

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel 12<sup>th</sup> July 2016  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Former Vosper Thornycroft, Victoria Road, Woolston ('Centenary Quay')			
<b>Proposed development:</b> Reserved Matters approval sought for access, layout, scale, appearance and landscaping as agreed under Outline Planning Permission reference 08/00389/OUT for Phase 4B of the Centenary Quay development comprising 157 dwellings in a 27-storey building and an extension to the basement car park within Phase 3 (Environmental Impact Assessment Development) - Amendments to Condition 10 (Building Heights) and Condition 56 (Parking) incorporated - Description amended following validation			
<b>Application number</b>	16/00148/REM	<b>Application type</b>	REM
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	N/A Planning Performance Agreement (PPA)	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Hammond Cllr Payne Cllr Blatchford
<b>Referred to Panel by:</b>	Cllr Hammond	<b>Reason:</b>	Change from commercial use to residential at ground floor and subsequent loss of public walkway around tower J1.

<b>Applicant:</b> Crest Nicholson Operations Ltd.	<b>Agent:</b> Savills
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<b>Recommendation Summary</b>	<ul style="list-style-type: none"> <li>i. Approve Habitat Regulations Assessment</li> <li>ii. Conditionally approve planning application</li> </ul>
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<b>Community Infrastructure Levy Liable</b>	<b>No – outline permission pre-dates CIL</b>
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**Reason for granting Permission**

The development proposed for Phase 4b of the 'Centenary Quay' development is acceptable taking into account the policies and proposals of the Development Plan as set out in the officer's report to the Planning & Rights of Way Panel on 12<sup>th</sup> July 2016. The Council has also taken into account:

- the findings of the previous Environmental Statement (as updated) and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011;
- An Appropriate Assessment (AA) – dated 14th March 2016 following a Biodiversity by Design Scoping Report - in accordance with the Conservation (Natural Habitats etc.) Regulations 2010 following the original AA from July 2008; and,
- The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and,
- The outline planning permissions for this site (05/00816/OUT and 08/00389/OUT refers)

The development of Phase 4b will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits, including the provision of 157 flats, the first significant link of riverside walkway, additional car parking and an on-site children’s play area. These benefits, in terms of physical and community renewal, tangible job creation (at the construction stage), new homes and the ongoing creation of a distinctive place have been weighed against the concerns raised by residents about traffic, parking, dense high-rise urban development, and its subsequent integration into Woolston and the significant opposition locally to the loss of the proposed walkway around the base of the residential tower known as J1.

The proposed development makes efficient use of this 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 comments of Natural England are noted and the issue of recreational disturbance on the Special Protection Areas of the Solent Waters and the New Forest have been considered in the context of the earlier Appropriate Assessment (as updated to reflect this reserved matters submission) and the s.106 payments and signage strategy already secured at outline stage.

The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Other material considerations do not have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted for Phase 2.

Policies of the City of Southampton Local Plan.  
SDP1, SDP4-17; SDP21; SDP22; HE1, HE3, HE6, NE4-5; HE6; CLT1; CLT5; CLT6; CLT7; CLT11; L4; H1-3; H7; REI5; REI7; REI15; and MSA18 as supported by policies CS1, CS3-7; CS10; CS12-16 and CS18-25 from the adopted LDF Core Strategy (2010) and the Council’s current list of up to date supplementary planning documents.

<b>Appendix attached</b>			
1	Habitat Regulations Assessment	2	08/00389/OUT Panel Minutes & Decision
3	Development Plan Policies	4	Relevant Planning History

**Recommendation in Full**

1. The Planning & Rights of Way Panel confirm the Habitats Regulation Assessment at **Appendix 1** of this report, and then:
2. Conditionally approve the Reserved Matters application for CQ Phase 4b.

## **Background**

The application site is allocated for a mixed-use development in the adopted City of Southampton Local Plan Review (2015) under 'saved' Policy MSA18.

Outline planning permission (LPA: 08/00389/OUT refers) was granted for the Centenary Quay (CQ) development on 31st December 2009. In summary – as set out in the accompanying Environmental Statement - the proposed development will introduce approximately an additional 2935 residents in 1620 new dwellings (based on the indicative unit mix of 399 no.1 bed, 941 no.2 bed, 217 no.3 bed and 35 no. 4 bed units and 28 live-work units), and an estimated 787-857 people working in the 28,381sq.m marine employment quarter. An additional 417 jobs will be created by the hotel, foodstore and ancillary retail uses. The outline planning permission comprises:

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

A copy of the minutes from the August 2008 Panel meeting are attached at **Appendix 2**. This current planning application for 'Reserved Matters' provides further details for Phase 4b of the scheme.

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

- 1.1 The 0.44 hectare application site forms part of the former Vosper Thornycroft shipbuilding site and is wholly contained within the original outline site area (some 17.5 hectares in total) for the new mixed use development in Woolston known as 'Centenary Quay'. It is bounded by the River Itchen to the west, the recently completed 'Centenary Square' to the north, Phase 3 and the 'Upper Square' framed by vacant commercial units (with residential above) to the west, and the remainder of this cleared site to the south. The site is located to the south-west of the defined Woolston district shopping centre.
- 1.2 Away from the development the surrounding area is characterised by the district centre, the cleared site of a new Lidl foodstore, the river itself, and an extensive residential area, mainly in the form of two-storey terraced housing and some semi-detached and detached houses of varying architectural styles. The site is open to public views from across the River Itchen at Ocean Village and from the Itchen Bridge. The site is partly secured with hoardings to the adjacent roads and forms mudflats adjacent to the river.

- 1.3 The application site lies close to, although not adjacent to, a section of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. Atlantic salmon, a secondary interest feature of the River Itchen Special Area of Conservation (SAC), also pass close to the site. A section of the Lee-on-the-Solent Site of Special Scientific Interest shares a boundary with the Solent and Southampton Water SPA.
- 1.4 Phases 1, 2 and 3 of this development are complete and occupied. The reserved matters application for Phase 2 (LPA: 11/01923/REM refers) was approved by the Panel in March 2012 for the following:  
*'Reserved matters approval sought for Phase 2 of the Centenary Quay development granted outline permission in December 2009 (reference 08/00389/OUT - Environmental Impact Assessment Development) to provide 168 residential units (49 x one-bedroom, 103 x two-bedroom, and 16 x three-bedroom units), a library and day nursery in buildings ranging in height from three-storeys to six-storeys with associated parking and other works*
- 1.5 Phase 3 of the development differed from the outline approval and was approved by the Planning Panel in July 2012. The phase 3 application was described as:  
*'Full permission sought for Phase 3 of the Centenary Quay development with a mixed residential and employment use comprising 329 residential units (102 x one bedroom, 178 x two bedroom and 49 x three bedroom units), a food store (Class A1 - 5,500 square metres), commercial space (Classes A1/A2/A3/A4 or B1 - 1,685 sq. m) and a management suite (84 sq. m) in buildings ranging in height from four-storeys to twelve-storeys with associated basement car parking and cycle parking, landscaped public and private open spaces, servicing and other works including junction improvements and temporary access to the river's edge. (Environmental Impact Assessment Development).*
- 1.6 Phase 4a of the development differed from the outline approval and was approved under delegated authority in March of this year. The phase 4a application was described as:  
*Reserved Matters approval sought for External Appearance and Landscaping with variations to Scale and Layout as agreed under outline planning permission reference 08/00389/OUT for Phase 4 of the Centenary Quay Development, comprising 185 residential dwellings, 508 sqm of A3/A4 retail space and a multi storey car park within buildings ranging in height from 6-storeys to 11-storeys with associated works including a temporary car park (Environmental Impact Assessment Development) - Amendments to Condition 10 (Building Heights) and Condition 56 (Parking) incorporated - description amended following validation'*
- 1.9 Work on Phase 4a has commenced.

