

Planning and Rights of Way Panel 14th March 2017
Planning Application Report of the Service Lead- Infrastructure, Planning & Development

Application address: Chapel Riverside, Former Town Depot Site, Albert Road North			
Proposed development: Demolition of all existing buildings and structures and site clearance. Outline planning permission sought for 457 residential units, 4,963 sqm (GIA) commercial floorspace (Use Classes B1/B2/B8) and 946 sqm (GIA) of flexible retail floorspace (Use Classes A1/A2/A3/A4) in buildings ranging from 1 to 13 storeys and the creation of a riverside walkway/cycleway. Full planning permission sought for the development of Phase 1 comprising 72 residential units (comprising a mix of 24 x 1 bed and 48 x 2 bed units) and 322 sqm of flexible retail floorspace (Use Classes A1/A2/A3/A4) within 4-storey buildings with associated access, parking and landscaping			
Application number	16/02016/OUT	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	23.02.17	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
Applicant: Chapel Riverside Developments Limited		Agent: Sarah Beuden, Savills	

Recommendation Summary	Delegate to Sevice Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies – CS1, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP19, SDP21, SDP22, NE4, NE5, HE3, HE6, CLT10, CLT11, CLT12, H2, H7 of

the City of Southampton Local Plan Review (Amended 2015). Policies AP9, AP12, AP13, AP15, AP16M AP17, AP18, AP19, AP26 of the City Centre Action Plan March 2015.

Appendix attached			
1	Development Plan Policies	2	Habitats Regulation Assessment
3	Relevant Planning Policies	4	City Centre Action Plan Policy AP26

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - iii. Provision, retention and management of the public square together with securing public access in perpetuity.
 - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vii. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
 - viii. Provision, management and retention of a riverside walkway with permanent rights of public access.
 - ix. Financial contributions or other measures towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved Policy SDP 12 of the City of Southampton

Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).

- x. The phasing of the development.
 - xi. Flood risk management plan.
 - xii. Submission and implementation of a Travel Plan.
 - xiii. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
 - xiv. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
 - xv. The provision and retention of football match day car parking controls.
 - xvi. A construction management plan including the routing of construction traffic.
 - xvii. The provision of on-site play space.
 - xviii. Public realm improvements to the Crosshouse Grade II Listed Building.
3. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

- 1.1 The application site, formally the City Council's main depot and waste recycling centre, is a 3.5 hectares site and located on the west bank of the River Itchen and within the defined City Centre. The Council remains landowner of the site with a Development Agreement in place with the applicant. The buildings which previously occupied the site have mainly been demolished and the site cleared. Since the site has been vacated, approximately 5 years ago, it has been used, on a temporary basis, for parking and storage in connection with the Port.
- 1.2 The site also contains three combined Southern Water sewer overflow sediment tanks. During rare or high rainfall, the sediment tanks are used to divert overflow foul and surface water. In addition to this, broadly to the centre of the site is a Southern Water waste water pumping station, which is not, however, within the application site area itself and not, therefore, part of the proposals for this site.
- 1.3 The site lies within Flood Zones 2 and 3 with a medium to high risk of tidal flooding. It is also within an area of Local Archaeological Importance with potential for Medieval remains on the site including Chapel Mill and Holy Trinity Chapel.
- 1.4 The surrounding area is commercial in nature, with a number of warehouses

neighbouring the site, with the land north-west of Elm Terrace being safeguarded for light industrial employment uses. Immediately to the north is American Wharf Grade II* Listed warehouse. This building is currently vacant and in a state of disrepair, although a planning permission exists to convert this building to residential use (applications 09/00363/FUL and 13/00908/TIME) which lapses in June of this year. Just outside of the southern site boundary is the Grade II Listed Crosshouse, which was a shelter for those waiting to board the old Itchen Ferry. There is a Sea Scouts building and storage area as well as a rowing club on separate sites adjoining to the south. Just beyond the Sea Scouts is a public hard which provides access to the Itchen.

2. Proposal

- 2.1 The application is a hybrid application with a fully detailed scheme for the first phase of development to the north-east section of the site. Outline planning permission is sought for the remaining 8 phases of the development with approval sought for the access to the site together with the layout and scale of development. The external appearance and landscaping of development are reserved from consideration for phases 2 to 9 of development. Across the whole site 457 residential units would be provided, 946 sq.m of retail floorspace and 7,963 of commercial floorspace.
- 2.2 The residential element of the development takes the form of ten blocks of flats which range from 4 to 13 storeys in height (+46.30 AOD). The tallest residential tower would be located to the edge of a new public square, approximately 3000 sq.m in area. It is anticipated that this marine square could be used for events and storage of boats associated with marine-related commercial uses in the development together with leisure related access to the water. This space would be privately maintained and managed. It is also anticipated that the existing Southern Water sediment tanks will be re-located belowground, underneath the marine square. Hence this area would need to be kept clear from built development should emergency access to the tanks be required in the future. The relocation of the sediment tanks is subject to a separate consenting process administered by Southern Water. The relocation of the tanks does not require planning permission.
- 2.3 The retail uses are comprised of four small-scale units to the ground floor of residential blocks and one further standalone single-storey unit adjacent to the southern site boundary. The units range from 75 to 322 sq.m in floor area. It is proposed that these would be either uses A1 (retail), A2 (financial and professional services), A3 (food and drink) or A4 (drinking establishment).
- 2.4 To the south-west corner of the site, four blocks of marine employment commercial floorspace will be provided within 2-4 storey buildings, two of which would also frame the marine square. It is proposed that these units could be used for either B1 (Business) B2 (General Industrial) or B8 (Storage and Distribution).
- 2.5 The application also proposes to raise the existing land levels at the eastern part of the site to 4.25 AOD, up to 1.91 metre increase. The lower levels would be used for undercroft car parking. These works will complement the new river wall, already granted permission (see paragraph 4.2, below) in terms of providing flood defence for the site and the wider area.
- 2.6 A public riverside walk, just under 300 metres in length, will be created along the waterfront of the site. This route would be broadly 4 metres in width interspersed with 12 metre wide sections.

- 2.7 The fully detailed phase 1 of the development comprises three, four-storey blocks comprising 72 flats in total (24 x 1 beds and 48 x 2 beds) and a 321 sq.m retail unit, served by 78 dedicated car parking spaces. All blocks are designed with integrated bin and bicycle storage, with the majority of units also being served by private balconies. The commercial unit would be located at ground floor within the southernmost block (Block C). A flexible use is proposed meaning the unit could be occupied by any A-class use (retail, financial and professional service, food and drink or drinking establishment). In terms of elevation treatment, the buildings would have a flat roof design, with brick elevations and decorative recessed or patterned brick detailing. Elements of grey cladding and white brick would also be used to articulate the building.
- 2.8 The scheme has been amended since originally submitted to address comments received from the Council's Highway and City Design Officer. These changes primarily improve access to the buildings and the cycle and refuse storage arrangements. The changes have also slightly amended the position of block C to avoid the need to stop up the public highway.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 2***.
- 3.2 The site is identified for development by Policy AP26 of the adopted City Centre Action Plan. This policy supports a high quality landmark waterfront development which incorporates a continuous public promenade along the waterfront. The policy supports a mix of uses. Policy AP26 is reproduced in full in ***Appendix 3*** of this report. Major developments in the city are also expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 There have been numerous previous applications relating to the former use of the site as a Council depot, none of which are directly relevant to the current application. More recently, prior approval was granted to demolish the previous buildings on the site (application reference 11/01956/DPA). Planning permission has also been granted for the use of the site for car parking, in connection with the Port, on a temporary basis (reference 13/00974/FUL).
- 4.2 Directly relevant to this application, planning permission has also been granted for the reconstruction of the river wall (application reference 16/0050/FUL). A Marine License has also been granted for the new river wall. Also of relevance is planning application 16/01699/R3CFL which is the Council's planning application for the wider river Itchen flood defence scheme. An update will be given at the meeting where possible.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (16.12.16) and erecting a site notice (13.12.16). Prior to the submission of the planning application, the developer held a public exhibition for the local community. This was attended by 77 local residents, 21 of which provided feedback. The application evolved to take account of comments raised. At the time of writing the report **4** representations have been received from third parties, 3 of which are on the behalf of the adjacent Sea Scouts. The following is a summary of the points raised:

5.2 ***The development would result in over-looking of the adjacent sea scouts site***

Response

The nearest proposed building to the Sea Scouts (block N) is a single-storey commercial unit. At the reserved matters stage, the detailed design approach can avoid windows directly facing onto the neighbouring Sea Scouts. Block L is a 9-storey residential block within 10 metres of the boundary with the Sea Scouts which will have an angled positioned in relation to the Scout Hut meaning that there will be no direct views into the neighbouring building itself. The yard associated with the Scout Hut is primarily used for car parking, meaning that any over-looking of this area will not be harmful in planning terms.

5.3 ***The boundary treatment of the site presents opportunities for crime and anti-social behaviour for the adjacent sea scouts***

Response

There are no significant changes to the land levels proposed immediately adjacent to the boundary with the Sea Scouts. Details of boundary treatment for the whole site are not finalised at this point in the development, given that landscaping is a reserved matter. A condition is suggested to ensure that these details are secured. Overall, the development will introduce activity and natural surveillance on the site, which are a deterrent to crime and anti-social behaviour. This is considered an improvement to the previous use, which would have limited natural surveillance outside of the working day.

5.4 ***Concern that the development would impact on the access to the slipway and river for in terms of safety and convenience***

Response

Access to the public slipway would be retained. Whilst a new access is formed to the south of the site, the Council's Highway Team is satisfied that the junction design would not lead to a conflict for road users.

5.5 ***The public car parking for the sea scouts should be retained for the sea scouts to prevent conflict with future residents of the development***

Response

The existing public car park adjacent to the site is unaffected by the development proposals. There are no current proposals to change these existing arrangements.

