

Planning and Rights of Way Panel 3rd November 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: Car Park adjacent to Tagus House, Maritime Walk, Ocean Village, Southampton			
Proposed development: Redevelopment of the site. Erection of a building ranging from 9 to 24-storeys to provide 199 flats with associated access, parking, cycle storage, substation and landscaping.			
Application number:	19/01145/FUL	Application type:	FUL
Case officer:	Jenna Turner	Public speaking time:	15 minutes
Last date for determination:	01.10.2019 (ETA 06.11.2020)	Ward:	Bargate
Reason for Panel Referral:	Referred by the Head of Planning & Economic Development due to wider public interest	Ward Councillors:	Cllr Bogle Cllr Paffey Cllr Noon
Applicant: MDL Developments Ltd		Agent: Savills - Mr Peter Warren	

Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Design Comments		

Recommendation in Full

Refuse planning permission for the reasons set out below:

01. Design & the effect on the character and appearance of the area

The proposed development would result in significant harm to the character and appearance of the area by reason of the following:

- (i) The bulk, excessive scale and massing of the development fails to relate to the prevailing scale and massing of buildings which immediately neighbour the site and results in a proposed building with bulky proportions that fails to create a pleasing landmark within Ocean Village. This having regard to the adopted Development Plan which does not support tall buildings in this location; promoting, instead, the location of landmark buildings on the waterfront in Ocean Village rather than this set-back site where policies require development to relate to the scale and mass of existing buildings within their context.

- (ii) The development would intrude into the clear space in the skyline around the Grade II Listed Royal Pier Entrance Building when viewed from Mayflower Park, lessening this building`s dominance in this vista. Likewise, the development would impose upon the southern backdrop of the buildings located within Canute Road Conservation Area. The scale and mass of the new development, coupled with its standard high-rise design fails to create a visual benefit, to these elements which make up the historic character of the area. As such, the proposals would fail to preserve view/s to the nearby heritage asset/s that positively contribute/s to their setting and significance.
- (iii) The paucity of ground floor space or an appreciable setting to the building compounds the scale and massing of the development, resulting in a building which would appear cramped within the site and over-bearing within the streetscene. Furthermore, the ground floor of the development is dominated by servicing, particularly on its southern elevation failing to provide activity to the public realm.
- (iv) The loss of mature protected trees and the pollarding of remaining trees that would erode the soft landscape relief that the existing trees currently provide to an otherwise hard-landscape dominated area.
- (v) The elevational design and tripartite design approach lacks appropriate reference to local character or vernacular, appears bulky, monotonous and authoritarian, failing to achieve a locally distinctive form of development.

As such, in the opinion of the Local Planning Authority, the development would prove contrary to the provisions of policies AP16, AP17 and AP35 of the City Centre Action Plan Adopted Version March 2015, policies CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document Amended Version March 2015, policies SDP1, SDP12, HE1 and HE3 of the City of Southampton Local Plan Review Adopted Version 2nd Revision 2015 as supported by relevant sections of the Council's approved Residential Design Guide Supplementary Planning Document 2006 and the NPPF (2019) emphasis on securing high quality design.

02. Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- i. Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- ii. The provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - (Amended 2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) taking account of the viability position presented and assessed;

- iii. The provision of public art in accordance with policy CS25 of the Core Strategy and the adopted Developer Contributions SPD;
- iv. A Refuse Management Plan to address the storage and collection of waste from the development in accordance with the Residential Design Guide Supplementary Planning Document 2006;
- v. A Flood Management Plan to address the management of flood risks for future occupants of the development in accordance with policy CS23 of the Core Strategy;
- vi. In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- vii. In the absence of Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 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);
- viii. In the absence of a mechanism for securing the submission, approval and implementation of a Carbon Management Plan setting out how the 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) and;
- ix. In the absence of either a scheme of works or a contribution to support the development, the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline and New Forest. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

1. The site and its context

- 1.1 The site currently comprises a private car park within Ocean Village with a well-vegetated boundary which contains TPO trees. The site is located towards the southern end of Ocean Village. To the south of Ocean Village is the University's Oceanography Centre and the Port of Southampton. The site itself is neighboured by the three-storey offices of Tagus House and Arcadia House to the north, the Harbour Lights Picture House to the east, the Ocean Village Innovation Centre and the 8-storey residential development of Splash to the south.

