

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 16th August 2011
Planning Application Report of the Planning and Development Manager

Application address: The Boathouse, The Triangle, Cobden Avenue SO18 1FZ			
Proposed development: Redevelopment of the site. Erection of a part 4, part 5, and part 6-storey building to provide 51 sheltered housing flats for the elderly (36 x one bedroom and 15 x two bedroom units) with associated parking and a riverside walk.			
Application number	10/01041/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	4.11.2010	Ward	Bitterne Park
Reason for Panel Referral:	Major application with significant public interest	Ward Councillors	Cllr Baillie Cllr White Cllr P Williams

Applicant: Mccarthy & Stone Retirement Lifestyles Ltd	Agent: The Planning Bureau Ltd - Mr Alex Child
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered, including the scale and form of the proposal, the traffic and parking considerations, safety and security issues associated with the proposed riverside walkway 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.

Policies - SDP1, SDP 4, SDP 5, SDP 6, SDP7, SDP 8, SDP9, SDP 10, SDP 11, SDP 12, SDP 13, CLT 5, CLT 11, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS3, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS19, CS20, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

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 contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the

adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- iv. Provision of affordable housing in accordance with Core Strategy Policy CS15;
- v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25;
- vi. 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;
- vii. Submission, approval and implementation of a Construction Traffic Management Plan;
- viii. Dedication of land to public use, construction and maintenance of a public riverside walk with lockable gates (if required).
- ix. A refuse management plan

Note: A verbal update regarding the scheme's viability with any necessary amendments to this recommendation will be given at the Panel meeting.

That the Planning and Development Manager be delegated powers to vary relevant parts of the Section 106 agreement and to vary or add conditions as necessary as a result of further negotiations with the applicant.

In the event that the legal agreement is not completed within two months of 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.

1. The site and its context

- 1.1 The application site, with an area of 0.37 hectares, is situated on the south-east side of Cobden Bridge in the Bitterne Park Triangle. The site has frontages to Cobden Avenue and Whitworth Crescent and a water frontage to the River Itchen. There are existing vehicular access points to Riverdene Place and Cobden Avenue, although the latter access point appears not to have been extensively used in recent years. There is a significant fall in the level of the land from east to west, from Whitworth Crescent towards the river. The site is vacant and the boathouse building which previously occupied the site has recently been demolished.
- 1.2 The surroundings are mixed in terms of uses, building heights and architectural styles. Two-storey shops with accommodation above adjoin to the north as part of the Bitterne Park Triangle Local Centre. At the rear of these properties are two

mature trees, one of which, a Copper Beech, is subject of a Tree Preservation Order. To the south of the application site is the Riverdene Place development which dates from the late 1980's and comprises a mix of houses and flats of predominantly 3 and 4-storeys in height. The roads in Riverdene Place are adopted public highways and there is a public riverside walkway through the development from Whitworth Crescent which extends up to the boundary with the application site. On the opposite bank of the River Itchen, the tallest building is the development on the north west side of Cobden Bridge which is part 3-storeys and part 4-storeys.