5.6 ***Concern that development will result in increased flood risk to the adjoining land***

Response

A detailed flood risk assessment has been submitted with the application. A new

river wall has already been granted planning permission and will provide a flood defence for the site and integrate with the Council's wider flood defence scheme. The development itself also incorporates land raising and will also result in the reduction of impermeable surface across the site and secure a sustainable drainage scheme. These measures will ensure that the development will contribute to a reduction in flood risk outside the application site and that the development itself will be adequately protected from a 1 in 200 year flood event. Furthermore, it is important to note that both the Environment Agency and the Council's Flood Risk Officer are supportive of the proposal.

5.7 *Suggest that the site should instead be used to hosts fairs and for a nature reserve*

Response

The site is not safeguarded with the adopted Development Plan for these uses and no alternative proposal for the site has been submitted for consideration. The application, therefore, falls to be considered on its own merits.

Consultation Responses

5.8 SCC Highways –

5.8.1 The applicant has reviewed the site layout since originally submitted to address initial comments made. The proposed development of the site will result in an increase in multi modal trips being made from this location. To make it acceptable to cater for all trip types, walking, cycling and car born journeys, the applicant has proposed a package of mitigation measures which are currently being finalised. These measures will include changes to the nature and feel of Albert Road North, together with the provision of improved local cycle facilities and pedestrian crossings. Some further detailed changes are required and these can be secured by condition.

5.8.2 No significant amount of public highway is to be stopped up as part of this proposed scheme, and access to the waterfront will still be maintained via Crosshouse Road which is to remain public highway, and the car park opposite the Crosshouse remains unaltered. This ensures that access for the Sea Scouts and parking for their events will remain unchanged

5.9 SCC City Design –

5.9.1 The submitted Design and Access Statement is broadly in line with the pre-application discussions for the development and so no objection is made to Phase 1 and the parameters and principles for the outline application. The following detailed points are made:

- The Central Route character area feels rather weak and doesn't appear to have a strong character other than car parking. This needs to have a much stronger tree lined landscape character.
- The Marine Square should be a character area in itself not just part of Waterfront. The ultimate purpose/function of this space needs to be clarified.
- The detailed architectural approach to Phase 1 is acceptable. It will be important to ensure architectural variety into each of the blocks for the remaining phases.
- Landscaping/planting needs to be provided along the blank wall edge with the sailing club which is part of the main pedestrian access to and from the waterfront promenade and the marine square
- Public realm enhancements to the route to and around Crosshouse from

Canute Road need to be secured.

- A Maritime Public Art strategy is required to reference the heritage of the site.
- A view from the strategic viewpoint at the centre of the Itchen Bridge to determine the impact on views of St Mary's and the Campanile is required.
- Query the provision of direct connections from Phase 1 to the waterfront.

Response:

Many of these details will be finalised at the reserved matters stage. The landscaping has been increased along the central spine road. A public art strategy will be secured by the section 106 legal agreement. The section 106 agreement will also secure public realm improvements. A further viewpoint of the development from the Itchen Bridge has been provided and demonstrates that the strategic view will not be adversely affected by the development.

5.10 SCC Housing –

5.10.1 In terms of the application as a whole, the proposed scheme includes a net gain of 457 new dwellings, of which the required affordable housing provision in terms of Policy CS15 of the Core Strategy (sites of 15+ units) is therefore 35% ie 160 dwellings (rounded up). The precise location, type and tenure within the affordable housing provision is subject to negotiation in due course.

5.10.2 Phase 1 of the scheme application comprises 72 new dwellings, of which the affordable housing requirement should again be 35% i.e. 25 dwellings (rounded down). However, in the context of site redevelopment also coming forward in later phases, some flexibility in the required Phase 1 provision is possible subject to agreement with the council, provided that there is ultimately a minimum of 35% on-site affordable housing provision across the scheme as a whole.

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

5.11 SCC Sustainability Team –

5.11.1 Encouraged by the development team's frontloading of the consideration of sustainability. Clearly the sustainability requirements for the proposed development have been considered at an early stage and this is evident by the gaining of several of the front loaded credits which are often missed. Agree that a number of sustainability considerations have been brought into play at an early stage, such as solar gain which appears to have influenced the design with more of a south facing layout to the site. At this stage, however, it is not clear if the marine employment would achieve BREEAM Excellent as required by Policy CS20.

Response:

The submitted energy strategy demonstrates that, overall, the development will exceed the policy requirement in terms of carbon dioxide reduction. A condition is suggested to require the review of the likely BREEAM attainment at the detailed design stage.

5.12 SCC Environmental Health (Pollution & Safety) –

5.12.1 At this stage the final proposal for the relocation of the sediment tanks has not been determined. As such, it is not clear whether future phases of development

would be adversely affected by odour from the settlement tanks. In addition to this, there will likely be odour disturbance from the Southern Water pumping station. Suggest conditions to ensuring that the phasing of development is related to assessment of odour contours across the site; the detailed design solution to the sediments tanks; to secure the phasing of works to relocate the tanks and; to secure an operational odour level

5.13 SCC Environmental Health (Contaminated Land) –

No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.

5.14 SCC Ecology –

5.14.1 The application site comprises an extensive area of hard standing, the footprints of former buildings; small areas of amenity planting and scattered trees.

5.14.2 The site lies adjacent to the Solent and Dorset Coast proposed Special Protection Area (SPA) and approximately 250m to the south west of an area of inter-tidal mudflat which forms part of the nationally designated Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). This habitat also forms part of the Solent and Southampton Water (SPA) and Ramsar site which are European and internationally designated sites respectively. In addition, the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lie approximately 2.4km to the north east. Immediately adjacent to the site's northern boundary lies an area of inter-tidal mud which is protected under Local Plan Policy NE5 Inter-tidal Mudland

5.14.3 Site ecology

The majority of the site is of negligible biodiversity value however, the vegetation does have some ecological value at a local level. In particular, this habitat has the potential to support breeding birds and foraging bats. The ecological appraisal accompanying the site details a range of mitigation measures which I support. Provided these measures are put in place, adverse impacts on protected species can be avoided

5.14.4 Statutory sites

Although there is a negligible risk of direct impacts on statutorily designated sites, the proposed development does have potential to result in indirect adverse impacts. A report considering potential indirect impacts, the 'Chapel Riverside Report to Inform a Habitats Regulations Assessment' has been submitted. I am of the view that this report has correctly identified the likely adverse impacts and that, provided the mitigation detailed in the report is implemented, the development will not result in likely significant effects upon the European sites.

5.14.5 The principal means of delivering the mitigation is a Construction Environmental Management Plan (CEMP). A draft CEMP has been submitted and I am satisfied that it contains the correct measures. Additional proposed mitigation includes the design of buildings, design of lighting, improved walking and cycling provision around the development, information about local green spaces and payment of the Solent Recreation Management Project contribution.

5.14.6 Biodiversity enhancements

In addition to the measures designed to protect the designated sites it is pleasing to see that the proposed development includes biodiversity enhancements. These include an element of habitat creation and the provision of new nesting

and roosting boxes which will benefit a range of species. One feature that I would have liked to see included is biodiverse green roofs which would complement those on the Centenary Quay development on the opposite bank of the Itchen.

5.14.7 Conclusion

I have no objection to the proposed development provided the mitigation detailed in the ecological appraisal and the statement to inform a Habitats Regulations Assessment is implemented. Suggest conditions to secure the ecological mitigation measures, protect nesting birds during construction and to secure an acceptable lighting design for the development.

5.15 **SCC Historic Environment Team –**

5.15.1 No objection. In terms of archaeology, a Written Scheme of archaeological investigation has already been approved. If the remains of Trinity Chapel are found, depending on the state of preservation of the chapel, there may be a case for preservation in situ, subject to the impact that this would have on the submitted layouts. Otherwise, the area will be excavated and preservation will be record and interpretation (by way of a public art strategy).

5.15.2 In terms of the impact on the adjacent Listed Building, whilst the development will be taller than the Grade II* Listed American Wharf, it is considered that the design provides sufficient space to ensure that it is not dominated by the new development. Care will need to be taken in the final choice of external materials. Suggest conditions to secure a programme of archaeological works.

5.16 **SCC Flood Risk Officer –**

5.16.1 Surface water drainage

There will be a reduction in the amount of impermeable area on the site as a result of the development proposals. The proposed surface water drainage strategy is through the use of permeable paving and geocellular tanks (or similar) under car park areas and access roads to accommodate the 1 in 100 year rainfall event (+ 30% climate change allowance) which in accordance with the technical standards provides a marked reduction in peak discharge from the site and a reduction in volume of runoff compared to existing. The proposed drainage system will mean any existing surface water discharging into the foul sewer will be separated and subsequently discharge into the surface water system instead which will help alleviate potential flooding from the foul system in the area.

5.16.2 The principles of the proposed SuDS scheme are acceptable but the detailed design of the system, design for exceedance and maintenance and management arrangements for the long term operation of the system still need to be confirmed. Suggest a condition to secure the final details of the sustainable drainage system.

5.16.3 Tidal flood risk

The Flood Risk Assessment (FRA) sets out the mitigation strategy for managing the residual risk of tidal flooding on the site and it is recommended that a suitable condition is applied to ensure the development is implemented in accordance with the FRA. The Site Flood Plan for more vulnerable uses on the site should be secured through a condition or obligation.

5.17 **SCC Trees –**

No objection. The development will result in a net increase in the amount of trees on site. The details of tree planting will need to be secured.

5.18 **BAA –**
No objection. Suggest conditions to secure a bird hazard management plan and an acceptable lighting scheme.

5.19 **Southern Water –**
Object. It is not clear that the necessary clearance to underground infrastructure will be achieved. An application needs to be submitted to and approved by Southern Water to relocate the storm tanks. Request that planning permission is not granted until this process has finalised. Suggests a condition to secure a drainage strategy for the site.

Response:

The applicant has provided a detailed plan demonstrated that the required clearance to water and sewerage infrastructure will be achieved. This issue is discussed in more detail below.