## 2.0 Proposal

2.1 'Reserved Matters' approval is sought for the next phase of the Centenary Quay development. The application provides details of Appearance, Access and Landscaping with variations to the Scale and Layout agreed at the outline stage. The scheme comprises the first residential tower, an extension to the approved basement car park, a public riverside walkway and the provision of an on-site children's playarea.

2.2 Phase 4b can be summarised as follows:

Proposed	Summary of Centenary Quay Phase 4a
Residential	157 flats comprising: 59 no.1 bed (38%) 79 no.2 bed (50%) 19 no.3 bed (12%)
Affordable Housing	Nil – covered by earlier phases Phases 1-3 (234/657 – 36% falling to 28% following Phase 4a)
Density	285 dph proposed for Phase 4a (185/0.65ha) <b>357 dph proposed for Phase 4b (157/0.44ha)</b> 174 dph is approved across the 9.3 hectares
Additional Commercial	Nil 2,338sq.m children's playspace on-site
Parking	0.84 spaces/1 bed & 1 space/2 bed (condition 56 refers) Phase 4b increases parking to at least 1 space/dwelling: 70 spaces within extended basement 96 spaces within Phase 4a multi-storey car park (approved)
Building Heights & changes to Outline Parameters	<u>Block J1 - Tower</u> 27 storeys (90m Above Ordnance Datum (AOD)) Increased from 25 storeys (82m AOD) Footprint amendments Alterations to ground floor & removal of public walkway

2.3 The Centenary Quay scheme was approved with 3 residential towers. This application provides the detail for the first tower and will, therefore, presumably set the framework for how the others will look. A contemporary design solution is proposed, although the architecture and external materials have deliberately been chosen to contrast and compliment rather than copy the earlier phases. The tower has been designed as a focal building and employs rainscreen metal cladding (in both bronze and smoke silver) to break up significant areas of glazing offering residents living within the scheme expansive views of the water and City skyline. These materials have also been chosen for their longevity given this marine environment.

2.4 Above the extended basement car park of Phase 3 the application proposes a formal children's play area. The s.106 associated with the outline planning permission (LPA ref: 08/00389/OUT) secured off-site contributions from every new dwelling created, and then stipulates that prior to the occupation of the 865<sup>th</sup> dwelling there shall be on-site provision. Phase 4b triggers this requirement and will provide an attractive piece of public open space in a central location with river views

2.5 The key issue arising from the proposed change to the tower concerns public access to the waterfront. The approved tower within the masterplan, albeit in 'Outline' only, has a restaurant (A3) use at its base with residential above and a public riverside walkway around its entire frontage. The proposed tower has evolved and permission is now sought to replace the restaurant with 4 flats. The approved riverside walkway is replaced with private garden terraces. This report sets out the justification for the change, details the local objection to the removal of public access to the waterfront, and explains the policy context against which a decision on this planning application should be made. This report also details the impacts of the development on local Special Protection Areas (SPAs), as outlined below in the objection received by Natural England to the proposals.

### **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 (2015) and the City of Southampton Core Strategy (2015). The relevant plan policies are set out at **Appendix 3** of this report.

3.2 The site is allocated for a mixed-use development under Policy MSA18 which supports: Employment uses (B1 and B2) to include maritime-based research and development and light industrial uses that require access to the waterfront in the vicinity of the existing deep water quay; Residential development to include a range of housing types; Local leisure and community uses; and a high quality, publicly accessible, waterfront including areas of green open space.

3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13. In this case the reserved matters application is governed by permission 08/00389/OUT condition79 requiring Code for Sustainable Homes Level 3.

### **4.0 Relevant Planning History**

4.1 The planning history for this site is set out in detail at **Appendix 4**.

### **5.0 Consultation Responses and Notification Representations**

5.1 In line with the Council's requirements for major development proposals the applicants undertook a local consultation event on 4<sup>th</sup> August 2015 to which some 140 people attended. Comments received have influenced the scheme. Updates of the highways programme are provided locally through leaflet drops. Three notice boards have been installed close to the site, and a quarterly newsletter for residents of the development is distributed.

5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (19.02.16) and erecting a site notice (16.02.16). At the time of writing the report **118 objections** have been received from surrounding residents, including an objection from Ward Cllrs Hammond and Payne.

The following is a summary of the points raised:

5.3 The replacement of the ground floor restaurant (as approved) with flats, and the subsequent change from a public riverside walkway to private garden terraces, is unacceptable for a scheme that promised public waterside access at the outline application stage. The change seeks to benefit a developer and private individuals rather than the existing residents of Woolston who are living with the consequences of such a large development. This change clashes with the Council's long-held position of protecting, and where possible, opening up public waterfront access in the City. It also deviates from the original development brief for Centenary Quay, which did not include private waterfront access.

**Officer Response**

*This issue is the principal concern raised by existing residents and is covered in detail within the Planning Considerations section of this report.*

5.4 Centenary Quay has insufficient car parking and this scheme will exacerbate existing problems further

**Officer Response**

*The parking levels were set for the Centenary Quay development when the Council determined the outline planning application. Condition 56 of this permission confirms that there shall be 0.84 spaces/1 bed & 1 space/2+ bed in line with local and national planning policy that was in place in 2008. The Council cannot insist upon more parking to serve the development. The developer has, however, sought as part of phases 4a and 4b to increase the parking across these phases so that every dwelling is provided with an allocated parking space. A total of 166 spaces are proposed to serve the 157 flats within Phase 4b. As such, planning permission is sought to vary condition 56 of permission 08/00389/OUT as part of this application. There are no objections from officers to this change*

**Consultation Responses**

5.5 **SCC Highways** – No objection (clarification sought)

The proposal is to build a 26 storey tower containing 157 flats, on the site of building J1 of the Centenary Quay master plan. Car parking for the proposed tower is proposed to be accommodated within the underground car park which is accessed from the common underground car park access from the roundabout off John Thornycroft Road. The level of parking to be provided is on at least 1:1 basis, which exceeds the permitted level of parking for the original scheme. Cycle parking is proposed on the basis of 1 cycle space per 2 one bed flats, and one cycle space for each larger flat, all to be secure, and an additional 10% of spaces provided externally for short term visitor spaces. Refuse storage is also provided, at ground floor level in 2 stores, plus some underground storage to be included for residential and commercial use.

5.6 The principles of the development were approved in the outline consent granted

in 2008.