2. Proposal

- 2.1 The current application, as amended, proposes redevelopment of the site with a single building of part 4, part 5 and part 6-storeys, to provide a total of 51 sheltered housing flats where self contained accommodation is supported by on-site care as required. The mix of units is now 36 x one bedroom flats and 15 x two bedroom units. Because of the difference in land levels across the site, the part of the building fronting Cobden Avenue would be 4-storeys above road level. The elevation fronting the River Itchen would be predominantly 5 and 6-storeys with a reduced element of 4-storeys at the southern end adjoining the Riverdene Place development. The vehicular access to the site would be from the existing access point off Riverdene Place. 22 car parking spaces would be provided for the development. Pedestrian entrances into the building would be at the rear from the car park and on the north side direct from Cobden Avenue adjoining the shops. Communal gardens for the block would be provided to the front and rear. An extension of the existing public riverside walkway, adjoining Riverdene Place, would be provided via a ramped section leading to steps up to Cobden Bridge. The existing river wall would be partially rebuilt and will incorporate a maintenance strip for Environment Agency purposes.
- 2.2 The density of the development would be 138 dwellings per hectare. The proposed external materials are three types of brickwork: red, buff and grey with a dark oak weather boarding for the north gable features and a grey tiled roof.
- 2.3 The application has been amended since it was first submitted. The main changes are:
- a reduction in the number of flats from 61 to 51 by omitting a separate building to the rear of the site fronting Whitworth Crescent;
 - re-arrangement of the sheltered housing block to provide fewer but larger flats;
 - alterations to the car parking arrangements;
 - amendments to the riverside walk, incorporating a ramp to connect to the existing walkway; and,
 - design changes including reducing the height of the southern end.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in

the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report. The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

4. Relevant Planning History

- 4.1 The application site was previously in two separate parts, used for boat stores and workshops and there was previously a bungalow on part of the site. The site has been vacant for several years.
- 4.2 In September 2000, planning permission was refused for the change of use of part of the ground floor and the first floor office space into 12 x one bedroom flats. The reasons for refusal related to inadequate parking, which would result in overspill parking in adjoining streets, and flood risk (reference 00/00719/FUL).
- 4.3 A subsequent application (reference 00/01218/FUL), also for 12 flats was supported subject to a legal agreement being entered into but this application was later withdrawn.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (26.8.2010) and erecting a site notice (16.09.2010). At the time of writing the report **66** representations have been received from surrounding residents, including from the Dell Wharf Residents Society who represent the residents of Riverdene Place.
- 5.2 The following relevant planning issues were raised:

i) Riverside Walkway

Object to the extension of the riverside walkway up to Cobden Bridge which will result in additional anti-social behaviour, vandalism, dog fouling, litter, loss of privacy and security concerns. It is one of the City Council's main objectives to reduce crime and anti-social behaviour, this proposal is in conflict with that objective and will result in youths congregating in the communal grounds of Riverdene Place. It will also represent a security risk for older people.

Response

It is long established Council policy, now contained in Core Strategy Policy CS12, to secure public access to the waterfront. The potential anti-social behaviour issues are appreciated but other riverside developments are faced with similar issues and to not insist on a public walkway as part of this development would set a precedent which would undermine the policy objective and could prejudice a

comprehensive walkway as sought by this policy.

ii) Highways/Parking

Object to the additional traffic using the Riverdene Place roads either permanently or for construction, all access should be from Cobden Avenue. Riverdene Place is dangerous and not designed for additional traffic. The safety of residents walking on the pavement would be compromised. Inadequate parking is proposed for residents and visitors: despite this being sheltered housing it must be recognised that older people are driving and keeping their cars for longer. The applicant's Transport Statement refers to the availability of on-street parking on Cobden Bridge but this is now to be removed to form a cycle lane.

Response

There is an existing vehicular access point on to Riverdene Place which is public highway. Although the road leading into Riverdene Place from Whitworth Crescent is quite steep it is considered to be adequate to serve this level of development. The existing access onto Cobden Avenue would not be practical as an access to this site as it is on to a busy road and there is a significant difference in levels across the site. The amount of car parking proposed is quite generous for a sheltered housing development at a ratio of one space per 2.3 flats (ie. 22 in total). The Council's maximum standards for sheltered housing in an area of medium public transport accessibility would allow for a total of 26 spaces for this scheme. This difference is not considered to be significant.

iii) Scale of development

A 6-storey development is too big for this site and will tower over the adjoining developments and be out of character with the rest of the Triangle. The building should be considerably smaller and not go much beyond the footprint of the existing boathouse structure. Adjoining properties would experience a loss of view and outlook. There is no precedent locally for a waterfront building of the scale proposed here.