5.20 **Environment Agency –**
No objection subject to a condition to secure the flood risk mitigation measures as set out in the submitted Flood Risk Assessment.

5.21 **Natural England –**
Financial contributions will be required to mitigate the impact of the development on nearby European designated sites.

5.22 **English Heritage –**
Do not object in principle to the proposal. Suggest that the scheme should have greater regard for the setting of American Wharf. Suggests that the nearest building should be set back to create a larger public square between the two sites. Concern that impinging on views from the south elevations of American Wharf could restrict its attractiveness for conversion.

5.23 **Hampshire Chamber of Commerce –**
Support the application. The scheme will provide marine-based employment as well as new homes, jobs, shops and public space to stimulate the local economy and connect the city with its waterfront.

6. Planning Consideration Key Issues

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

- The principle of development;
- Design and the impact on character;
- Residential amenity (including noise and odour);
- The effect on flood risk;
- Parking, highways and transport and;
- Affordable housing and viability.

6.2 Principle of Development

6.2.1 As set out in paragraph 3.2 above, the application site is identified for development by Policy AP26 of the City Centre Action Plan. The development incorporates a mix of uses, all of which are supported by Policy AP26. The site is identified within the Council's Strategic Housing Land Availability Assessment as a major mixed use housing site with a potential for a significant number of residential units (500). A residential density of 130 dwellings per hectare would be achieved, in accordance with policy CS5 of the Core Strategy, which requires densities in excess of 100 dwellings per hectare in city centre locations and sites

identified for major development. The proposal would, therefore, make an important contribution to meeting the city's housing need.

6.2.2 The site would deliver 8% family homes in the form of 38 x 3-bedroom flats within the later phases of development. This is significantly less than the target of 30% family homes set out by policy CS16. However, the policy goes on to confirm that, within areas of the city identified for high-density residential development (such as the city centre), a lower percentage of family homes may be acceptable. The level of family homes achieved needs to be considered having regard to other factors including the constraints of the site, the character of the area and development viability. In this case, having regard to the nature of the site as a city centre waterfront development; the requirement to incorporate flood mitigation measures and; set within the context of larger, commercial buildings, it is considered that a bias towards flatted development is appropriate in this location. The development does achieve a good mix of one and two bedroom accommodation ensuring a balanced community would be achieved. Furthermore, as set out below, the scheme is subject to viability issues, meaning a higher proportion of family homes, and a resultant drop in the number of residential units achieved, could jeopardise the deliverability of the scheme. On this basis, the mix of residential units proposed is considered to be acceptable.

6.2.3 In terms of the commercial uses proposed, the provision of space to accommodate marine employment uses in this waterside location is welcome and encouraged by policy AP26 (paragraphs 5.83 refers). The retail units provided are all under 750 sq.m in floor area and, therefore, acceptable in this out-of-centre location.

6.2.4 The development proposal also incorporates the other important components identified by Policy AP26, namely:

- The provision of a continuous, publically accessible riverside promenade;
- The retention of the existing public hard and water activity centre adjacent to the site and;
- The incorporation of strategic flood defences.

6.2.5 Overall, the mix, level and nature of the development proposed are in accordance with the site allocation and represent an important opportunity to meet the aspirations of the City Centre Action Plan for a high-quality landmark development that will create a waterfront destination on the Itchen.

6.3 Design and the impact on character

6.3.1 The design approach to the site has evolved following extensive pre-application discussions with the Council which involved engaging with the Council's Design Advisory Panel. This process has contributed to a considered design approach which should fulfil the aim of the City Centre Action Plan to deliver a high-quality development in this location.

6.3.2 **Scale and Principle of Tall Buildings**

Policy AP17 of the City Centre Action Plan broadly supports the location of tall buildings (of 5 or more storeys) as landmarks along the waterfront. Policy AP26 sets out that development on this site should incorporate distinctive buildings that are visible across the water and from the Itchen Bridge. The application is accompanied by a series of viewpoints of the development from various points along the Itchen Bridge. These images demonstrate that, whilst there are points on the Bridge when the strategic views of St Mary's Church Spire and the Civic Centre Clock Tower will be lost, this is confined to intermittent points on the bridge. Overall, the strategic views would be preserved for the majority of key

vantage points. The viewpoints also demonstrate that the scale and massing of the development will provide a positive presence on the west bank of the River Itchen, which would complement and enhance the existing waterfront.

6.3.3 The two tallest buildings proposed, block J (13 storeys) and block L (9 storeys) are positioned at the edge of the marine square. The scale of development steps down to 8 storeys on the waterfront, with the lower scale buildings mainly located to the north-west section of the site, where development abuts the street frontages of Elm Terrace, Endle Street and Albert Road North. This graduation in height ensures the development would integrate into the existing built context whilst taking advantage of the space created by the river to increase the sale. The two taller blocks, particularly block J, provide a strong built edge to the marine square and act as a central focal point for the development, being particularly prominent from the key entrance into the site from the south.

6.3.4 ***Masterplan Layout (including public realm)***

The masterplan for the site has been approached by creating distinctive character areas, with separate design objectives for each area, which achieve variety and create a distinctive sense of place. The riverfront of the development incorporates the new publicly accessible river walk along the riverside perimeter of the development. The route widens at three points along its length to provide stop and stare points with planters, benches and a contrasting surface treatment. The route would be free from traffic and a generous landscaped edge would be provided in between the promenade and the residential development. This will provide an attractive setting for the route and improve the privacy for adjacent residential occupiers. A further large public amenity landscaped link will be provided between blocks G and J, opening up views of the water and increasing access to it. The route also benefits from natural surveillance from the flatted units which front it. The section 106 legal agreement will secure the provision and public accessibility of this route in perpetuity (see recommendation 1. viii, above). This route will be delivered in phases 1 through to 7 of the development.

6.3.5 Another key component of the design approach is the formation of a large marine square to the south of the site. This is a positive response to the significant development constraint of the wastewater sediment tanks. The square is a generous area and its position adjacent to the southern site entrance and the marine employment use does lend itself for boating-related usage. As set out above, the location of the taller buildings on site, and inclusion of ground floor retail uses immediately adjacent to it, will contribute to the activity and vitality of the square and ensure it benefits from natural surveillance.

6.3.6 ***Detailed Design Approach***

The detailed Phase 1 development is designed to address Albert Road North and Elm Terrace with buildings fronting onto the main streets and taking access from them. The buildings themselves have a contemporary appearance with the use of robust external materials, appropriate to this maritime environment. The elevations are articulated with stepped building lines, which adds interest and relieves the massing of the buildings, together with balconies and contrasting detailed materials creating a positive design impression. The form and massing of the different blocks provide variation whilst a consistent approach to the materials and treatment of the elevations would contribute to creating a unified character in this part of the development. Overall it is considered that Phase 1 would represent a significant improvement to the current mixed, industrial appearance of the Albert Road North and Elm Terrace street scenes.

6.3.7 ***Impact on the setting of nearby Listed Buildings***

Currently the neighbouring Grade II* Listed American Wharf building has an extremely poor setting, given the nature of the application site as a redundant commercial site. Similarly, when the Town Depot was in use, the storage of vehicles and materials immediately next to American Wharf provided a poor setting to this vacant Listed Building. At the north of the site, Phase 1 is set away from the boundary with American Wharf and with a lower scale to ensure the new development does not dominate the neighbouring Listed Building. Furthermore, the re-developed site, which incorporates attractive and public access to the waterfront together with some service uses, would represent a significantly more positive neighbour to American Wharf and hopefully act as a catalyst for the rejuvenation of that building. As such, the proposal is considered to enhance the setting of the neighbouring American Wharf.

6.3.8 Similarly, the Crosshouse structure is currently somewhat isolated amongst sporadic buildings and uses and various ad hoc structures being stored on the application site adjacent to the building. The proposals for the site would open up the public realm to the Crosshouse, with it being located at the end of the new marine square, adjacent to a key entrance. It is considered that this design would assist in the Crosshouse becoming a more prominent focal point in the area with the open space setting to the structure also providing a positive setting to it.

6.4 Residential Amenity

6.4.1 The site does not benefit from any existing residential neighbours, although, as set out above, planning permission exists for residential use on the American Wharf site. The Phase 1 development is designed to ensure that it would not have a harmful impact on the neighbouring development, should it come forward in the future. In particular, Chapel Riverside is designed with no direct overlooking of the neighbouring site and sufficient separation to ensure that windows in American Wharf would still benefit from good outlook and access to sunlight and daylight.

6.4.2 **Odour**

In terms of the quality of environment for prospective occupiers of Chapel Riverside, a key consideration is the solution to the existing wastewater sediment tanks. The proposal utilises the area upon which the tanks are currently situated for new development. Furthermore, the open air nature of the sediment tanks means that they would generate an odour issue for future residents on the site. The application is accompanied by a detailed odour impact assessment. This sets out that the odour impact on site is mainly transient and if persistent, this impact is localised. That said, the report concludes that the odour is possible to constitute a nuisance or loss of amenity for residents of the development.

6.4.3 The most likely solution to this, which has been discussed with Southern Water, is that these tanks get re-provided below ground, with the marine square being kept free of development for this purpose. This would eliminate the odour generated by the tanks and free up land for development. The works to relocate the tanks are proposed to take place in Phase 3 of the development. The submitted odour assessment confirms that the sediment tanks are not likely to represent a significant odour source for development up to and including the occupation of Phase 2. Although, the assessment does not appear to be based on odour contours across the site, meaning this works needs to be completed before Phases 1 and 2 can be occupied.

6.4.4 As noted, Southern Water have requested that planning permission not be granted until the separate Southern Water consenting process for the works has been agreed. The relocation of the tanks can, however, take place without

planning permission, although not without the agreement of Southern Water. As such, the delaying of planning permission would not be necessary nor could it prevent these works taking place. A planning condition can, however, be used to require the final detailed design to be submitted and agreed prior to the first occupation of the development and that phase 3 onwards shall not be occupied until the agreed measures have been implemented and are operational.