#### 5.7 Parking

It is not clear exactly how this parking fits with the approved parking for this site, or if residents are provided with a convenient entry/exit route to their homes to avoid the need to carry heavy items any distance. If there is not a convenient route they will be inclined to try to access the main flat entrance with their cars for dropping off items, getting these to their flats, before that then return their cars to the parking areas. This will result in the public realm areas being impeded by regular traffic movements and cars parking up for short periods of time.

5.8 The parking provision has been increased here to provide 1:1 parking spaces, which moves away from the original consent. I have no objection to this in principle as local concerns suggest that overspill parking from this development is already spilling into surrounding streets. Hopefully with the opening of the new multi storey underground car park this will provide parking for visitors to this and nearby phases of this development, relieving any overspill which has been occurring. I can confirm that I will not be raising objection to the increased level of parking spaces proposed for this phase of the development.

5.9 Cycle parking falls short of 1:1 cycle spaces per dwelling, and also where all the cycle parking is to be provided is not clear. Nor is how the residents will access the cycle parking areas and what routes they will need to use when approaching and leaving both on foot and with their cycle.

#### 5.10 Bins

A refuse strategy will be required to understand how the bins will be managed, and collected. There is no provision that I can see for glass storage, a glass pod was requested. Also, there is no provision for old white goods storage, so we need to understand how, for example, an old refrigerator, or maybe dining suite could be stored outside of a property until collection can be arranged

#### 5.11 General Access

Access for pedestrians and cyclists had always been considered to the entire waterfront, so the restriction of access around the front of the tower does not conform with previous concepts for this site.

#### **Clarification from Applicant:**

5.12 *The flats within the tower are served, in part, by parking provided within the approved Multi Storey Car Park (as part of the Phase 4a approval). These spaces are allocated on levels 02-04. The spaces are accessed via the pedestrian entrance on John Thornycroft Road, in the same manner as the other apartment buildings. The remaining 70 spaces for Phase 4b (including 4no. DDA spaces) are to be provided within the proposed extension to the basement car park.*

5.13 *Vehicles are unable to access the Centenary Square/ public realm due to the bollards (removable for emergency access) and, as such, resident's vehicles will not be able to gain access to the main entrance of the tower. The location of the Phase 4 parking provision is in accordance with the outline consented scheme*

5.14 *The quantity of cycle provision was previously agreed and consented at outline stage. As such the proposed provision is based on 1 space per 2no. 1 bed*



apartments and 1 space per 2 or 3 bed apartments. On this basis, Phase 4b requires 126 secure, long stay spaces. A total of 47no. spaces are provided for Phase 4b within level 00 of the approved MSCP and a total of 80no. are provided as part of the proposed extension to the basement car park

- 5.15 *Stair and lift access will be provided within the Phase 4b works to provide vertical access from the basement car park up to Centenary Walk. This will in turn provide an exit/ entry point opposite J1. We can amend the drawing to reflect this if helpful.*
- 5.16 *The refuse strategy allows for the Eurobins to be managed by the company on site. Two stores are provided at the base of the tower (providing a total of 28no. 1100l Eurobins) with an additional store located within Phase 3 providing the remaining 8no Eurobins. The drawings can be amended to include glass recycling facility within this phase. The refuse stores are located at public walkway level (+5.00) with the lowest residential level raised to +6.80. A lobby has been introduced to allow residents to dispose of their refuse via chutes; 2no. chutes for refuse, 2no. for recycling and 1no. for glass. The refuse stores will only be accessible by the Management Company who will manage the circulation of the Eurobins as necessary. In terms of larger items, residents will liaise with the Management Company, via the concierge, who have access to management storage facilities on site, which are provided within Phase 3 under the terraced garden area.*
- 5.17 **1<sup>st</sup> SCC Design Advisory Panel (Pre-application stage for Phases 4a and 4b)** – The Panel is broadly supportive of the proposals and the approach that you have taken to design the development thus far... The Panel felt that the tower (J1) is lacking in creating a distinct and positive landmark on the city's waterfront. The original tower proposals and principles set out in the Design Code, used the purity of the spherical form to create a distinctly different identity within the development and also created a dynamic building which appeared to thrust out toward the water and the city, creating a very powerful and physical symbol of the ongoing regeneration of Woolston. The Panel believe that the change to the angular form is a significant and detrimental departure from the Design Code for the development. The current tower feels 'too solid' and 'anchored' compared with the outline proposal and accompanying design code principles, and it is important that if the shape of the tower is to change then a new and dynamic form needs to be derived that responds to those principles. The Panel however, would prefer to see a return to the spherical form particularly if this is to be replicated for the future 18 and 21 storey towers along the waterfront. The Panel are slightly unclear as to the level of active edge to the square around the base of the tower particularly given the comments related to modifications needed following recent wind tunnel testing. It is clearly important for the vitality of the square and the route around the building that the ground floor is as activated as possible.
- 5.18 **2<sup>nd</sup> SCC Design Advisory Panel (Pre-application stage for Tower J1 only)**
- The panel does not support the design of the tall building;
  - The building lacks a positive top and fails to make a distinctive landmark on the skyline;
  - The increase in width and lack of a distinct top from the outline application proposal, compared with the new proposal is creating a bulkier building which

does not have an elegant proportion or simple aesthetic envisaged by the design code;

- The tower has no base plinth and the lack of a change in proportional height for the lower floors means the building sits uncomfortably at ground;
- The existing proportional relationship could not be replicated for all three buildings as the decreasing height will simply reinforce the bulky nature of the buildings which will not read as elegant towers;
- The tower needs to be rethought from first principles. Given the width of the base of the building to get any chance of creating the feel of a tower the building will need to be subdivided into two distinct vertical forms;
- The panel overall had little confidence either as an individual building or as a suite of three that the proposed scheme represented acceptable landmark buildings given the long range prominence of these buildings on the city skyline;
- Public access around the base of the building to the waterfront should be provided;
- Attenuation of down draughts can be dealt with to provide an acceptable pedestrian environment.

#### 5.19 **Officer Response**

*The Design Advisory Panel (DAP) is used by officers to influence a scheme ahead of a formal planning submission. Both sets of comments were made at the pre-application stage and assisted officers in negotiating for design improvements. Significant progress has, in the opinion of officers, been made with the design of the tower J1 since this advice was given. The design has more vertical emphasis and the width is broken down by a change in colour with three vertical components spanning the width. The tower has a bespoke design for its top levels and incorporate a series of step changes forming a 'top'. A plinth level has been designed to ground the building, as suggested by the DAP, and the overall appearance is one that is now considered to relate well to the original concept and the overarching Design Code for the site. The tower's design has been refined and is now supported by the Council's City Design Group Leader, who originally shared the DAP concerns. Fundamentally, however, the shape of the tower and the opening up of the space around the base of the tower to public access has not changed. The shape of the tower, as approved, was oval making construction problematic when compared to a more angular shape as now proposed. This change is not significant in planning terms to whether or not the tower should be supported. The public access issue is discussed later in this report and has a material effect upon the proposals.*

