie. for more than 3 months) shall not be sited as approved until full details of the external appearance of the superstructure have been submitted to the Local Planning Authority for approval in writing, particularly in relation to the materials to be used and the external finishes to both boat and superstructure.

No houseboat larger than 19.8m length, 4.5m width and 4.5m height (above the waterline) shall be moored at the site.

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

Reason:

In the interests of ensuring that the new development is constructed in accordance with the submitted details and to secure a harmonious form of development.

05. APPROVAL CONDITION - Removal of Permitted Development [performance condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, no development permitted by class E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the houseboat hereby approved.

Reason:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve both dwellings.

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

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

Reason:

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

07. APPROVAL CONDITION - Cycle storage facilities

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be submitted to and be approved in writing by the Local Planning Authority prior to

the commencement of development. The agreed cycle stores shall be provided within the site before the use hereby permitted is occupied. All storage shall be permanently maintained for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

#### 08. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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

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

Reason:

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

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

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

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

Reason:

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

10. APPROVAL CONDITION - Tree survey plan [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason:

To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice.

11. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

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

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

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

13. APPROVAL CONDITION – Details of ecological mitigation [Pre-Commencement Condition]

Before any development or demolition works are commenced the details required below shall be submitted to and approved in writing by the Local Planning Authority;

- how the development will take place without resulting in silt mobilisation including measures to minimise the loss of silt from the application site;
- details of the piling methodology and timing – see also condition 16
- measures designed to safeguard otters and other protected species. .

The approved scheme of works shall be implemented and any measures requiring retention in situ shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason

To prevent a detrimental impact to the protected species (Atlantic Salmon and Otters) on the River Itchen Special Area of Conservation (SAC).

14. APPROVAL CONDITION – No works on the intertidal mudflats [Performance Condition]

Notwithstanding the approved plans no development shall take place at any time within the protected intertidal mudflats unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason

To prevent a detrimental impact on the River Itchen Special Area of Conservation (SAC)

15. APPROVAL CONDITION – Biodiversity

The development shall be carried out in accordance with the recommendations contained within the Extended Phase 1 Habitat Survey (dated 21<sup>st</sup> February 2013). All survey work shall be completed prior to the commencement of development with any mitigation required agreed with the Local Planning Authority prior to the commencement of development and implemented in accordance with agreed timescales.

Reason:

In the interests of the site's local importance to biodiversity

16. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

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

Reason:

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

17. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise 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.

18. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]

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

Reason:

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

19. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

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 the commencement of development), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

*Condition Informative 1*

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

*Condition Informative 2*

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

20. APPROVAL CONDITION - 'Water' [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of water efficiency calculator and documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

21. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

22. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

Saturdays                                09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

Reason:

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

23. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

24. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

25. APPROVAL CONDITION – Restriction on number of boats [Performance Condition]

At no time shall more than four boats be moored to the pontoon hereby permitted. No boat shall in any case be so moored as to project beyond the outer support pile.

Reason:

To protect the character of the area and in the interests of the visual amenities of nearby residents and of users of the Riverside Walkway.

#### 26. APPROVAL CONDITION - Approved Plans

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

Reason:

For the avoidance of doubt and in the interests of proper planning

#### **Informative – Hampshire Fire & Rescue**

Advice from Hampshire Fire and Rescue recommends that a fire point should be made available on the approach to the houseboats containing firefighting equipment and that all the houseboats should have an appropriate alarm system installed to support the residential use.

#### **Informative – Southern Water**

A formal application to requisition water infrastructure is required in order to service this development. The applicant/developer should also enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW – T.0330 303 0119.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP16	Noise
SDP20	Flood risk and coastal Protection
SDP22	Contaminated Land
SDP23	Unstable Land
NE3	Sites of local Nature Conservation Importance
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
CLT12	Waterside Open Space
CLT13	House Boats

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

12/00342/PREAP1 Change of use from pontoons and jetties for leisure craft to 4 house boats with services and parking. 30.08.12

**930663/E** **Conditionally Approved 16.12.1993.**  
**Subdivision of site into 4 separate plots for use as a private boating facilities with the construction of pontoons.**

910259/EX Refused and Dismissed at Appeal 09.02.1993  
Application for established use certificate for use as a boat yard (service moorings repairs and maintenance).