6.4.5 Also an issue in terms of odour is the existing Southern Water pump house, which lies outside of the application site. The submitted odour assessment concludes that the odour from this pump house could possibly constitute a nuisance or loss of amenity for residents beyond the occupation of phase 4 of development. It would be incumbent on Southern Water, under the Environmental Protection Act to ensure that the pump house is managed and maintained to mitigate this impact.

6.4.6 **Noise**

Given that the site is neighboured by commercial uses, which include industrial uses, a noise and vibration assessment has been carried out. Many of the existing commercial units that neighbour the site are historic and, therefore, unfettered by planning controls. However, the scheme is designed with commercial floorspace located immediately adjacent to the existing commercial uses, with residential uses set away. The submitted report concludes that the development can be protected from external noise sources with an adequate specification of glazing. This can be secured by condition.

6.4.7 Conditions are also suggested to ensure that the new commercial uses do not generate noise and disturbance to new residents. In particular, the hours of operation will be controlled, soundproofing measures secured and details of plant, equipment and machinery also secured by condition to avoid undue disturbance to residents within the development.

6.4.8 **Residential Design**

Overall, the layout of the development provides good spacing between buildings and achieves an orientation of residential blocks which provides good outlook and access to daylight and sunlight, minimising accommodation reliant on northerly aspects. The waterfront blocks are designed to optimise river views from the accommodation and to achieve east and west facing aspects. The majority of flats are designed to have access to private balconies and residents would also benefit from the riverside walk, the marine square and landscaped central link between block G and J. Streets and pedestrian routes within the development would benefit from natural surveillance and provide safe and convenient routes for residents. The scheme has also been amended from originally submitted to incorporate level access into the buildings. Refuse and recycling would be provided to the required standard and would be secured by condition. Overall, it is considered that the development is designed to provide a high-quality environment for future residents.

6.5 Flood Risk

6.5.1 As set out above, the site lies within an areas of medium to high flood risk. The sequential and exception tests, required by the NPPF for new development within areas of flood risk, have been carried out for the City Centre Action Plan. The application site is identified in the Southampton Coastal Flood and Erosion Risk

Management Strategy as being a strategic site which requires the implementation of flood mitigation measures to protect the city. The site also lies within a flood defence search zone as identified in the City Centre Action Plan with Policy AP15 requiring development to be designed to facilitate the delivery of an appropriate strategic flood defence.

- 6.5.2 The existing river wall acts as a retaining wall for the site as well as providing flood defence for the site and city. It is, however, in a poor state of repair, with sections at risk of collapse. The replacement river wall, already approved, will provide a flood defence for the proposed development and its delivery phased with the development of the wider site. It comprises a steel sheet piled wall, constructed to a height of 4.25m AOD, to defend against a 1 in 200 year peak tidal floor event and with an anticipated 100 year lifespan. The development also includes land raising to the eastern edge of the site to a minimum level of 4.25 AOD. The proposed works are designed to integrate with the Council's wider river Itchen flood defence scheme, currently being considered in planning application 16/01699/R3CFL. As such, both the Environment Agency and the Council's flood risk officer are satisfied that the development would be safe from flooding and would enhance the city's flood defences.

6.6 Highways and Transport

- 6.6.1 The parking for the development comprises 461 spaces for the residential development with 12 visitor spaces and 121 spaces for the commercial uses. In addition to this, there are 81 public car parking spaces in the vicinity of the site, which includes 6 additional spaces on Elm Terrace to serve the proposed retail unit in Phase 1 of the development. A private management company will enforce parking that takes place outside of designated areas once the development is occupied. The level of parking provided has been fully justified by a comprehensive Parking Strategy, submitted with the application, which includes a parking survey of surrounding streets. The parking provided complies with the maximum standards set out in the adopted Parking Standards Supplementary Planning Document.

- 6.6.2 The main vehicular access into the site will be via a priority junction on Crosshouse Road. There will be further secondary points of access from Elm Terrace which will serve Phase 1 of the development. A detailed Transport Assessment has been carried out and submitted with the application and adequately demonstrates that the proposal will have an acceptable impact on the highway network. As such, the Council's Highways and Transport Team have raised no objection to the application and the proposal is considered to be acceptable in this respect.

6.7 Ecology and Biodiversity

- 6.7.1 The main ecology and biodiversity issues are set out in paragraph 5.14 above. The Council's Ecologist and Natural England are satisfied that the development would not have a harmful impact on ecology or biodiversity subject to securing the measures set out. The Habitats Regulation Assess in **Appendix 1** of this report concludes that the development would not have a significant adverse effect on nearby European designated habitats. This assessment is required before the Council as the 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended) can give approval to the project. Members are recommended to endorse this conclusion to allow the planning application to be decided.

- 6.7.2 The Conservation of Habitats and Species Regulations 2010 (as amended)

provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £176 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.8 Affordable Housing and Viability

6.8.1 The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. This assessment is being independently tested by the District Valuation Service. Policy CS15 of the Core Strategy, which sets out the requirement for affordable housing provision, confirms that development viability will be considered in arriving at the level of affordable homes that could be achieved on a development site. This is consistent with paragraph 205 of the National Planning Policy Framework which confirms that, where obligations are being sought, planning authorities should take market conditions into account and be sufficiently flexible to prevent planned development being stalled.

6.8.2 In this case, the characteristics of the development site, including the need to provide strategic flood defences and the genuine brownfield nature of the site mean that it is not necessarily a straight forward site to develop. Furthermore, it is also important to consider the other planning benefits of the scheme which include bringing a key, vacant city centre site into use; delivering a significant amount of the city's housing requirement and; the delivery of a key section of public access to the waterfront. Taking these factors into account, should the District Valuation Service agree that the development cannot sustain the affordable housing obligation, it is considered justifiable in this instance. The section 106 agreement will require the viability to be reviewed as time progresses through the course of the development and the market conditions may change.

7. Summary

7.1 The application represents an opportunity to realise the vision for this important city-centre waterfront site as detailed in the Council's City Centre Action Plan. The proposal would transform an underused and genuine brownfield site and enhance the city's waterfront, whilst providing a complementary mix of uses that would contribute to meeting the Council's housing need whilst generating employment opportunities. The various developmental constraints including flood risk and odour have been adequately considered in the application and the necessary measures secured by planning conditions and the section 106 legal

agreement.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions once the Panel have endorsed the Habitats Regulation Assessment in **Appendix 1** of this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(c), 2(d), 2(f), 4(b), 4(f), 4(g), 4(vv), 6(b), 7(a), 8(a), 8(j), 9(a) and 9(b),

JT for 14/03/17 PROW Panel

PLANNING CONDITIONS

01. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings and the scale, massing and bulk of the structure is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
- the means of access (vehicular and pedestrian) to the site and the buildings;
 - the appearance and architectural design specifying the external materials to be used and;
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An 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) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

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. Phase 1 Implementation (Performance Condition)

The part of the Development where full details are approved by this planning application, namely Phase 1 shall begin no 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. Phasing (Performance Condition)

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: 1348-D9130-rev 00– All phases plan) 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.

Reason: To ensure that development takes place in an ordered and agreed methodology.

04. Odour Control & Phasing (Pre-commencement and pre-occupation condition)

Prior to the first commencement of development on the superstructure of any residential block on the site, an updated odour assessment shall be submitted to and approved in writing by the Local Planning Authority which includes odour contours from the existing odour sources on site (the Southern Water sediment tanks and the pumphouse). The phasing plan for the development shall be updated to reflect the odour contours. No residential development shall be occupied unless 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 point of the units to be released for occupation as part of that phase of development.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

05. Re-location of the Sediment Tanks (pre-commencement condition)

Prior to the commencement of phase 3 of the development, namely the re-location of the Southern Water sediment tanks, the detailed design for these works shall be submitted to and approved in writing by the Local Planning Authority. The re-location of the sediment tanks shall be completed in accordance with these details and the phasing plan agreed pursuant to conditions 3 and 4, above. No development shall commence on phase 4 until the sediment tanks works are completed and operational in accordance with the agreed details.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

06. Operation of the New Sediment Tanks (pre-commencement condition)

The operational level for hydrogen sulphide at the point of discharge to the atmosphere from the new sediment tanks shall be agreed in writing with the Local Planning Authority prior to the tanks becoming operational and thereafter adhered to for the lifetime of the development.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

07. Restriction of Development on Land (Grampian Condition)

No development shall commence until

- (i) All parties with any freehold and/or Relevant Leasehold Interest in the application site have entered into a Confirmatory Deed to bind the application site in its entirety by the planning obligations contained in the section 106 agreement and;
- (ii) The Council has confirmed in writing it is satisfied having been provided with and investigated title, that all interests in the relevant Area of Land are bound by the said Confirmatory Deed.

Reason: To ensure that the obligations within the section 106 agreement are met to secure a satisfactory form of development.

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

Notwithstanding the information shown on the approved drawings and application form no construction works on the superstructure of the buildings shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

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

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

Notwithstanding the submitted details, before the first commencement of the works on the superstructure of the buildings within the respective phases, a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

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

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

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a

positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

10. Car Park Ventilation (Performance Condition)

Prior to the commencement of each phase of development reliant upon basement car parking, 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: In the interests of visual amenity.

11. Bird Hazard Management Plan (BHMP)

Development shall not commence until a Bird Hazard Management Plan (BHMP) 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 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.

12. A1/A2/A3/A4 Floorspace (Performance Condition)

The flexible retail uses hereby permitted for the development shall, under Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) shall 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

13. B1/B2/B8 Floorspace (Performance Condition)

The flexible business uses hereby permitted for the development shall, under Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) shall 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

14. A1/A2/A3/A4 Hours of Use and Delivery Restriction (Performance Condition)

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

Monday to Saturdays	07:00 to 23.30 (11.00am to 11.30pm)
Sundays and public holidays	08.00 to 22.00 (12.00pm to 11.00pm)

No deliveries shall be taken or despatched from the retail uses outside of the hours of 07:00 to 22:00 daily.