Response

There are some concerns about the height of the building and its compatibility with its surroundings; these issues are addressed later in this report. There is no planning requirement to say that the footprint of the building should not exceed that of the existing boathouse structure. This would contradict government guidance and local planning policies which seek to maximise the use of previously developed land for residential purposes. It is accepted that neighbours do not have the right to a view across adjoining land.

iv) Comprehensive development

The whole area is quite dilapidated and ripe for redevelopment. A more comprehensive development is required to enhance the vista of Cobden Bridge. An undistinguished group of shops next to a new housing complex would be an eyesore.

Response

These comments suggest that the whole of this side of the Bitterne Triangle should be developed as part of this application. However, this land is in multiple ownership and it would not be appropriate to insist that the whole site be developed together. Each application needs to be considered on its own merits. A residential scheme can be satisfactorily provided on the Boathouse site without requiring additional land.

Reconsultation

Neighbours have been reconsulted following the receipt of amended drawings. At the time of writing this report **14 further letters** of objection have been received. These raise similar issues to those set out above and are addressed elsewhere in this report.

5.3 **Consultation Responses**

SCC Housing – The policy requirement is for 18 units of affordable housing. There is currently an over supply of sheltered accommodation across the City, therefore these units are not required for affordable housing. However, an off-site contribution to supply trade down units or general needs units would be acceptable. If there is no suitable site for off-site provision a commuted sum would be required.

- 5.4 **SCC Sustainability Team** – The sustainability checklist states that no feasibility study for renewables has been carried out and none are proposed. This is contrary to core strategy policy CS20 requirements (part 1) which requires 15% reduction in CO2 emissions through renewables for 4+ storey residential buildings. The checklist also states that the building will not comply with BREEAM standards. This is also contrary to policy CS20 which requires development of this nature to comply with BREEAM (Multi-Residential) Very Good. Therefore Sustainability **object** to this application.

Note: A planning condition is recommended to secure further details and address this objection.

- 5.5 **SCC City Design Team** – Pre application discussions with the developer have been mainly around reducing the scale, massing and height of development on the site. A number of suggested approaches have been made but the key design objectives established in this dialogue has been to achieve an appropriate scale of development that enhances the streetscene to Cobden Bridge/Bitterne Triangle and Whitworth Crescent, as well as to the River Itchen riverfront. The developer has made good progress in addressing design concerns raised at the pre-application stage, however viability appears to have prevented the developer addressing all concerns raised regarding the height. This site has remained vacant for some considerable time and potential for a viable scheme should be taken into consideration given that it would contribute to improving the area as well as adding new life and activity.