#### 5.20 **SCC City Design Group Leader – No objection**

Following detailed design evolution I only have one comment to make. Now that a public walkway has been removed around the waterside base of the tower, we need to know how the boundary between the public realm and the private terraces is to be defined as at the moment it just shows a line on the plan. It may be a good idea to use raised planting beds as has been used on the earlier phases of the development as it is entirely predictable that owners of these flats will want to screen themselves from potential close quarter public views and I think it is important that this is done in a consistent way rather than being left to the individual occupier. I do think that a contrast is needed with the cladding (as

now shown) as this creates the greater sense of verticality and I am concerned that if we went for the same colour it might start to re-emphasise the bulk again, rather than being seen as three separate strong vertical components

- 5.21 **SCC Employment & Skills** - An Employment and Skills Plan Obligation is already in force through the original S106 Agreement and discussions have already begun regarding activities for this phase.
- 5.22 **SCC Housing** - As with the associated application for Phase 4a, this application is also supported in principle as a means of maintaining the momentum of the multi-phased Centenary Quay regeneration project. In terms of the required affordable housing provision, the applicant's intention to provide the outstanding number of affordable housing units in subsequent phases of the project is again duly noted.
- 5.23 **SCC Sustainability** - The applicants have demonstrated that this development has been designed to meet the sustainability requirements of the Outline application (Conditions 79 and 80). Evidence must be provided that the dwellings, which are part of this Reserved Matters application, have met these requirements at post-construction stage.
- 5.24 **SCC Environmental Health** - No objection to the reserved matters detailed in this application.
- 5.25 **SCC Contaminated Land** - This Department's recommendations for 08/00389/OUT still apply.
- 5.26 **Southern Water** – No objection subject to an informative that the detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
- 5.27 **Natural England** – Objection raised regarding impacts upon SPAs  
The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) which is a European site. The site is also listed as Solent and Southampton Water Ramsar site<sup>1</sup> and also notified at a national level as Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The application site is also in close proximity to the River Itchen SAC and SSSI and the New Forest SPA, Special Area of Conservation (SAC), Ramsar and SSSI sites.
- 5.28 In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>2</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.
- 5.29 *Issues concerning:*  
*New Forest SPA/Ramsar/SAC/SSSI - Objection/Further information required*

- 5.30 Natural England notes that the applicant has provided a 'Statement to Inform' a HRA to allow you, as competent Authority, to screen the proposal to check for the likelihood of significant effects. Their assessment concludes that your authority is able to rule out the likelihood of significant effects arising from the proposal. On the basis of information provided, it is the advice of Natural England that it is not possible to conclude that the proposal is unlikely to result in significant effects on the European sites in question.
- 5.31 Natural England advises that the 'Statement to Inform' currently does not provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. Where there is a likelihood of significant effects, or there are uncertainties, a competent authority should undertake Appropriate Assessment, in order to assess the implications of the proposal in view of the conservation objectives for the European wildlife site(s) in question. Natural England therefore advises that an Appropriate Assessment should now be undertaken, and the following information is provided to assist you with that assessment.
- The 'Statement to Inform' suggests that likely significant effect can be ruled out due to the provision of signage and a residents welcome pack promoting recreational use of local greenspaces (thereby minimising trips to the New Forest).
  - Information/welcome packs alone are not acceptable as mitigation.
  - A solution would be a financial contribution to enhancements on local green space to which you are signposting. The statement already identifies a number of local green spaces in close proximity to the development site, so the applicant could work with the local authority in identifying enhancement measures that could be made to make those sites more useable.
- 5.32 *Issues concerning:*  
*Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI)*  
*Solent and Southampton Water Special Protection Area (SPA) and Ramsar*  
*River Itchen SAC and SSSI*  
*Recreational pressure - No objection, subject to contributions*
- 5.33 This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Southampton City Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP)
- 5.34 Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.
- 5.35 *Other impacts*  
It is Natural England's advice that the adjacent SSSI/SPA/Ramsar/SAC site is unlikely to be significantly affected by the proposals, either alone or in

combination with other plans or projects, subject to the mitigation measures set out in the Appropriate Assessment and Environmental Statement being delivered as appropriate for this particular phase of the development. Furthermore, we recommend that the mitigation/interpretation measures undertaken during the previous phases of development, in order to reduce impact on designated sites, be replicated in this phase of development.

5.36 **Officer Response**

*The objection from Natural England is noted and follows a similar set of comments to CQ Phase 4a (15/01985/REM, which now has planning permission). The issue of whether or not the scheme has successfully mitigated against its impacts on the local Special Protection Areas is discussed below in the context of the original Appropriate Assessment and s.106 obligations secured at the outline stage, the updated Biodiversity by Design Statement to Inform, and the finalised update to Appropriate Assessment undertaken by the Council's Ecologist (dated 14/03/16) and attached to this report at **Appendix 1**. Officers feel that there is sufficient justification on this occasion for recommending approval of this application despite this objection for the reasons set out below.*

5.37 **SCC Ecology** – No objection subject to the Appropriate Assessment being agreed.

5.38 **BAA** – No objection

5.39 **Environment Agency** – Clarification sought

*Migratory Fish*

The times detailed on pages 20 and 26 of the Ecological Appraisal Report do not reflect the times which the Environment Agency would class as 'Sensitive' for Atlantic Salmon at this location. As the sensitive times used in this document are incorrect then any assessment of impact undertaken as a result of this using these incorrect timings is likely in itself to be incorrect. The document should be updated to reflect the correct timings and an assessment of impact on migratory salmon as a result of the proposed piling should be carried out.

- The sensitive time for smolts is 16th March to 15th May.
- The sensitive time for adults is 1st June – 30th November.

5.40 The above periods the Environment Agency class as 'high risk of disturbance' to migratory salmon. Percussive piling should be avoided during these periods. Vibration or 'silent' piling methods should be used as standard.

5.41 **Contaminated Land – Model Procedures and good practice**

The proposed development site appears to have been the subject of past industrial activity which poses a low risk of pollution to controlled waters. We are however unable to provide detailed site-specific advice relating to land contamination issues at this site and recommend that you consult your Environmental Health / Environmental Protection Department for further advice. Where necessary we would advise that you seek appropriate planning conditions to manage both the risks to human health and controlled waters from contamination at the site. This approach is supported by Paragraph 109 of the National Planning Policy Framework.

5.42 Waste on site

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterization of Waste' – Sampling of Waste Materials – Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information

5.43 **Officer Response**

*The requested details can be secured through the pre-commencement planning conditions attached at the outline planning stage (as they still apply). See condition 20 of the Decision Notice 08/00389/OUT attached at **Appendix 2** of this report.*

5.44 **Hampshire Constabulary (at pre-application stage) – No objection**

I can confirm that the original proposal for ground floor retail units with a public walkway was acceptable in principle but would still need to address some of the issues I raise below. The revised proposal to replace that with ground floor residential units with private terraces was discussed during my meetings with Crest and it is one I consider to be a much more appropriate design and one which I would support. However, the 'compromise' you have described, of having residential units with a public walkway running along the rear of them is not acceptable. There are a number of weaknesses this design would create, potentially resulting in incidents of crime and anti-social behaviour. An equally important consideration is the reduction of amenity value and the effect on the privacy and well-being of the residents who would be faced with people walking, playing or gathering at the 'bottom of their garden'. The basic principles of crime prevention in relation to footpath design are that:

1. They should be designed to ensure they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods;
2. They should not run to the rear of, and provide access to, gardens, rear yards and dwellings, as these have been proven to generate crime.