Reason: In order to control the use in the interests of amenity

15. Active Frontages (Performance Condition)

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the A Class Units hereby approved shall retain some form of 'active window display' on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl).

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

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

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

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

17. B1/B2/B8 Hours of Use Restriction (Performance Condition)

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

Monday to Friday	08:00 to 18:00
Saturdays	08:00 to 13:00

And at no time on Sundays and Public Holidays. No deliveries shall take place outside of the times specified above.

Reason: In order to control the use in the interests of amenity

18. Archaeological work programme (Performance Condition)

The developer will secure the completion of a programme of archaeological work in accordance with the written scheme of investigation (which has been submitted to and approved by the Local Planning Authority).

Reason: To ensure that the archaeological investigation is completed.

19. Archaeological damage-assessment (Pre-Commencement Condition)

The developer will submit plans for each phase of the development showing the type and dimensions of all proposed groundworks, to be agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the

Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

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

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

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

21. Reuse of uncontaminated soils (Performance Condition)

No soils, sub-soil or other spoil material generated from the construction shall be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason: The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

22. Use of uncontaminated soils and fill (Performance Condition)

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

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

23. Unsuspected Contamination (Performance Condition)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

25. Energy & Water (performance condition)

Within 6 months of each residential phase of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core

Strategy Development Plan Document Adopted Version (January 2010).

26. Energy & Water (performance condition)

Within 6 months of each phase of the development first becoming occupied, written documentary evidence proving that the respective phase of development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

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

27. BREEAM Standards (Pre-Commencement)

Prior to the commencement of each phase of development, a feasibility study for the attainment of BREEAM Excellent for the individual commercial units shall be submitted to and agreed in writing by the Local Planning Authority. Written documentary evidence demonstrating that the development has achieved the agreed BREEAM standard rating, which shall be no less than Very Good, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the respective commercial units are first occupied, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

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

28. Road Construction (Pre-Commencement Condition)

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

Reason: To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority.

29. Car parking, cycle parking, refuse storage (Pre-Occupation Condition)

The buildings hereby approved shall not be first occupied until the car parking, cycle parking and refuse storage areas, to which that building relates have been provided and made available for use. The refuse shall include accommodation and the provision of separate bins for the separation of waste to enable recycling and a level access to the storage areas.

The approved car parking, cycle parking and refuse and recycling storage shall thereafter be retained whilst the building are used for residential / commercial purposes. The residential parking shall be allocated on a 1 space per dwelling basis unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure appropriate provision of car parking, cycle parking and refuse provision and in the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

30. Ecological Mitigation Statement (Pre-Commencement Condition)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecology report with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before construction works commence.

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

31. Window glazing details (Pre-Occupation Condition)

No building shall be first occupied until details of windows to be acoustically treated as specified in the Acoustic Report submitted with the application have been provided, details of which have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers from traffic noise.

31. Sustainable Drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason To seek suitable information on Sustainable Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

33. Drainage details (Pre-Commencement Condition)

The development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure the provision of adequate drainage arrangements and to minimise flood risk.

34. Approved Plans

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

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

Habitats Regulations Assessment (HRA)

Application reference:	16/02016/OUT
Application address:	Chapel Riverside Former Town Depot Site, Albert Road North
Application description:	Demolition of all existing buildings and structures and site clearance. Outline planning permission sought for 457 residential units, 4,963 sqm. (GIA) commercial floorspace (Use Classes B1/B2/B8) and 946 sqm. (GIA) of flexible retail floorspace (Use Classes A1/A2/A3/A4) in buildings ranging from 1 to 13 storeys and the creation of a riverside walkway/cycleway. Full planning permission sought for the development of Phase 1 comprising 72 residential units (comprising a mix of 24 x 1 bed and 48 x 2 bed units) and 322 sqm of flexible retail floorspace (Use Classes A1/A2/A3/A4) within 4-storey buildings with associated access, parking and landscaping.
HRA completion date:	27/02/2017

HRA completed by:

Lindsay McCulloch
 Planning Ecologist
 Southampton City Council
 Lindsay.mcculloch@southampton.gov.uk

Summary

The project being assessed is a mixed development that will lead to the provision of 457 residential units with commercial and retail floorspace plus a riverside walkway and car parking. The site is located immediately adjacent to the Solent and Dorset Coast potential Special Protection Area (pSPA), approximately 245m from the Solent and Southampton Water SPA /Ramsar site and approximately 5.1km from the New Forest Special Area of Conservation (SAC)/ SPA/Ramsar site.

The site is currently vacant having previously been used as a council depot. It is located a close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SAC/SPA/Ramsar site.

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

<p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> ▪ Solent and Southampton Water Special Protection Area (SPA) ▪ Solent and Southampton Water Ramsar Site ▪ River Itchen Special Area of Conservation (SAC). ▪ Solent Maritime SAC ▪ New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development consists of an increase in residential dwellings and commercial and retail floorspace which are neither connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq m of office floorspace and 462,000 sq m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of the former Town Depot site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>
<p>Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.</p>	
<p>Section 2 - Assessment of implications for European sites</p>	
<p>Test 1: the likelihood of a significant effect</p>	

- This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The proposed development is located 245m to the south-west of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site whilst the New Forest SAC, SPA and New Forest Ramsar site are approximately 5.1km to the south.

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

In their response to the consultation on this planning application, dated 11th August, 2015 Natural England raised concerns about insufficient information being provided about potential impacts on the New Forest sites. The response also highlighted the potential for recreational impacts upon the New Forest SPA as a consequence of the operation of the proposed development.

Section 3.2.1 of the Report to Inform a Habitat Regulations Assessment (November 2016) identified the following effects within the immediate vicinity of the proposed development:

- Habitat loss or degradation (of the designated site itself or associated habitats such as foraging or roosting areas used by interest species)
- Flood risk/coastal squeeze;
- Effects on connectivity/collision risk;
- Pollutants (mobilisation of contaminants, siltation) ;
- Disturbance (light, noise, vibration, visual disturbance).

Plus the following wider scale impacts:

- Atmospheric pollution (traffic);
- Recreational disturbance;
- Water demand;
- Effluent discharge.
-

A number of avoidance and mitigation measures are set out in section 9 of the Report to Inform a Habitat Regulations Assessment (November 2016), Aspect Ecology which are summarised as follows:

Construction phase

- Construction methodology to ensure no pollution of the River Itchen from mobilisation of contaminants, spillage of fuel, oil or other chemicals or release of silt laden water;
- Use of quiet construction methods e.g. replacement piling rather than displacement piling, where feasible;
- Where practical 'Noisy' machinery will be sited away from the shoreline;
- Provision of acoustic screens or enclosures;
- Seasonal restrictions on works;
- Suspension of piling when temperatures are at or below freezing;
- Lighting along the riverside to be directed away from the shoreline through the use of reflectors, hoods or screening;
- Provision of a Construction Environmental Management Plan (CEMP) containing detailed methodologies for the avoidance measures.

Operational

- Avoidance of large areas of glass and use of design measures including non-reflective frosting of glass, interior artwork, non-reflective one way glass, balconies, vegetated facades and angled windows (40 degrees);
- Provision of a lighting scheme including systems to turn off or dim exterior lighting, careful selection and positioning of luminaires and use of louvres, shields or hoods to control light spill;
- Creation of a riverside walk/cycleway;
- Contribution of £ 83,248 (£176 x 457) to the Solent Recreation Mitigation Project;
- Improvements to local roads to provide enhanced opportunities for pedestrians and cyclists;
- Provision of a welcome pack to new residents including walking and cycling maps illustrating local routes and public transport information; and
- Appointment of a Travel Plan Coordinator who will investigate other transport initiatives, including discounts on cycling equipment and setting up of walking and cycling user groups.

In addition, 5% of the Community Infrastructure Levy (CIL) for the development will be ring fenced for recreational improvements in the Shoreburs and Weston Greenways and Peartree Green.

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to up to 457 additional dwellings and new retail and office floorspace in close proximity to a section of the Solent and Southampton SPA/Ramsar site and within reasonable travel distance of the New Forest SAC/SPA/Ramsar site.

The site is currently vacant and although the former use as a council depot would have generated some noise and light disturbance impacts, these are likely to have been at a lower level than those anticipated to arise from the proposed development. The proposed development is also likely to lead to new permanent impacts as a result of an increase in recreational pressure plus temporary impacts arising from the construction activities and as such the precautionary principle applies.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential presence of both temporary and permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

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

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

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

the aims of the Birds Directive."

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

TEMPORARY, CONSTRUCTION BASED EFFECTS

Habitat loss or degradation

Solent and Southampton Water SPA/Ramsar site

The application site is separated from the Solent and Southampton Water SPA/Ramsar by the main channel of the River Itchen. This physical separation combined with the avoidance of encroachment into the river channel mean that the proposals will not result in the direct loss of habitat from within the SPA/Ramsar site. In addition, a wintering bird survey, undertaken from November 2014 to March 2015, did not record any foraging or roosting activity by interest species on or adjacent to the site itself, with the nearest high tide roosts on a slipway and floating pontoons approximately 250m and 280m respectively from the site boundary. As a result, it can be concluded that direct loss of supporting habitat is also unlikely.

River Itchen SAC

As with the Solent and Southampton Water SPA the River Itchen SAC is physically separated from the application site so no direct loss or degradation of SAC habitats is likely. However, the tidal reaches of the Itchen are known to be used by otter, *Lutra lutra*, and migrating Atlantic salmon, *Salmo salar*, which are species for which the SAC is designated. There is therefore some potential for disturbance or degradation of supporting habitats which is considered in following sections.

Solent and Dorset pSPA

The proposals will not result in any loss of riverine habitat and hence there will be no reduction in potential foraging areas.

Other sites

The Solent Maritime SAC and the New Forest SAC, SPA and Ramsar site are all well separated from the development site so no direct loss of habitat would occur.