- 5.5.1 In considering the context for this site it is important to recognise that recent development fronting the river has been between 3 to 4 storeys above the river (adjacent development to the south at Riverdene Place) and 4 to 5 storeys at Priory Avenue on the north west side of Cobden Bridge. Similar developments down stream at Bitterne are also 3 to 4 storeys in height, i.e. at Hawkeswood Road, Bitterne and Horsebridge Road, St Denys. These developments as others further down stream have (to varying degrees of success) used a 'wharf' style of architecture, typical of the warehouses that were built in the 19th century in Southampton, with relatively tall and wide frontages topped with pitched roofs broken by intermediate gables, aligned above a regular pattern of fenestration, such as the six storey Geddes Warehouse on Town Quay.
- 5.5.2 The developer has been encouraged to use this architectural style in a contemporary manner in order to address the proposals for a large foot print residential retirement home on the site. However the proposals are 6 storeys facing the river much taller than other development in the area and under policy SDP 9 of the Local Plan must be considered as 'tall' buildings. It is this 6 storey elevation to the riverfront that causes most concern and is believed to be too tall for the context and in relation to the adjoining Riverdean Place development, and a more appropriate height would be 5 storeys falling quickly away to 4 storeys away from a high point at the corner with the St Denys Road elevation and then to 3 storeys at the south end of this elevation. However, this will be mitigated to some extent by the stepping back of the taller part of this elevation, which is well behind the Riverdene Place frontage, and will allow the gabled corner of the development to become more visually dominant. The height of this part of the development could create quite an oppressive and overshadowing impact on the St Denys Road properties that back onto the east facing elevation of the development, provided the trees here are retained these would help to mitigate this. The design of the elevation in terms of the scale of features, such as the gable features, projecting bays and use of semi enclosed balconies are much improved from previous schemes, providing a contemporary take on 'wharf' architecture and are of an appropriate scale. The use of oriel style windows on the south elevation adds interest whilst protecting from overlooking residents of Riverdene place.
- 5.5.3 The elevation facing Cobden Bridge/St Denys Road is 4 storeys with a clearly legible front entrance. The roof has been designed to create a synergy with the existing development to the east and the scale of the fenestration is in keeping with this. The elevation is slightly set back from the site's boundary but in line with the existing building line, enabling the provision of decorative railings to create a semi private threshold to the building and some privacy to the ground floor flats. The use of a grey brick to the ground floor and brick coursing detail at first floor level helps to reduce the visual mass of the elevation by visually receding the ground floor from the upper floors. This, the provision of bay windows, gable features and the recessing of balconies create a varied and interesting elevation that is consistent with design advice given at pre application stage.
- 5.5.4 It is unfortunate that the free standing block to Whitworth Crescent is no longer proposed as this would help to extend the active built frontage along this street, however given the significant drop in levels in this part of the site it is recognised that this would be expensive to develop and a high quality landscaped boundary to the site would be an acceptable alternative.

- 5.5.5 The provision of a continuous river front walk is supported. Opportunities to use soft landscaping to soften retaining walls should be considered, and detailed landscaping proposals are required for the whole site.
- 5.6 **Architects Panel** - (comments on the application as originally submitted) This is an important site at a key waterside location, the immediate area does not have a history of tall wharfage buildings. The proposal is of poor quality and the design approach lacks contextual analysis. There is no attempt to 'turn the corner' with the design, it is just a series of elevations.
- 5.7 **SCC Environmental Health (Pollution & Safety)** - agree with the recommendations of the noise report submitted with this application. There is therefore no objection to the application subject to conditions being imposed
- 5.8 **SCC Environmental Health (Contaminated Land)** - Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses;
- Landfill (35m North)
 - Reclaimed Land (Adj. to SW)
- These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. This can be covered by imposing standard conditions.
- 5.9 **SCC Ecology** – No objection. The application site consists of a derelict former boathouse surrounded by disturbed ground supporting areas of grassland, trees, scrub and species poor hedgerows. These habitats are not long established and as such are not of high biodiversity value, they will however, have some value for local wildlife.
- 5.9.1 The site is located on the eastern bank of the River Itchen and lies adjacent to a section of the River Itchen Mudland Site of Importance for Nature Conservation (SINC). This site is designated under criteria 4A: semi-natural coastal and estuarine habitats, including intertidal mudflats. Intertidal mudflats are also listed as a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.
- 5.9.2 The site also lies within 830 metres of sections of the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The proposed development will not result in a direct physical impact on these protected areas however, there is potential for impacts on species for which these sites were designated namely Atlantic salmon and over wintering wildfowl.
- 5.9.3 The application site does not have a high level of inherent biodiversity value although the proposed development could result in adverse impacts on elements of the local biodiversity. Appropriate working practices and mitigation measures

would be able to minimise or eliminate these impacts. Providing any permission can be conditioned to secure submission and implementation of such measures, I have no objection to the proposed development.

5.10 **BAA** – Have no aerodrome safeguarding objections to this proposal provided that a condition is imposed relating to the nature of the lighting to be used.