5.45 These principles are supported in Manual for Streets 4.6.3 "the desire for connectivity should not compromise the ability of householders to exert ownership over private or communal 'defensive space' and 5.6.1 "The basic tenet is 'public fronts and private backs' ". Problems are exacerbated by the route being isolated, poorly overlooked (some residents above may have a very limited view), it having no escape routes (thereby creating a 'trap') and (if as I suspect) it won't be lit to highway standards. I would question the need for this footpath, it is not an 'active route' to anywhere and as a 'public access' point I would suggest there will be a number of other, more appropriate, public areas available to view the waterfront, including approximately 80 metres between Block J1 and the next proposed block of flats. Any value the footpath may have is felt to be limited to daylight hours, and during the hours of darkness it is more likely that the space will be used as a gathering point for criminal or anti-social behaviour, thereby increasing the vulnerability of the residents and their properties. For the reasons given above, the Police would object to *an amended*

layout.

## **6.0 Planning Consideration Key Issues**

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

1. The principle of development;
2. The principle of tall buildings;
3. The design approach and its impact on the established character;
4. Waterside access;
5. The impact of the development on existing local/residential amenity
6. Residential density and the subsequent quality of the environment created;
7. Highway related issues including the proposed access, parking and servicing;
8. The Appropriate Assessment and Habitat Regulations (2010 as amended);
9. Off-site mitigation and the requirement for a S.106 Legal Agreement.

### 6.2 1.Principle of Development

Outline planning permission 08/00389/OUT establishes the principle of redevelopment for the entire site and the quantum of development listed. The wider scheme was found to be in accordance with the Local Plan allocation Policy MSA18. An indicative phasing plan was also consented, which included three residential towers. This current application for Phase 4b, includes 157 dwellings within the first residential tower, and will assist the city in meeting its housing need and forms the next phase towards finalising the 1,620 unit scheme.

6.3 The proposed change to the blocks retains the agreed form of development previously approved, but alters the footprint, layout and height (as set out in detail at the start of this report), within established parameters thereby allowing a reserved matters application to be considered. A similar approach was taken for phases 2 and 4a where the building blocks slightly differed from the outline parameters established at the outline stage. It is the opinion of officers that as the application proposes a tall building in the same location it is within the spirit of the outline approval, and the additional height (2 storeys equating to 8m) is inconsequential given the scale of the proposals as a whole and can be determined through this reserved matters submission. This procedural point does not preclude the need for an assessment as to the impact of the additional height as part of a wider assessment of the application.

6.4 The application seeks to create a distinctive place as envisaged by the masterplan and is supported in principle. The provision of public access to a high quality riverside area is required by the site specific Policy MSA18, and supported by the LDF Policy CS12. Phase 4a will deliver the first part of a wider riverside walk and temporary access has already been implemented as part of Phase 3. This Phase provides riverside access between the Centenary Square and what will become the second tower. It is, therefore, policy compliant. It does not, however, provide a public walkway around the base of the tower (for the reasons given later in the report), and whilst this is contrary to the established masterplan and outline approval, and results in a lesser scheme than would otherwise have been the case, it is not in itself harmful in strict

planning terms especially given the extent of public riverside access proposed across this phase and the wider scheme.

6.5 In addition to this point, the main issues for further consideration relate to the reserved matters now proposed; namely external appearance, access and landscaping. However, given the proposed changes it is also relevant for this report to address the changes to footprint, the ground floor layout and the building's increased height. Highway issues arising from the revised car parking also require a detailed commentary. Finally, especially given the objection raised by Natural England, it is necessary to give consideration to the impact of Phase 4b on the Special Protection Areas of the Solent Waters and the New Forest. These sites are afforded protection by European Law.

6.6 2.The Principle of Tall Buildings

Adopted Local Plan Policy SDP9 (Scale, Massing and Appearance) defines a tall building as having 5 or more storeys of accommodation. It states that the principle of tall(er) buildings is accepted on major routes into and out of the City, at junctions, 'gateway' locations, adjoining the city centre parks and on "major" sites.

6.7 Tower J1 is 27 storeys tall with a height of 84.85m (90m AOD). By way of comparison the recently completed Admirals Quay building ('Moresby Tower') on the opposite side of the Itchen in Ocean Village is 26 storeys tall (80m AOD).

6.8 Tower J1 should also be read in the context of the neighbouring buildings forming Phase 3:

Block K2/K4/K5	7/9/12 storeys above basement – 46.66m (AOD)
Block K3	6 storeys above basement – 28.5m (AOD)
Block J2/J3	7/8 storeys above basement – 34.84m (AOD)
Block J5/J6	8 storeys above basement – 31.99m (AOD)

6.9 Phase 4a is approved with the following building heights:

Block M	6 storeys above basement – 27.3m (AOD)
Block K1L	6 storeys above basement – 39m (AOD)
Block K1	11 storeys above basement – 38.1m (AOD)

6.10 The details of the proposal have also been assessed against Policy SDP9 and the tall building guidance prepared by Historic England (2015). The application proposals are consistent with these requirements and it should also be noted that the principle of tall buildings was accepted by the Council at the outline planning stage. Furthermore, Southampton Airport has raised no objection to the proposed building heights within the flight path of the airport and the scheme has the support of the SCC City Design Group Leader.

6.11 3.The Design Approach and its Impact on the Established Character

The current application builds on the Woolston Riverside Planning Brief and Illustrative Master-plan (2004), and the outline planning permission 08/00389/OUT for this site, which was itself supported by a Design Code to give the certainty needed at the reserved matters stage.

6.12 Phase 4b, as now proposed, broadly follows the consented layout, with amendments following the introduction of residential use to the base of the



tower. In terms of microclimate, the applicants have tested their proposals and the design incorporates mitigation, in the form of strategic tree planting, building canopies and the sensitive location of building entrances to ensure that the experience for the pedestrian is as attractive as possible given the potential for wind caused by the this tall building proposal within a marine environment. The issue of microclimate is considered further below as justification, in part, for the proposed change to the public walkway around the tower's base.

6.13 A contemporary design solution with a modern palette of building materials is proposed for all blocks, which is consistent with the agreed Design Code for the site and the agreed details for phases 1, 2, 3 and 4a. The scheme proposes muted colour and vibrancy through the use of a bronze and silver cladding system. The car park extension is below ground level and vented. Further details of the external materials can be secured with the condition attached to the outline permission. The agreed Public Art Strategy, which explains how public art will be used to reference the site's recent links with Vospers and boatbuilding, will roll out across this phase.

6.14 In terms of the scheme's sustainable credentials it should be noted that Centenary Quay is served by a site-wide community heating system and will achieve Code for Sustainable Homes Level 3 for its energy use. The scheme will, therefore, meet the requirements imposed at the outline stage by condition 79. Furthermore, the proposed layout has taken account of the requirement under the Disability and Discrimination Act to have due regard to issues of eliminating discrimination whilst promoting equality for those with disabilities. All flats and associated parking are served by lifts, and a level threshold is provided through the site to the waterfront

6.15 The detailed design for Phase 4b is of a high standard consistent with the agreed Design Code, and compliant with the aims and aspirations of the current Development Plan's design policies. It has the support of the Council's City Design Group Leader following significant amendments to the scheme ahead of its formal submission.