As there will be no direct habitat loss, there will be no implications for the identified European sites from this impact pathway. Indirect habitat loss is addressed through various sections below.

Disturbance

This includes physical disturbance, visual disturbance, noise and vibration arising from construction activities. This has the potential to lead to a significant effect upon the Solent and Southampton Water SPA and Ramsar site and species for which the River Itchen SAC is designated. The other European sites are too distant to be impacted by construction activity.

Solent and Southampton Water SPA/Ramsar site

Light

In terms of lighting and visual disturbance during the construction phase, the effects are unlikely to extend to the inter-tidal areas on the eastern bank which are the areas with the highest levels of roosting and foraging activity. Areas adjacent to the site could be affected however, these have been shown to be of limited foraging and roosting value. As such it can be concluded that birds for which the SPA/Ramsar is designated would not be subject to any significant effects associated with lighting or visual disturbance.

Where lighting is required during the construction phase (e.g. for security), this will be directed away from the shoreline, with use of reflectors, hoods or screening where necessary to avoid light spill along the river.

The application site is located within an existing industrial area with high levels of activity along

the water front. The wintering bird surveys undertaken in support of the planning application indicated that there was minimal activity by bird species for which the SPA is designated on or immediately adjacent to the application site. The nearest areas of importance for these species are the mudflats on the eastern side of the river which are over 200m away. As such, it is unlikely that any negative effects will occur as a consequence of lighting or visual disturbance from the proposed works.

Noise

Construction activities including building demolition, breaking up of hardstanding and piling are likely to generate noise levels in excess of the existing background noise. There is therefore the potential for noise and vibration to impact areas beyond the site.

The Itchen Riverside Master Plan Ecological Baseline Study produced on behalf of Southampton City Council recommended keeping noise levels below 75dB and also indicated that levels above 70dB can impact birds up to 300m away.

An assessment of the potential effects of operations such as impact and vibratory piling was undertaken in support of the planning application for the river wall construction. This assessment concluded that noise levels in excess of 70dB would only extend to approximately 100m from the site. This is less than the distance to the mudflats on the eastern side of the river. Substantially higher noise levels were predicted for the hydraulic impact hammer with the 70dB contour extending to 223.9m and the 75dB contour to 125.9m from the edge of the site. However, this is still less than the distance to intertidal habitats on the far side of the river and the high tide roosts, located 250m and 280m from the site respectively. Even based on the maximum sound pressure level, noise exposure levels were not predicted to exceed 80dB, such that significant noise disturbance should not be experienced by these areas. As a consequence birds using these areas are unlikely to be affected by noise disturbance.

Bearing in mind that the works associated with the main development would not involve activities likely to generate noise or vibration levels in excess of those predicted for the river wall construction, it is considered that a similar conclusion can be reached.

Despite the low risk of impacts from noise and vibration the CEMP accompanying the planning application proposes a number of measures which are likely to reduce noise impacts to a negligible level. These include utilising quiet construction techniques, for example vibro or continuous flight auger piling where possible, acoustic screening, timing of work to avoid ecologically sensitive periods, suspension of piling where temperatures are at or below freezing, use of equipment to reduce noise and vibration (e.g. use of timber wedges) and, where practical, the positioning of 'noisy' machinery away from the shoreline.

River Itchen SAC

Atlantic salmon, one of the species for which the SAC is designated, pass through the tidal reaches of the Itchen on their way to and from their breeding grounds upstream. Vibration generated by activities such as piling can result in adverse impacts ranging in severity from delaying the migration of fish to physical injury to fish.

The majority of the measures proposed to minimise the noise impacts on over-wintering birds will also benefit Atlantic salmon however, care is required in respect of the use of timing with the optimum period for salmon occurring during a sensitive period for over-wintering birds.

Should percussive piling be required, timings favouring salmon should be adopted due to the more serious nature of the impacts however, where this coincides with temperatures at or below freezing piling should be suspended.

Other designated sites

The Solent Maritime SAC and the New Forest SAC, SPA and Ramsar site are all sufficiently distant from the site to be unaffected by construction phase disturbance.

It is considered that the avoidance and mitigation measures are appropriate and will be effective. Subject to a CEMP being agreed, this will ensure that there will be no implications for the identified European sites from this impact pathway.

In order to be effective, the agreement of the CEMP will need to be required as a pre-commencement condition, attached to any granting of outline consent.

Solent and Dorset Coast pSPA

The pSPA is designated for its importance as foraging habitat for terns, rather than for breeding or roosting. Notably, it is understood that the principal breeding areas in the Solent for terns are in the vicinity of Lymington (Keyhaven to Pylewell) (in Solent and Southampton Water SPA) and around Chichester and Langstone Harbours, including islands in the harbours (e.g. Stakes Island and Pilsey Island). Given the distance between the site and these locations, it is considered unlikely that disturbance would occur to breeding or roosting sites.

When feeding, terns are likely to be less susceptible to disturbance, whilst the small area affected by increased noise and vibration levels is unlikely to be of significance given the overall large area of the pSPA. As such, it is considered that disturbance is unlikely to result in adverse effects on associated tern populations. Nevertheless, controls proposed to avoid disturbance to Atlantic Salmon will coincide with the tern breeding season, such that potential effects would be minimised in any event.

Pollutants (mobilisation of contaminants, siltation)

Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast pSPA and River Itchen SAC

The proposed development could potentially lead to pollution of the river channel as a result of contaminated surface water runoff, either from mobilisation of historic contaminants, or pollution events during the construction phase. Construction activities could also result in an increase in silt levels which could affect water quality.

The CEMP contains a number of measures including dust suppression, designated areas for refuelling, no discharges into surface water drainage or the river, the use of spill kits and an incident response plan which will reduce the potential for release of pollutants to a negligible level.

River Itchen SAC

The SAC lies upstream of the site, and therefore is unlikely to be directly affected by mobilisation of contaminants or siltation. Indirect effects, through impacts upon salmon passing close to the site, are possible however measures identified to safeguard features of the Solent and Southampton Water SPA/Ramsar should be sufficient to mitigate any adverse effects.

Other designated sites

The Solent Maritime SAC and the New Forest SAC, SPA and Ramsar site are all sufficiently distant from the site to be unaffected by construction phase disturbance.

It is considered that the avoidance and mitigation measures are appropriate and will be effective. Subject to a CEMP being agreed and the necessary pollution control measures being secured through condition, there will be no implications for the identified European sites from this impact pathway.

PERMANENT, OPERATIONAL EFFECTS.

Habitat Creation and habitat degradation

The proposed development will not result in any direct habitat loss and as such there will be no implications for any of the identified European sites from this impact pathway. Indirect habitat loss is addressed through various sections below.

Flood risk and coastal squeeze

Solent and Southampton SPA and Solent and Dorset Coast pSPA

The site itself comprises hardstanding and the footprints of former buildings, with a sheet piling river wall along the eastern boundary physically separating the site from the river. Reconstruction of the river wall will be undertaken under a separate planning consent, with no encroachment beyond this under the current proposals. As such, the proposed development will not result in any further encroachment into coastal or associated habitat.

River Itchen SAC

Given its separation from the SAC, the proposed development would not contribute to flood risk or coastal squeeze associated with the SAC.

Solent Maritime SAC

Given its separation from the SAC, the proposed development would not contribute to flood risk or coastal squeeze associated with the SAC.

Pollution

Solent and Southampton Water SPA/Ramsar site

The bird species for which the SPA is designated are not directly sensitive to air pollution, although increased atmospheric pollution could adversely affect supporting habitats, including those noted on the Ramsar citation. In this context, atmospheric pollution, particularly nitrogen deposition, is highlighted as a potential issue under the HRAs for SCC's Core Strategy and City Centre Action Plan (CCAP), and these plans set out a number of strategic measures to reduce traffic levels and associated atmospheric pollution.

An initial traffic assessment has been undertaken of the proposed development, which predicts increases in traffic along the road immediately adjacent to the site, Elm Terrace, of approximately 2000 AADT (annual average daily traffic). The next nearest roads, Albert Road North and Chapel Road, are expected to experience increases in traffic levels above 1000 AADT. All of these roads are located within 500m of the site.

According to Highways Agency guidance relating to the assessment of traffic and atmospheric pollution, beyond 200m of a road the effects of emissions are reduced to background levels. The only section of road within 200m of the SPA and Ramsar site within the near vicinity of the development site is the Northam Bridge (the Itchen Bridge lies between sections of the SPA/Ramsar at further than 200m distance). Traffic levels for the bridge itself have not been calculated however, manually recorded data of traffic flows along Marine Parade, which leads to the bridge, suggest an increase of 396 AADT is likely. This is below the 1000 AADT threshold for potential significant effects indicated by Highways Agency guidance and consequently no significant increase in pollutant levels is expected.

As such, it is considered unlikely that traffic generated by the proposed development would result in any significant effect on the SPA/Ramsar.

Solent and Dorset Coast pSPA

The tern species for which the pSPA is proposed are not directly sensitive to air pollution. In any event, as set out in regard to other designations, the proposed development is unlikely to result in significant increases in atmospheric pollution that could affect habitats supporting these species.

River Itchen SAC

Increases in traffic beyond the immediate surrounds of the site will be below the 1000 AADT threshold for potentially significant effects set out by Highways Agency guidance. As such it is considered that effects on the SAC as a result of atmospheric pollution are highly unlikely.

Other sites

The increase in traffic will be local to the development site and measures contained within the

CCAP and Core Strategy will be sufficient to deal with atmospheric pollution arising from traffic using the wider road network.

As the assessment indicates that atmospheric pollution will remain within acceptable limits there will be no implications for the identified European sites from this impact pathway.

Effects on connectivity/collision risk

Solent and Southampton Water SPA/Ramsar site

Research has indicated that tall buildings pose a collision risk to birds. In addition to height, lighting, which can draw birds towards buildings especially in bad weather, and reflective surfaces pose particular risks.

