

Application 20/01810/FUL

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 Planning 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 host 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 –**

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.

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 –**

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 –

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.

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.

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 –

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) –**

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 –**

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

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.

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.

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.

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.

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.

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 –**

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).

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 –**

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.

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.

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