5.11 **Hampshire Constabulary** – Do not support the proposed public riverside walkway. The Police were asked to give a view on the possibility of a gated access which could potentially be locked during the hours of darkness. Their response was as follows:

“Having spoken to the local beat team it would appear that locking the gate at dusk is unlikely to help matters. Within this area we experience youths congregating and jumping into the water. This tends to happen during the day, especially hot summer days and our concern is that matters will get worse if a direct route from Cobden Bridge were allowed. I appreciate the idea of opening up the waterfront, but on this occasion it has the potential to bring about greater problems. The applicant could look at measures to increase the height of the barriers along the river front to make it impossible to jump in, however the danger is making a very enclosed walk way.”

5.12 **Southern Water** – Investigations have confirmed there is adequate capacity in the foul and surface water systems to serve the development. Southern Water therefore has no objections to the development subject to conditions requiring further details and measures to protect existing sewers on or near the site during construction works.

5.13 **Environment Agency** - The agency have no objection to the proposal providing a condition is imposed ensuring the works are carried out in accordance with the submitted Flood Risk Assessment and mitigation measures.

5.14 **SCC Highways** - No objection to the proposals. The proposed riverside walkway will not be maintained at public expense as public highway. Conditions required on refuse storage and the details of the walkway.

5.15 **SCC Trees Team** - The Copper Beech adjacent to this site is protected by the Southampton (3 The Triangle, Cobden Avenue) TPO 2005. This makes it a material consideration in the planning process. There are no other significant trees on the site that are worthy of retention and any loss will be offset with the new planting on site, shown in drawing 850/01 (Planting Plan).

5.15.1 The protected beech will require special measures to be put in place to protect the roots and tree during the demolition and construction phase of this development. Although the Horse Chestnut is not currently protected, it does provide the dental practice behind with screening and privacy, something to which they have expressed a desire to keep. It also provides a screen for residents looking on to the rear of the business premises.

5.15.2 The submitted Arboricultural report addresses the previous concerns. Therefore there is no objection to the application provided the tree protection measures that

are specified in the above report are carried out.

6. Planning Consideration Key Issues

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

- The principle of this development and the form and mix of dwellings proposed.
- Design issues relating to the scale and form of the building, the amount of development proposed and the impact on the character of the area.
- Transportation and Parking issues.
- Environmental matters including trees and sustainability considerations.

6.2 Principle of Development

The application site has been vacant and in a dilapidated condition for many years. The boathouse structure previously on the site has recently been demolished. The site is not allocated or safeguarded for employment use and there is therefore no presumption of retaining a commercial use on the site. Government guidance in PPS3 (2011) encourages local authorities and developers to make efficient use of previously developed land. The immediate surroundings are of mixed character with the commercial frontage to the Bitterne Triangle and residential beyond. The building would have only a minimal setback from Cobden Avenue adjoining the shops which will result in a limited residential environment for the flats on this side of the building. Notwithstanding that reservation it is considered that a residential only development is acceptable for this long vacant site.

6.3 A limited mix of flat types are proposed but Core Strategy Policy CS16, which seeks family sized homes on appropriate sites, does not apply to specialist housing schemes of this type. There is, therefore, no policy objection to the mix of accommodation proposed. The Council's Housing Team do not seek on-site affordable housing units as there is considered to be an over-supply of such accommodation. Off-site provision or contributions in-lieu would normally be sought. In this case, the applicant has submitted evidence to demonstrate that it is not viable to make a contribution towards affordable housing from this development. This viability case is still being assessed. In the event that the Panel resolves to grant permission an assessment of the level of contributions could be delegated to officers.