The Southampton Wetland Bird Flight Path Study 2009, which was undertaken to support the development of the Core Strategy, established the majority of flight activity occurred over the river corridors with little movement into the city centre area. A moderate level of activity was recorded along the southern section of the River Itchen, close to the site, although there was no movement away from the river channel.

Of the interest species for which the SPA is specifically designated, rather than as part of an assemblage, Dark-bellied Brent Goose and small numbers of Mediterranean Gull were noted as flying within the vicinity of the site.

The majority of Brent Goose activity was confined to the river corridor, although a small number of birds were recorded within close proximity to buildings within the city centre. There is therefore minor potential for Dark-bellied Brent (and to a lesser extent Mediterranean Gull) to be adversely affected by development proposals at the site as a result of disruption to flight lines and collision risk. In regards to other species, Black-tailed Godwit, Ringed Plover and Teal were all noted to be flying on paths well away from the city centre.

The built form of the proposed development has been designed to minimise disruption to flightpaths and reduce collision risk. This has been achieved by breaking up the built form into a number of buildings with landscaping being used to provide open spaces enabling birds to fly between buildings. Further detailed design measures, including, the avoidance of large areas of glass, glazed areas to have high levels of 'visual noise', use of angled windows and use of bird screens, will be incorporated into individual buildings.

Solent and Dorset pSPA

As set out at section 4 in relation to Solent and Southampton Water SPA/Ramsar, built development has the potential to increase incidences of bird strike. Accordingly, the built form of the proposed development has been designed to minimise disruption to flightpaths and reduce collision risk. In addition, the measures detailed for the Solent and Southampton Water SPA will help to reduce the collision risk further.

Other sites

The other European sites are too distant from the application site to experience adverse impacts on connectivity for habitats or species.

The proposed mitigation measures are considered to be effective. As a result, it is concluded that there is no likelihood of any implications to the European sites from this impact pathway.

Disturbance (visual disturbance, noise and lighting)

Solent and Southampton Water SPA/Ramsar site

The development includes a waterside path and open space, streets and new homes which will lead to higher levels of human activity, noise and lighting. However, the designated habitats are located 245m to the north east of the application site adjacent to an existing industrial area. It is therefore reasonable to assume that birds using the inter-tidal area are habituated to relatively

high levels of noise, lighting and human activity.

To ensure that disturbance remains within acceptable levels the area immediately adjacent to the river has been designed as a landscaped walkway with retail and office areas located away from the shoreline.

A lighting scheme will be prepared at the detailed design stage which will include measures to reduce the attraction for birds. Measures to be incorporated include;

- lighting in accordance with anti-sky lighting protocols;
- systems to turn off or dim exterior lighting;
- careful selection and positioning of luminaries, particularly in relation to avoiding light spill along the shoreline; and
- use of louvres, shields or hoods to control light spill;

River Itchen SAC

The application site lies downstream of River Itchen SAC and as such activities such as lighting could act as a barrier for Atlantic salmon and otter which move along the river channel. A number of mitigation measures aimed at removing adverse impacts from lighting, noise and vibration have been incorporated into the design of the development and as a consequence there is a negligible risk of disturbance.

Other sites

The other European sites are too distant from the application site to experience adverse impacts on habitats or species from visual, noise and light disturbance.

The proposed mitigation measures are considered to be effective. As a result, it is concluded that there is no likelihood of any implications to the European sites from this impact pathway.

Recreational disturbance

The proposed development will result in an increase in human population which is likely to lead to a rise in recreational activity at SPA locations, both in the immediate vicinity of the development but also further afield. Increases in recreational activity at SPA locations have the potential to result in mortality in the SPA bird populations due to increased disturbance. For a review of the in-depth analysis which has taken place on this issue at the Solent, please see the Solent Disturbance and Mitigation Project (SDMP)

(http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/). A key conclusion of the research was that residential development within 5.6km of a Solent SPA could lead to a likely significant effect as a consequence of disturbance from recreation.

Solent and Southampton Water SPA/Ramsar site

The development is not located close to any sections of the SPA however, as each residential unit will benefit from a car parking space it will be possible for new residents to access the coast. It has been calculated that the development could generate approximately 60,781 additional visits to the coast which equates to 0.76%% of the total annual visits modelled on the basis of the projected increase in housing. On its own this number of additional visits is unlikely to lead to significant effects however, when considered in combination with recreational activity arising from other residential developments across south Hampshire, there is potential for adverse impacts.

The SDMP identified a number of costed mitigation measures to reduce recreational disturbance arising from increased levels of recreational activity. A figure of £176 per residential unit was agreed by planning authorities across south Hampshire, and adopted by Southampton City Council, to enable delivery of the mitigation measures. The applicants intend to make a payment of £80,432 (457x176) to the Solent Recreation Mitigation Project (successor to the SDMP), secured through an appropriate legal agreement, which will ensure that potential adverse effects arising from recreational development can be avoided.

Providing the proposed mitigation can be secured there are no implications from increased recreation on the SPA designations, even accounting for other plans and projects.

Solent and Dorset Coast pSPA

As set out above in relation to disturbance, the pSPA is designated for its importance as foraging habitat for terns, rather than for breeding or roosting, with the principal breeding areas in the Solent located some distance from the site. Although breeding coastal birds can be particularly vulnerable to human disturbance, and in particular dog walkers, the principal breeding locations are all located beyond 5.6km from the site and are therefore unlikely to be subject to recreational disturbance associated with residents of the development. In regard to foraging, terns are aerial rather than sedentary feeders, and as such are unlikely to be sensitive to recreational disturbance. Accordingly, it is considered unlikely recreational disturbance would result in adverse effects on tern populations associated with the pSPA.

River Itchen SAC

The habitats and species listed under the SAC citation are not considered to be sensitive to recreational disturbance, and as such, the proposed development is unlikely to result in any significant effect on the SAC as a result of recreational disturbance, either alone or in combination.

Solent Maritime SAC

The habitats and species listed under the SAC citation are generally associated with coastal or intertidal areas that are unlikely to be directly accessed by visitors to these areas. As such, potential for adverse effects as a result of recreational activity arising from the proposed development is considered to be negligible. In addition, it is proposed that a contribution is made towards strategic avoidance/mitigation measures in respect of the Solent and Southampton Water SPA/Ramsar site, which would also offset the potential for effects on the Solent Maritime SAC.

New Forest SAC/SPA/Ramsar site

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

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

The application site is located 5.1km from the nearest part of the New Forest SAC, SPA and Ramsar site in terms of linear distance and as such, residents of the proposed development are likely to be non-local day visitors. The Footprint Ecology research indicates that visitors within this group make an average of 45 visits per year to the New Forest. It is likely therefore that the recreational pressure arising from the development on its own is unlikely to be significant. However, bearing in mind the high level of new housing planned across South Hampshire there is potential for it to be significant in-combination with other residential developments.

Whilst, it is not possible or desirable to eliminate day visits to the New Forest there is scope to encourage new residents to make use of the existing public open space within Southampton which is both varied and within relatively close proximity to the development. The City Council has given an undertaking to ring fence 5% of the Community Infrastructure Levy (CIL) generated by the development for the improvement of infrastructure within the city's greenways. Peartree

Green, and two of the greenways, Shoreburs and Weston are located relatively close to the site, a 2km, 2.8km and 4.7km by road respectively, and it is reasonable to expect the new residents to make use of these sites. In addition, the development includes measures to improve walking and cycling provision in the vicinity of the site and new residents will be provide with a welcome pack containing maps illustrating the locations of local open space, walking/ cycling routes and public transport information.

Following implementation of the measures set out above, it is concluded that any potential effects on European designations as a result of the proposed development will be avoided.

Water demand and effluent discharge

All European sites

Water demand and effluent discharge are largely addressed at a strategic level, and based on the policies set out in SCC's Core Strategy, the accompanying HRA indicates that no likely significant effect as a result of these issues has been identified.

Policy CS20 (Tackling and Adapting to Climate Change) in particular sets out standards in regard to water efficiency. As such, the proposed development will ensure that water efficiency is maximised through installation of high performance internal fittings, as well as rainwater harvesting and greywater recycling systems where viable. Further detail is provided in the Sustainability Statement which accompanies the planning application.

Following implementation of these measures, the proposed development is unlikely to result in any significant effect on the European sites as a result of these issues.

¹ See paragraph 3.15 of the Solent Disturbance and Mitigation Project Phase II bird disturbance fieldwork

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

Conclusions

The findings of the initial assessment concluded that there a significant effect was likely through a number of impact pathways. As such, a detailed appropriate assessment has been conducted on the proposed development, incorporating a number of avoidance and mitigation measures which have been designed to remove any likelihood of a significant effect on the identified European sites.

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites. It has also considered the effectiveness of the proposed avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, the significant effects which are likely in association with the proposed development can be overcome. A detailed mitigation package is set out in section 9 of Meridian Gardens: Report to Inform a Habitats Regulations Assessment, October 2014, Aspect Ecology. These measures, which are summarised below, should be secured through a legal agreement or planning conditions:

- A Construction Environment Management Plan covering:
 - Piling methodologies
 - Timing of works
 - Noise levels
 - Control use of fuel, oil and other chemicals
 - Control of surface water runoff
 - Dust suppression
- A financial contribution to the SRMP
- Improvements to walking and cycling infrastructure in the vicinity of the development.

- Provision of information on local parks and routes to them
- A detailed lighting plan
- Building design aimed at reducing collision risk

In addition, 5% of the Community Infrastructure Levy (CIL) for the development will be ring fenced for recreational improvements in the Shoreburs and Weston Greenways and Peartree Green.

