

Application 11/01923/REM

Copy of Planning Permission 08/00389/OUT



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

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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 scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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 been 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 (Itchen Team) to discuss this matter further. Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters.

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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: 31st December 2009

If you have any further enquiries please contact:
Stephen Harrison