6.4 Design Issues

Members attention is drawn to the detailed comments of the Councils' City Design Manager in paragraph 5.5 of this report. It should be noted that the comments of the Architects Panel in paragraph 5.6 were made on the application as originally submitted, and the Panel have not considered the amended scheme. The design for this site has been the subject of extensive discussions, both during consideration of this application and at the pre-application stage. The detailed design treatment has been considerably improved and much will depend on the quality of the external materials which can be reserved by a condition. The main point of contention is the overall height of the development which, partly at 6-storeys, exceeds the prevailing height of new developments on other sites in the vicinity which are predominantly 4-storeys in height. However, the scale of the

building works well in its own right and it is quite common for tall buildings to be located at 'arrival points' such as adjoining a bridge and along river frontage. Policy SDP9 is permissive of tall buildings, in principle, at the waterfront and on major routes into the City. On balance, and taking account of the viability arguments and the length of time the site has been vacant, the scale and form of the building is considered to be appropriate for this site.

6.5 Transportation and parking issues

Local residents concerns about traffic and parking issues are understood but the only practical and relatively safe vehicular access to serve this site, for whatever use it may be put to, is from Riverdene Place where there is an existing access point. The level of car parking is relatively high for a sheltered housing development and is only marginally below the maximum standard. There are no highway safety concerns with the proposals.

6.6 Environmental Issues

The main area of contention with local residents has been the proposed riverside walkway which would extend the existing footpath from Riverdene Place up to Cobden Bridge. It would appear that that the existing walkway has been affected by anti-social behaviour as reflected in the comments made by the Police. The applicants have made it clear that they do not wish to provide the walkway but it is part of their proposal to comply with Council policy on access to the waterfront. The safety and security concerns associated with an extension of the walkway are appreciated given the proposal is for housing for older people. A compromise solution of lockable gates which could be secured at night has not found favour with the Police. However, Members may wish to consider this alternative.

6.7 Notwithstanding the objection from residents and Hampshire Police it is the opinion of officers that a publically accessible link from the waterfront onto the Bridge should be provided and secured through the S.106 legal agreement. The local planning policies support this position. It is likely that the vacant nature of the existing site will have contributed towards the reported rise in antisocial behaviour in the area. The introduction of a residential scheme, with an on-site warden, will offer surveillance of the area whilst improving public access to the water front. The gates can be locked at night to reduce any potential harm (as discussed above) whilst meeting the policy objectives.

6.8 In terms of other environmental issues:

The Environment Agency are satisfied with the proposal to raise the level of the site for flood protection purposes.

The ecology of the site, particularly the nature conservation value of the Itchen foreshore can be safeguarded by appropriate conditions.

The Council's tree officer is now satisfied that the protected tree on the adjoining site can be safeguarded during construction.

Sustainability issues can be covered by conditions.

The level of amenity space falls below the Council's standard for sheltered

housing. The areas proposed amount to approximately 600 square metres compared to the standard of 30sq.m. per flat which would mean a 1500sq.m provision. However, for sheltered housing schemes it is generally accepted that facilities such as a communal lounge mitigate for a reduced garden provision. This site also benefits from views of the river and close proximity to Riverside Park.

7. Summary

7.1 This is quite a high intensity specialist form of residential development but the scale and form of the building is considered acceptable for this previously developed site in a sustainable location adjoining the Bitterne Park Local Centre. In environmental terms a significant enhancement would be achieved. As amended, the proposed layout and design is considered to be acceptable and the amenities of neighbours would not be significantly affected.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions listed in 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(d), 4(f), 6(a), 6(c), 7(a), 7(e), 7(n), 7(w), 9(a), 10(a), 10(b).

RP2 for 16/08/2011 PROW Panel

PLANNING CONDITIONS to include:

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

REASON:

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

02. APPROVAL CONDITION - Details of building materials to be used

Notwithstanding the information shown on the approved drawings and application form no development works 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.

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan

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

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

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

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

REASON:

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

04. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.

4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

REASON:

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

05. APPROVAL CONDITION - No storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

REASON:

To preserve the said trees in the interests of the visual amenities and character of the locality.