910881/E Refused 28.11.1991.  
Provision of mooring facilities with the ancillary erection of a workshop/store and car parking facilities

910881/E Refused 28.11.1991  
Ancillary erection of a workshop/store and Car parking facilities

901166/E Refused 21.11.1990  
Revision of mooring facilities, with ancillary Shop / Store and car parking facilities

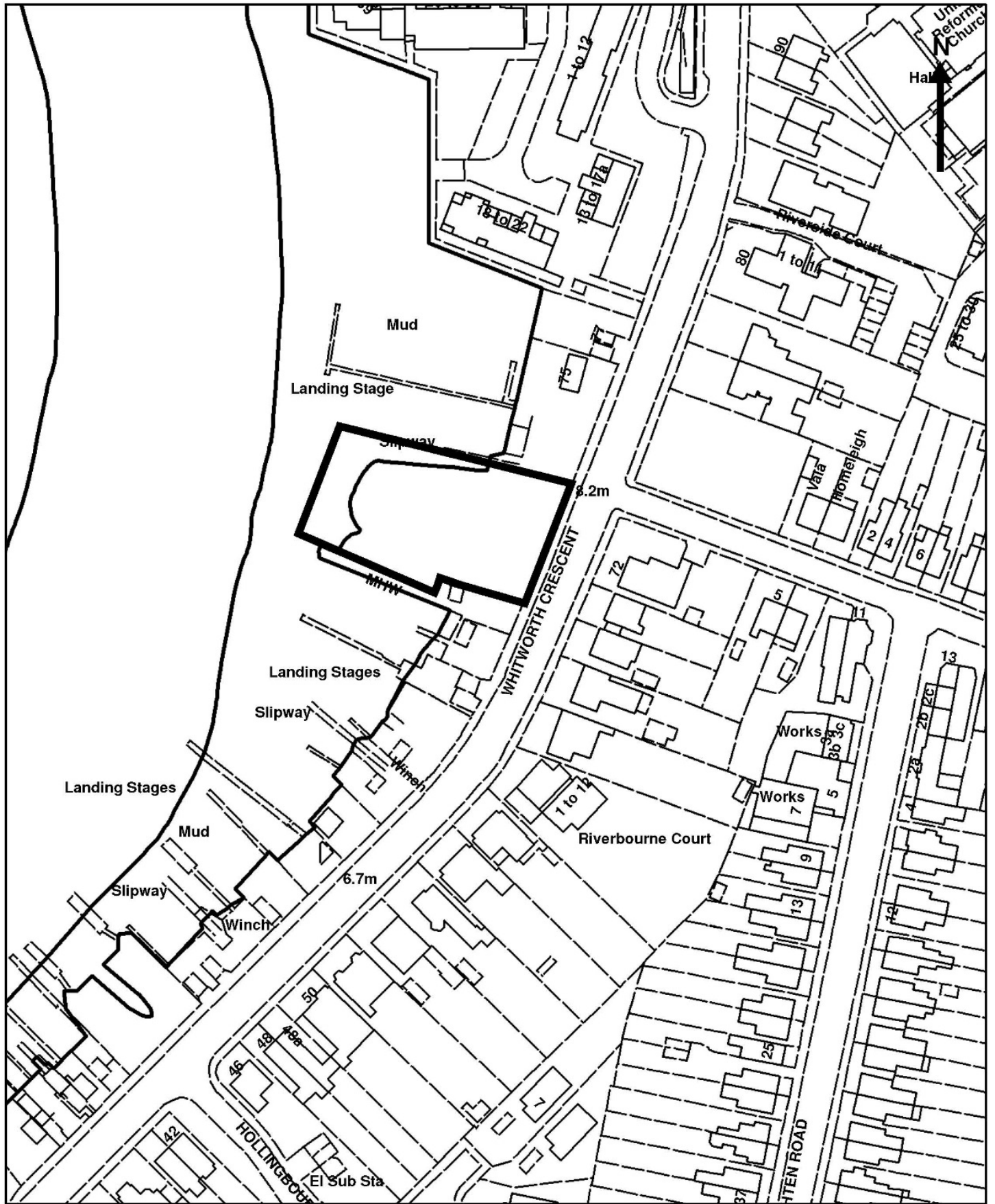
900414/E Refused 20.03.1990  
Redevelopment of the site by the erection of 7 dwellings

871172/E Conditionally Approved 27.07.1987  
Three gates across entrance -.

E04/1648 Refused 16.07.1984  
Boathouse with flat over

1171/P17 Refused and Dismissed at Appeal 16.02.1960.  
Bungalow

# 14/01431/FUL



Scale: 1:1,250

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