#### 6.15 4. Waterside Access

The former Vospers site is allocated in the Local Plan Review for a mixed use redevelopment. Policy MSA18 confirms the need for any application to include 'a high quality, publically accessible waterfront including areas of green space'. The Core Strategy promotes public waterside access across the City and Policy CS12 states that:

*'As a maritime city, links with the waterfront help to define the relationship between the city, its rivers and the sea and safeguard the city's seaport character.*

*Development on waterfront sites should, where appropriate, achieve greater integration between the city and its waterfront through*

- 1. improving the physical connections to and from the waterfront including provision of well designed, attractive and safe public access to the waterfront; and*
- 2. preserving key views of the water and maritime activity from the city and re-providing key views which have been lost.*

*Incorporation of additional public access might be considered inappropriate where it would damage the business interests of the*

*occupiers of waterfront employment sites, would compromise safety or where additional public access might conflict with nature conservation objectives. Developer contributions may be sought from relevant developments to improve access to the waterfront in accordance with Policy CS 25'*

- 6.16 Officers, Members and the applicant have discussed the need for the Centenary Quay development to honour its commitment towards public waterside access in line with this policy. The applicants are reluctant to retain a commercial use to the base of the tower, given the offer already available to operators elsewhere within the development and the limited floorspace available, and have explored options including the retention of a public walkway around the residential use now proposed. The scheme, however, remains unchanged since its validation and private residential terraces are still proposed. The applicants have offered the following justification for the scheme as submitted
- “through our pre-application discussions prior to the submission of the ... Reserved Matters Application (RMA), whilst a commercial/food and drink (A3) use on the ground floor of Block J1 was included in the extant outline planning consent, due to the limited footprint of the building coupled with the requirement for servicing and storage areas associated with the residential and commercial uses, the inclusion of the commercial use is not feasible”*
- 6.17 *Taking account of requisite refuse and storage areas, lift and stair cores, entrance areas and other back of house the remaining area would not allow for a suitable commercial unit and would create areas of blank frontage around the tower*
- 6.18 *The decision to omit the public walkway around the base of Block J1 in the residential scheme proposed was taken due to expert advice received in preparing the detailed proposals, the advice summarised as follows:*
- *Wind tunnel environment testing identified that the base of J1 would be an unsafe environment for general public access without treatment;*
  - *Police support for omitting the walkway;*
  - *The level of lighting required for safety purposes would have detrimental impacts on ecology and opaque screening would be required to limit disturbance arising from public activity.*
- 6.19 *Given this advice, Crest were concerned that public access would give rise to unnecessary safety issues, which Crest would ultimately be responsible for, and would harm relevant important ecological habitats. The detailed reasoning is also set out in the documents submitted with the planning application, including the Design and Access Statement (DAS) and Planning Statement.*
- 6.20 Following a review of the comments received on the RMA objecting to the omission of the walkway at the base of J1, Crest took the decision to undertake a further, detailed review of the proposals to see if there was any option that would enable public access to the base of Block J1 whilst addressing the concerns raised at pre-application stage with regards to safety, ecology and design considerations. An option was developed that would enable a split level walkway, which would provide a 1.8 metre level difference between the residential terraces and the public walkway. The rationale for this was that it would, in part address, the concerns raised by the police in terms of potential

risk to residents in terms of theft etc. A 2 metre high glass screen would be required along the outer edge of the walkway to mitigate safety concerns in terms of high winds. Ecologists then advised that, if a 2 metre high glass screen was required, this would need to be opaque in order to mitigate and disturbance to waterfowl and impacts on the SPA due to the proximity of the walkway activity to the water. Without opaque screening, the ecology advice was that this option would receive objection from Natural England.

- 6.21 *The Police were consulted on this option and they have provided a response, which states that the Police would object to such an option as it would be a crime generator and constitutes a sticking plaster approach to addressing crime and safety issues. Further, through recent discussions, planning officers have also indicated that a 2 metre high opaque screen would not be acceptable in design terms. It was suggested by officers that a waist high opaque screen be included instead. However, this would not mitigate safety concerns with regard to high winds associated with people walking in this location. The inclusion of an opaque 2 metre high screen would also be required if a commercial use had been proposed, which still would not be considered acceptable in design terms.*
- 6.22 *Based on the expert advice and responses from officers on the option considered for public access, Crest have determined to progress the application with their original proposal which omits the public walkway at the base of J1. The inclusion of a walkway would continue to be considered a crime generator and there is no option but to include a 2 metre opaque screen to mitigate concerns relating to ecological and public considerations. Crest would ultimately be responsible for a public walkway as the Council have confirmed that they would not adopt it. To propose a public walkway in the face of objections regarding public safety is not a tenable situation for Crest and is considered unnecessary given the extensive waterside access that will be provided by the development’.*
- 6.23 In addition to the submitted justification for the change the Panel should note that Phase 4a will deliver 79 metres of public waterfront. Phase 4b proposes a further 106 metres, and more will follow as part of subsequent phases. The proposed change to private residential terraces removes 58 metres of waterside access from the proposals (ie. with access reinstated the walkway would then measure 164m). It is regrettable that the current building has been designed with private residential terraces rather than a commercial space and a public walkway. The approved masterplan would have resulted in a better scheme in the opinion of officers, Ward Councillors, the DAP and other objectors to the application. This does not, however, mean that the planning application for Phase 4b is contrary to planning policy and should be refused as such. It could be argued, for instance, that the comments from Hampshire Constabulary and the findings of the microclimate work means that there is a safety reason for the proposed layout and the removal of the walkway. As such, there is a legitimate policy justification (as cited above) for supporting the change.
- 6.24 The Panel are being asked to consider and quantify the harm caused by the resultant change. This phase proposes the first significant section of public access to the riverside as originally envisaged through the site specific policies, just not around the base of the first tower. A planning condition is proposed to secure the delivery of the proposed walkway, but it is important to note that it’s route will be used primarily by construction traffic; meaning that the delivery of

the walkway will follow the construction of the tower. Once in place residents and visitors to the scheme will still be able to promenade around the inlet to the north of the tower, and walk unhindered in a southerly direction past the entrance to the tower and then along the continuation of the walkway; always with views across the water. This remains a significant benefit of the development.

6.25 Having had regard to all the issues outlined above, and the significant local opposition to the proposed change, officers have concluded that whilst it would be preferable to retain the full extent of public access originally proposed, and approved, it would be difficult for the Local Planning Authority to sustain a case (at an appeal) that the scheme is contrary to Policy CS12, and that it is not fulfilling its requirement to provide waterside access when the application is proposing a significant riverside walkway (despite its overall reduction).

6.26 5.The Impact of the Development on Existing Local/Residential Amenity

Phase 4b is wholly enclosed by the wider Centenary Quay development site and the waterfront. As such, its impact on existing residential amenity is negligible, although the residents within the Phase 3 apartment block (Shown as Block J2) will now have an outlook towards the Tower J1. These residents would have known of this relationship between the blocks when deciding whether or not to live at the development. No objections have been received on this basis.