As a result, there should not be any implications as a result of this development in relation to either the conservation objective of the SPAs to "avoid the deterioration habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring that the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive" or to the conservation objective of the SACs to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

European Site Qualifying Features

Solent and Southampton Water SPA

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

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

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

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

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

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

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

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343

- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

River Itchen SAC

The River Itchen SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitat:

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

River Itchen SAC also qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- European Bullhead *Cottus gobio* (primary reason for selection)
- White-clawed Crayfish *Austropotamobius pallipes*
- European Brook Lamprey *Lampetra planeri*
- European River Lamprey *Lampetra fluviatilis*
- Atlantic Salmon *Salmo salar*
- European Otter *Lutra lutra*

Solent Maritime SAC

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

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

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

The New Forest SAC

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

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)

- Depressions on peat substrates of the Rhynchosporion (primary reason for selection)
- Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion robori-petraeae or Ilici-Fagenion) (primary reason for selection)
- Asperulo-Fagetum beech forests (primary reason for selection)
- Old acidophilous oak woods with Quercus robur on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

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

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

The New Forest SPA

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

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

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

- Hen Harrier Circus cyaneus

New Forest Ramsar Site

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

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS4	Housing Delivery
CS6	Housing Density
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
SDP24	Advertisements
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
HE3	Listed Buildings
HE6	Archaeological Remains
CLT10	Public Waterfront and Hards
CLT11	Waterside Development
CLT12	Waterside Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

City Centre Action Plan - March 2015

AP 9	Housing supply
AP 12	Green infrastructure and open space
AP 13	Public open space in new developments
AP 15	Flood resilience
AP 16	Design
AP 17	Tall buildings
AP 18	Transport and movement
AP 19	Streets and Spaces
AP 26	Chapel Riverside

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Policy AP 26 Chapel Riverside

At Chapel Riverside, as defined on the Policies Map, a high quality landmark waterfront development will be supported. The development will be designed to integrate with links into the city centre and to promote a continuous public promenade and cycle way along the waterfront to the north and south. Within the development this promenade will include high quality waterfront public realm and 'active' frontages (e.g. restaurants, bars, etc). Wherever possible, the development should maintain strategic views across the site. Development will respect the site's archaeology and respect and enhance built heritage in line with policy CS 14. The development will include a mix of uses, which can include all or some of the following: leisure; food and drink uses; residential; office; hotel; marine employment; education / skills; small-scale retail (under 750 sq m gross) or retail development (A1) which meets policies CS 3 or AP 7. The development will provide public hards and for water sport activities Development will achieve an appropriate degree of safety in respect of flood risk; and provide a strategic shoreline defence within the site, as indicated on the Policies Map; in line with policy AP 15.

5.77 Chapel Riverside offers an exciting opportunity to create a waterfront destination on the River Itchen, to complement Ocean Village and to create public access to and along the riverside. Following the relocation of the city's household waste recycling centre and a small waste transfer station from Chapel Riverside to Dock Gate 20, the Council's aim is to promote a waterfront development

5.78 A 'landmark' development means creating high quality and distinctive buildings on this key approach to the city centre visible from across the water and the Itchen Bridge. The Characterisation Study identifies a number of strategic views from the Itchen Bridge across the site to the churches of St Michael's and St Mary's, and the Civic Centre Campanile (clock tower) which are protected in policy AP 16. A clear justification will be required if these views are proposed to be lost; which considers the scale of impact, and scheme viability (having applied reasonable commercial flexibility). The design should respect and enhance the setting of the American Wharf and Cross House listed buildings, and where feasible reflect the wider maritime history of the area.

5.79 The development will facilitate links to the heart of the city and Oxford Street; and the provision of a continuous public waterside walkway from Ocean Village, towards (in the future) the football stadium.

5.80 The area contains internationally-important archaeological and heritage assets. Development will be considered in the light of policy CS 14 and the NPPF.

5.81 The Southampton Water Activity Centre / public hard and Crosshouse public hard lie within the site and are important community facilities for water sports. Public hards and associated facilities should be retained or re-provided and integrated into the development to meet the needs of these users (including for local car parking).

5.82 In respect of retail development the site is in an 'out of centre' location. Any proposal with retail floorspace of 750 sq m or more will be considered against national retail and Core Strategy policy CS 3. Retail development which is still clearly of a scale and type to be directly ancillary to the wider proposal and / or meets neighbourhood needs will be supported, subject to considering these policies.

5.83 The site can include some office or small scale business uses, although given the overall aim of delivering a key waterfront site, this is not a requirement. Marine employment is an important sector in South Hampshire's economy. The site benefits from a waterside location and can create an opportunity to provide space for marine industries, provided waterside access is designed to protect the adjacent ecology designation. If the site is to be successfully developed for this use, it is possible other uses would need to be excluded. In this case the requirements for a mix of uses and a landmark will not apply. A public promenade should still be provided along the waterfront where possible.

5.84 In transport terms, the site enjoys a city centre location although is some distance from the main rail and bus interchanges. Proposals for a major destination facility on the site will require innovative solutions to link with these interchanges and, along with all uses, to reduce and manage the level and effects of road traffic, in line with policy AP 18.

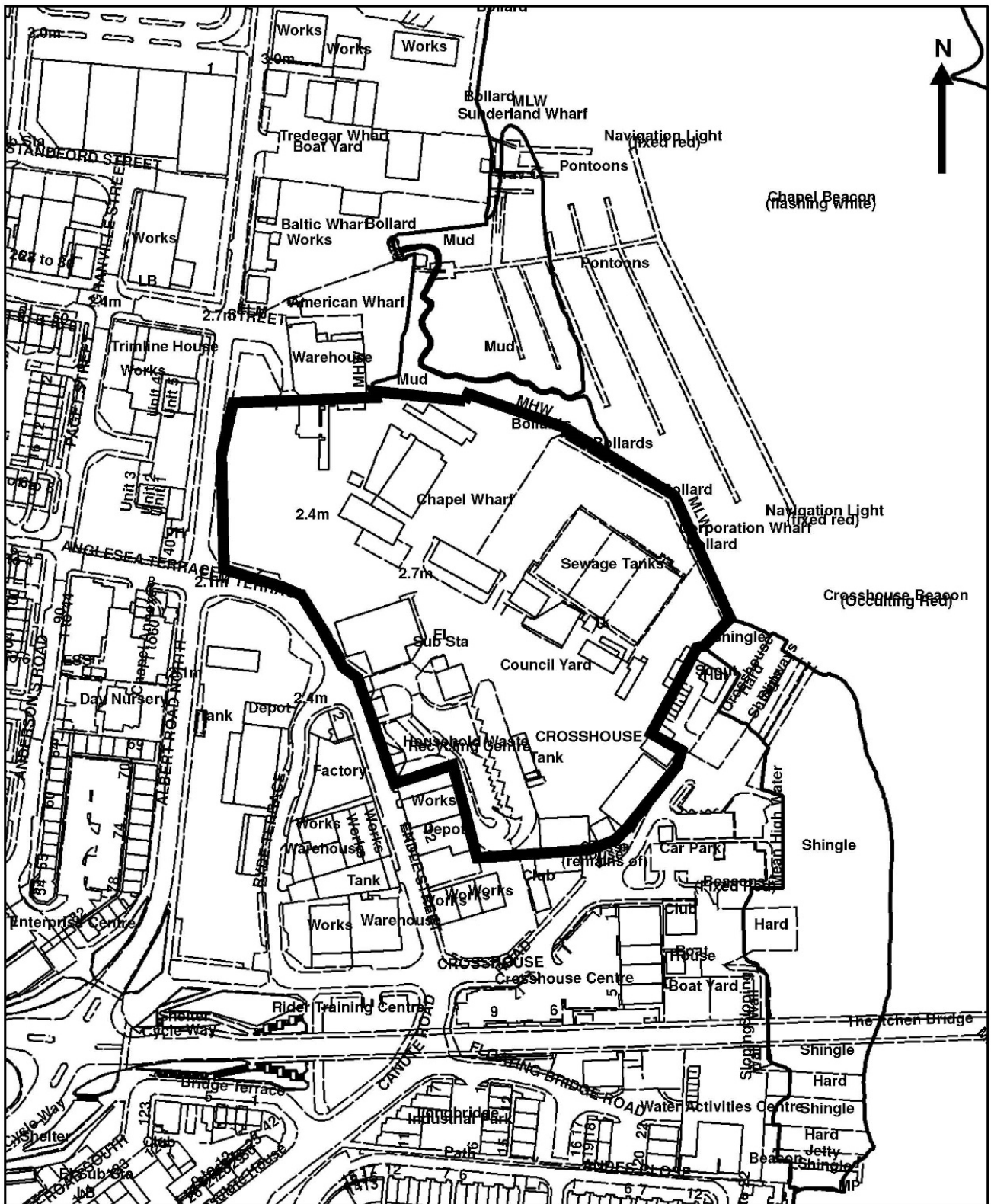
5.85 Policy AP 15 identifies solutions to resolve flood risk issues. These should be factored in to the planning, design and layout of the site at an early stage. This site is particularly low lying and may need to be raised to ensure that flood depths do not affect the structural soundness of development. This will be established through a flood risk assessment.

5.86 The Flood and Coastal Erosion Risk Management Strategy indicates that the strategic shoreline defence for the city should run through the site. Given that this area is subject to greater and more immediate flood risk, and the importance of creating strong public access to and along the waterfront, the defence will be provided with and integrated into the wider design of the development, in line with policy AP 15.

5.87 The site includes major storm overflow tanks. These form a part of the city's drainage infrastructure, and it is expected that they will need to remain. A continuous public promenade will be provided along the waterfront. The presence of the storm tanks may constrain the ability for some schemes to fully provide active frontages along all of this promenade, although this will need to be demonstrated. Development may need to be designed to mitigate odours from the tanks. Development will need to respect nearby ecology designations (for example in relation to any tall buildings, and recreational disturbance, and access to the waterfront for marine industries Core Strategy policy CS 22) and manage any site contamination (Local Plan Review policy SDP 22) (see paragraph 4.152 and Appendix 3).

5.88 Development can either occur on a comprehensive basis across the site or in phases on parts of the site. A proposal for partial development of the site will be accompanied by a master plan for the whole site to illustrate how it could join with future phases to be consistent with the comprehensive objectives for the site set out in this policy

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Scale: 1:2,500

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