06. APPROVAL CONDITION - Arboricultural Protection Measures

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

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

REASON:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

07. APPROVAL CONDITION - Tree Retention and Safeguarding

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

REASON:

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

08. APPROVAL CONDITION- Land Contamination investigation and remediation

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

09. APPROVAL CONDITION - Use of uncontaminated soils and fill

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

REASON:

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

10. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

REASON:

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

11. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction

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.

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

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

REASON:

In the interests of highway safety.

13. APPROVAL CONDITION - Construction Method Statement

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect the amenities of neighbours and the wider environment

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

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning

Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall incorporate measures for protection of ecological interests including protection of Atlantic Salmon and overwintering wildfowl.

REASON:

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

Condition Informative 1

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

Condition Informative 2

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

15. APPROVAL CONDITION - Flood Risk Works (Performance Condition)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) November 2007 by WSP and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
2. Finished floor levels are set no lower than 4.5m above Ordnance Datum (AOD).

REASON:

To ensure safe access and egress from and to the site and to reduce the impact of flooding on the proposed development and future occupants.

16. APPROVAL CONDITION - Foul and Surface Water Drainage

No development shall commence until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

17. APPROVAL CONDITION - Protection of sewers (Pre-commencement condition)

No development shall commence until details of measures to protect or divert the public sewers which cross the site, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure this important public infrastructure is protected during the course of construction of the development.

18. APPROVAL CONDITION - Control of lighting (Performance Condition)

The development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal

REASON:

To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

Note:

For further information please refer to Advice Note 2 'Lighting Near Aerodromes' available at www.aoa.org.uk/publications/safeguarding.asp.

Your attention is drawn to the Air Navigation Order 2005, Article 135, which states that "a person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft." The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found in Advice Note No 2 referred to above.

19. APPROVAL CONDITION - Archaeological investigation

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

REASON:

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

20. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a 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.

21. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a

specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

22. APPROVAL CONDITION - Refuse facilities (Pre-Occupation Condition)

The refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the building is first occupied. The storage areas shall be retained thereafter.

REASON:

To ensure suitable refuse and recycling facilities are provided and in the interests of visual amenity.

23. APPROVAL CONDITION - Layout of Car Parking/Serviceing

The whole of the car parking, cycle storage and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

REASON:

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

24. APPROVAL CONDITION - Cycle Facilities - Pre-Occupation Condition

The development hereby approved shall not be occupied until facilities for cycle storage for residents, visitors and members of staff have been submitted to and approved in writing by the Local Planning Authority. The facilities for members of staff shall include showering, changing and storage space. The approved measures shall subsequently be retained thereafter.

REASON:

To encourage cycling as a sustainable means of transport.

25. APPROVAL CONDITION - Ecological Mitigation Statement

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 'Land adjacent to Cobden Bridge Ecological scoping survey report 15th September 2008' with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

REASON:

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

26. APPROVAL CONDITION - No other windows or doors other than approved

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the southern elevation of the building hereby permitted without the prior written consent of the Local Planning Authority.

REASON:

To protect the amenities of the adjoining residential properties.

27. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 15% in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes 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. APPROVAL CONDITION (Design of river wall - Pre-Development Condition)

No development shall commence until a detailed scheme of construction of the rebuilt river wall and measures to protect the ecological importance of the foreshore has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the ecological importance of the river and foreshore.

29. APPROVAL CONDITION – Noise

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the recommendations of the applicant's submitted Noise Report so that all measures are in place prior to the first occupation of the development (as required).