6.27 The amenity and privacy of these nearest neighbours is retained due to the separation across the riverside walkway. No objections to these detailed proposals have been received from the site's nearest neighbours; the focus being the proposed loss of a public riverside walkway. The application, therefore, accords with the adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD, which seek to protect residential amenity.

6.28 6.Residential density and the subsequent quality of the environment created

A residential density of 357 dwellings per hectare (dph) is proposed, and this should be considered in the context of the wider scheme (which is approved as a whole at a density of 174dph). It is not unusual for tall buildings, by their very nature, to yield a higher residential density. The site has good access to local amenities, including the District Centre of Woolston, and public transport routes including a train station. On this basis the residential density is acceptable and makes efficient use of the land.

The scheme is considered to achieve a high quality living environment with a good mix of accommodation on offer, and every flat is served by private external balcony. On average each flat has access to 11sq.m on external private amenity space. This is acceptable for this tower and there is also 2,340sq.m of dedicated public open space in the form of childrens' playareas within the Centenary Quay development. Further details of this space can be secured with the attached planning condition following input from the Council's Playspace Officer.

Corner units have been carefully designed to offer dual aspect. There are no flats with a single northerly aspect as the outline permission set the tower's footprint to avoid this. Block J1 will afford extensive views across the Itchen and will make for an attractive living environment.

6.29 7.Highways Related Issues including Access, Parking and Servicing

The application proposal is supported by a detailed Transport Assessment that has been considered by the Council's Highways Department. It recognises that a development of the scale proposed will have an impact on the existing highway network and that a balance needs to be found between providing sufficient on-site car parking to satisfy the demands of the development, whilst ensuring that such provision does not lead to detrimental numbers of car based trips that result in additional congestion. Adopted Core Strategy Policy CS18 seeks to ensure that a safe and satisfactory access to new development is deliverable, and that the existing highway network has capacity to accommodate future growth. This was considered acceptable at the outline application stage. The key change for consideration, notwithstanding the change to waterside access, involves a slight increase in parking.

6.30 Car parking is a key determinant in the choice of mode of travel, as is the availability of a good public transport and provision for pedestrians and cyclists. The residential development will be served by on-site parking in line with the limits set by the outline permission (condition 56 refers). This equates to 0.84 spaces per 1 bed unit and 1 space per 2/3 bed units. The applicants are seeking at least 1 space per dwelling across the phase and this can be achieved without compromising the development through an extension of the existing basement parking. This amendment equates to an additional 18 parking spaces and will reduce the likelihood of overspill parking into nearby streets. In addition the applicants have reached a critical quantum of development to enable them to make provision for car club spaces – whereby should an operator be interested their vehicles can be kept at the development and residents can use hire them for a small registration and charge - and electric charging points within the basement car park with details to be agreed with the attached planning condition.

6.31 Secure cycle parking is provided for 126 cycles in locations that are pepper-potted across the phase and located conveniently to each residential core or within the basement car park. This is on top of that already approved and delivered on earlier phases. A further 16 visitor spaces will be provided within the public areas around the tower. The extant permission will secure the details of refuse and cycle storage in line, it is anticipated at this stage, with that shown as part of the submission. The application is considered to meet the requirements of Core Strategy Policy CS18 as supported by Part 5 of the Council's approved Residential Design Guide (2006). The Council's Highways Officer is content with this phase and no highway safety issues are likely to arise following the grant of planning permission.

6.32 8.The Appropriate Assessment and Habitat Regulations (2010 – as amended)

The Conservation (Natural Habitats etc.) Regulations 2010 (as amended) state that planning permission should not be granted unless it has been demonstrated that there will be no effects that would prevent the nature conservation objectives for internationally protected sites from being achieved or that such effects can be resolved by the imposition of conditions or obligations.

6.33 The Council is responsible for making such assessments. If the above criteria cannot be met then the application has to be referred to the Secretary of State to give the opportunity for a call-in.

- 6.34 An "Appropriate Assessment" (AA), as required by the Habitat Regulations, has been carried out by officers and approved by the Council as part of its consideration of the outline permission in 2008. This document deals specifically with the issue of recreation disturbance and a contribution towards the local Greenway, and an on-site signage strategy, were secured through the S.106 attached to the original permission. Natural England have drawn our attention to the Elvin legal opinion, which confirms that reserved matters applications should be reviewed against the Regulations in order to secure ongoing compliance. Whilst the applicants are seeking approval for external appearance and landscaping only, and the quantum of new development has already been agreed and mitigated, officers have reviewed the issues raised by the current Habitats Regulations.
- 6.35 In this case the issue of any impact upon the Special Protection Areas (SPA) was correctly considered in 2008 – the New Forest SPA has been reassessed by the applicants and Biodiversity By Design suggests a *de Minimis* impact will occur from CQ4a and 4b. The Council's Ecologist agrees and has prepared an updated AA on this basis. No further action or contribution is, therefore, considered necessary or reasonable despite the comments from Natural England.
- 6.35 This recommendation for phase 4b is supported by an update to the original AA. Centenary Quay is well placed to provide appropriate alternative natural greenspace in Council control and is working towards delivering public access to the Itchen waterfront. The initial S.106 made a contribution towards improving access to this resource and is accepted in lieu of the Solent Recreation Mitigation Package (SRMP) now sought from new residential development. The contribution predated SRMP and it is not considered appropriate to seek further contributions at the reserved matters for the same issue. The HRA update concludes that *'a detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome'*
- 6.36 As such, despite the reservations of Natural England, the application is considered to have met the requirements of the Habitats Regulations, as confirmed by the Council's Ecologist. All likely impacts from the additional housing can be successfully mitigated through existing measures secured at the outline planning stage. This conclusion was also reached ahead of releasing planning permission for Phase 4a and the same approach should be applied for Phase 4b.
- 6.37 9.Off-site Mitigation and the Requirement for a S.106 Legal Agreement  
The application needs to address and mitigate against the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD, caused by the development. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations has been secured through the outline planning permission process and the agreed s.106 legal agreement.
- 6.38 As part of the agreed S.106 for the development the developer has already

made a series of contributions towards a package of off-site measures. These payments were made ahead of the triggers set out in the S.106 associated with permission 08/00389/OUT, and include a contribution towards the existing District Centre to ensure that additional public realm improvements are realised within the existing centre, the provision of a new library, and contributions towards improved youth facilities, health centres and public open space. No further contributions are required in support of this reserved matters application.

## **7.0 Summary**

7.1 The above report sets out the issues that should form the basis to the consideration of this planning application. The scheme has been assessed in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The current proposal has been assessed as being broadly consistent with adopted Local Plan Policy MSA18, despite the change to public access around the base of the tower, and is also considered to meet the broad aims of other local and national planning guidance, and will facilitate the continued delivery of this exciting project. Perhaps, most importantly, the current scheme is deliverable in the current economic climate.

7.2 It is considered that the application broadly accords with the concepts established in the approved Woolston Riverside Planning Brief and Illustrative Master-plan (2004). The opportunity for public involvement in the local plan exercise, the consultations on the Masterplan, the public exhibitions and meetings held by the applicant prior to the application being submitted, the notification undertaken in connection with the SEEDA scheme and the statutory consultation and publicity for the current planning application have been extensive.

7.3 The main concern of the significant number of objectors to this phase affects the removal of part of the riverside access and its replacement with private terraces serving 4 ground floor flats. This change is regrettable but not worthy of a planning refusal as it is difficult to quantify the harm that is caused in planning terms in the context of the wider scheme, the delivery of a significant mixed use development with much needed housing, and the retention within the proposals of an attractive waterside walkway as originally anticipated.

7.4 The proposed development continues to make efficient use of this site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance, whilst further 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. Safeguards are built into the recommendations to ensure that planning conditions and obligations in an extant S.106 legal agreement address those aspects of the development that may otherwise cause harm. Taking all of these matters into account the development proposals are acceptable. Planning permission should be granted subject to the matters set out in the recommendations.

## **8.0 Conclusion**

The application for Phase 4b is recommended for conditional planning approval subject to the details of this report.

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

1a-d, 2b-d, 4b, f, k, l, u, vv, 6a, c, d, f, h, l, 7a, 8a, l, j and 9a-b

**SH2 for 12/07/16 PROW Panel**

**PLANNING CONDITIONS to include:**

*Note to Applicant:*

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

**1.APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved amended plans listed in the schedule attached below and those recommendations as set out in the supporting documents submitted with the application, including the Wind Microclimate Study (January 2016), the Ecological Assessment and Report (January 2016) and the Hampshire Police Secured by Design Report (January 2016) unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

**2.APPROVAL CONDITION – Lighting**

A bespoke external lighting scheme for the Tower J1 shall be submitted to and agreed in writing with the Local Planning Authority within 6 months from the commencement of development of Phase 4b. The agreed details shall be installed as agreed in accordance with a timescale that shall have been agreed as part of the submission. The lighting proposals shall be maintained as agreed.

Reason:

In the interests of visual amenity whilst seeking to ensure that local biodiversity is properly considered in the overall design of the tower

**3.APPROVAL CONDITION – Riverside Walkway & Terracing**

Further details of the riverside walkway to be provided as part of this phase; including the link between Towers J1 and I1, the means of enclosure to the waterfront, the riverside terracing details (in addition to those agreed under LPA ref: 08/00389/OUT condition 15), seating, lighting etc. shall be provided prior to any works being undertaken to create it. The agreed riverside walkway and terracing to support this phase of development shall be provided within 18 months from first occupation of Tower J1. The works shall be maintained as agreed.



Reason:

To secure public waterside access to the River Itchen as envisaged through the local policy framework and outline planning permission. The timing is linked to occupation to enable the construction phase to complete ahead of the riverside works being undertaken.

*Note to applicant:*

*You are reminded that the barrier between the walkway and the water and/or terracing needs to be agreed following the terms of 08/00389/OUT condition 19.*

#### **4.APPROVAL CONDITION – Concierge**

The ground floor reception and concierge serving Tower J1 shall be provided, as shown, prior to the first occupation of the development and retained thereafter.

Reason:

To retain activity to the front of the building and surveillance into the public spaces in lieu of the commercial unit that was approved at the outline planning stage.

#### **5.APPROVAL CONDITION - Landscape Maintenance**

The hard and soft landscaping works serving Phase 4b shall be carried out in accordance with the details approved as part of details to be submitted under LPA ref: 08/00389/FUL condition 14. The approved scheme shall be carried within 18 months from 1<sup>st</sup> occupation of this phase, or during the first planting season following the full completion of building works (whichever is sooner), or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development on this phase.

If within a period of five years from the date of completion of the hard and soft landscape works within Phase 4b, 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:

Whilst recognising that the required construction vehicle access will prohibit a delivery linked to first occupation and 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.

*Note to Applicant: The submitted details should include the landscaping required to satisfy the recommendations made in the Wind Microclimate Study (January 2016), particularly with regard to Block J1 (as summarised at paragraph 7.46 of the Planning Statement)*

#### **6.APPROVAL CONDITION – Car Club & Parking**

Details of the car club and its associated spaces shown on the plans hereby approved (including operator's requirements and terms for registration for residents) and electric charging points within the basement car park (or such other location within the CQ development that may be agreed) shall be submitted to and agreed in writing with the LPA

prior to the first occupation of Tower J1. The agreed provision shall be made ready for use within 6 months of first occupation of Tower J1 and retained as agreed thereafter.

Notwithstanding the requirements of LPA ref: 08/00389/OUT Condition 56 the residential parking to serve this phase shall be provided on the basis of a minimum of 1 space per flat within this phase. These spaces shall be made available for use prior to the occupation of each flat to which the space relates and shall, thereafter, be retained as agreed. The disabled parking bays shall be reserved for registered disabled drivers only unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

### **7.APPROVAL CONDITION - Amenity Space and Balconies**

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

Reason:

In the interests of visual amenity and to secure appropriate external spaces to serve the residential population of Phase 4b as required by the Council's Residential Design Guide (2006)

### **8.APPROVAL CONDITION - Habitat Regulations Mitigation**

As proposed as part of the associated Habitats Regulations Appropriate Assessment attached to the outline planning permission (LPA ref: 08/00389/OUT) as updated, all new residents to the development shall be provided with a welcome pack explaining where to find local areas of green space as an alternative to the Special Protection Areas of the New Forest and Solent Waters. An on-site signage strategy shall also form part of this wider mitigation package. The details of this mitigation shall have been agreed in writing with the Local Planning Authority, in consultation with Natural England, and implemented prior to the first occupation of this phase of the development. The agreed details shall be retained for the lifetime of the development.

Reason:

To support the Habitats Regulations Appropriate Assessment in mitigating any direct impacts from this development on the nearby Special Protection Areas of the New Forest and Solent Waters.

*Note to Applicant: Signage Strategy & Welcome Packs*

*This mitigation was proposed to support the development at the outline stage of the planning process but has not yet been implemented. You are advised to apply the requirements retrospectively and as a priority.*

### **9.APPROVAL CONDITION - Building Heights**

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

plans listed below. 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.

*Note to Applicant (Playarea Delivery & Design):*

*The playareas hereby approved as 'indicative' shall be agreed and completed in accordance with the terms of the s.106 associated with permission 08/00389/OUT and you are reminded that their delivery is required prior to the first occupation of the 865<sup>th</sup> residential unit. You are advised to open up discussions with the Council's Playspace Officer to secure a detailed design resolution, which should also include the reinstatement of the John Thornycroft gates as proposed within the planning submission. The s.106 legal agreement confirms that the applicant will retain responsibility for maintaining the agreed space and equipment.*

*Note to Applicant (Glass Recycling):*

*As part of this detail and that needed to satisfy LPA ref: 08/00389/OUT Condition 36 it will be necessary for this phase to be served by glass recycling facilities as acknowledged by the applicants in their clarification letter that followed the validation of the planning application.*

*Note to Applicant (Southern Water):*

*Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.*

*Note to Applicant (Materials):*

*In submitting details for Condition 10 the Local Planning Authority will seek details of how the tower is capped, the materials and finish to the reclaimed base upon which the tower will be sited and details to the underside of the balconies*