REASON:

In the interests of protecting prospective residential amenity

30. APPROVAL CONDITION - Approved Plans

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

REASON:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
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
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

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
HE1	New Development in Conservation Areas
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT11	Waterside Development
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

PPS3 Housing (2011)

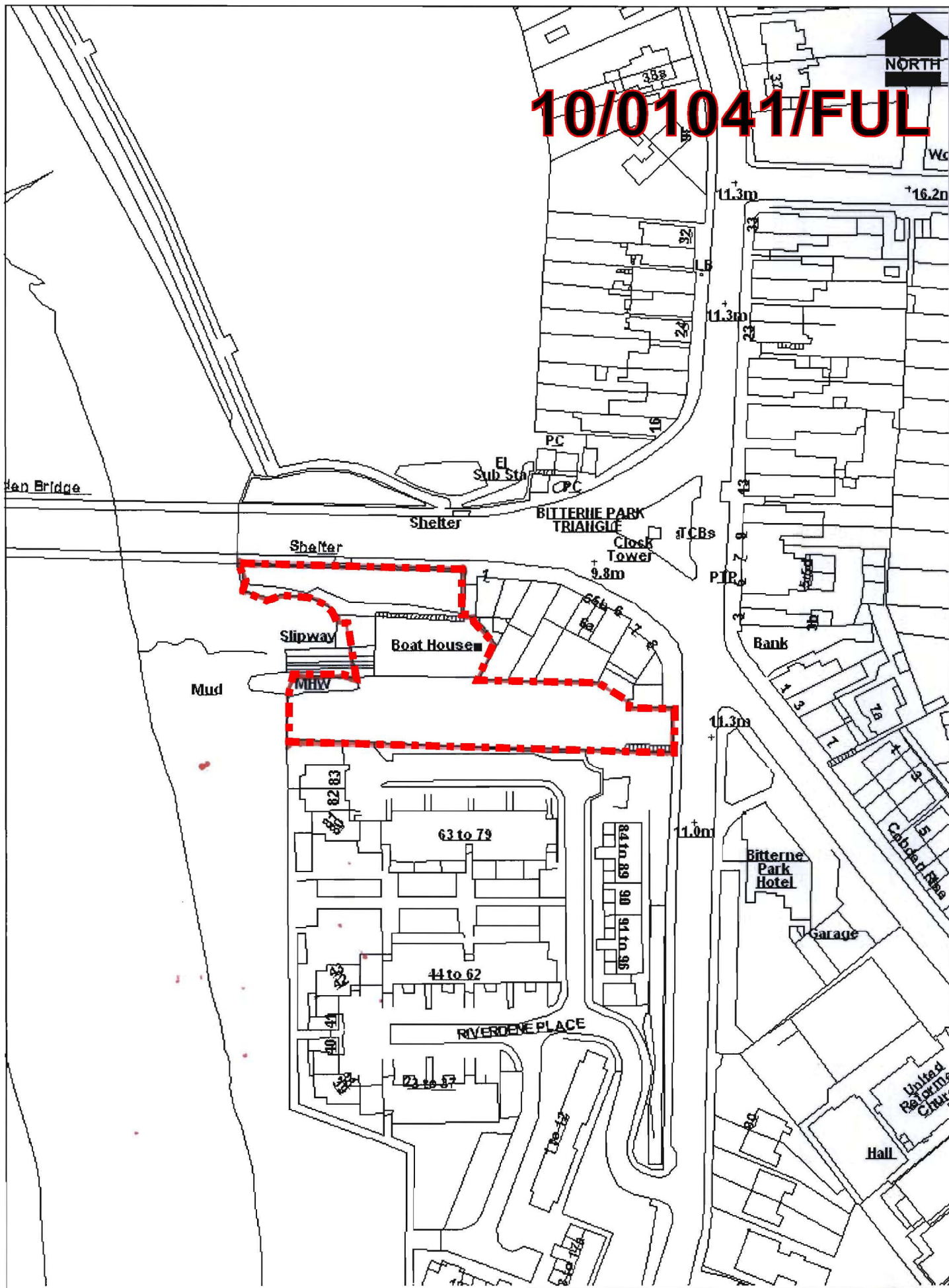
PPG13 Transport (2011)

PPS23 Planning and Pollution Control (November 2004)

PPG24 Planning and Noise (October 1994)

PPS 25 Development and Flood Risk (December 2006)

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