- 1.2 Ocean Village itself comprises a large marina within the defined city centre, although is somewhat remote to and disconnected from the main shopping core. The marina is edged by residential and non-residential uses including a substantial amount of office development, bars and restaurants, the Ocean Village Innovation Centre, Harbour Hotel and Harbour Lights Cinema. Ocean Village has been subject to some substantial change through development in recent years and that development is varied in terms of character and quality. The adjacent Harbour Lights cinema remains as one of the more positive buildings within the area; its lower scale, interesting form and also the activity associated with it creates a point of interest in Ocean Village.
- 1.3 In terms of scale, building heights within Ocean Village vary between 2 and 11 storeys with the exception of the Moresby Tower development providing a landmark tall building within Ocean Village. The public realm within the area lacks cohesion with a paucity of genuine open space, including play space and green landscaping. Pedestrian routes, in particular, lack clarity and often conflict with car-dominated roads and parking areas.
- 1.4 The site is within 600 metres of the Solent and Southampton Water Special Protection Area and the Lee-on-the-Solent to Itchen SSSI. The marina itself includes the Grade II Listed Princess Alexandra Dock - Dock Basin Wall and 200 metres to the north is the boundary of the Canute Road Conservation Area.

2. Proposal

- 2.1 The application seeks full planning permission for the construction of a tall building that would comprise 199 residential flats with a mix of 1, 2 and 3 bedrooms. The application sets out that the flats would be for the private rented sector. The application has been amended since submission.
- 2.2 To the ground floor of the building, a foyer and residents' lounges are provided together with ancillary storage and services.
- 2.3 Externally, 10 car parking spaces are provided to serve the development together with a standalone cycle store. A servicing area is located to the south side of the building which provides access to the internal refuse store. On the opposite side of the road, a landscaped area of approximately 400 sq.m is provided, which contains an electricity substation. The flats would also be served by two communal roof terraces, each of approximately 300 sq.m in area.

2.4 The building itself has a stepped design. The lowest section of building, at 8 storeys is positioned to the eastern part of the site. The building then steps up to 24 storeys (97.5 m AOD) in the middle section and down to 14 storeys adjacent to Tagus House. The elevations would be finished in a brickwork cladding system with green coloured spandrel panels below windows and a dark cladding system to shadow gaps within the elevations. Living spaces within the flats would have Juliette balconies finished with metal balustrading.

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 1**.

3.2 Major developments are 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) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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.

3.4 The status of the applicant’s own ‘Masterplan’ is discussed further at paragraph 6.3.6 below.

4. Relevant Planning History

4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

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 (19.07.2019) and erecting a site notice (16.07.2019). Following receipt of amended plans and information, a second neighbour notification exercise was undertaken. At the time of writing the report, in total **304 objections and 1 letter of support** have been received from surrounding residents, including some objectors that have replied to both rounds of consultation. **Following the first public consultation exercise, for instance, 178 letters of objection were received and one letter of support.** The following is a summary of the points raised following the first consultation exercise:
- 5.2 **Councillor Bogle (Bargate Ward Councillor)** – Concern with the level of development taken in place in Ocean Village in the last few years which has felt un-coordinated and piecemeal. There is little green space, nor the originally planned events plaza. The development does not fit in with existing developments to date. Recommend a pause to master-plan Ocean Village as a whole for the next few decades, through the Local Plan process. Concerned with over-shadowing and the over-bearing impact on neighbouring properties. Concerned with the loss of protected trees. Concern with the loss of the car park. Poor public transport connections. Query relationship with the Port.
- 5.3 **Councillor Dr Paffey (Bargate Ward Councillor)** – A comprehensive strategic plan for the future vision of Ocean Village needs to be in place before further developments such as this one. Facilities such as a public plaza, green areas need to be delivered or the area risks becoming over-development. The developers should engage fully with the community and the Council in developing a strategic plan for Ocean Village.
- 5.4 **Cllr Noon (Bargate Ward Councillor)** – The height and mass of the application would overshadow the Splash Development. Concerned with the loss of parking in Ocean Village. Concerned with the loss of trees. Not opposed to more development in Ocean Village providing affordable housing and green space is delivered.

- 5.5 **Pacific Close Residents Association –**
The proposal would exacerbate congestion at the junctions with Canute Road and Ocean Village.
Lack of local amenities/services within Ocean Village such as health care, facilities for children.
Introducing a large number of residents in an area with poor public transport links is unsustainable.
Loss of trees.
Overdevelopment. The building would dominate neighbouring developments. No justification for another tall building in this location.
There has been a piecemeal approach to development in Ocean Village.
Concern with fire safety.
Overshadowing and over-bearing impact on neighbouring properties.
Concerned with the effect on car parking.
- 5.6 **Pacific Close Estates Limited –**
Surplus of this type of accommodation in the area
Lack of car parking, play areas and other facilities to support residents
Pacific Close is subject to over-spill car parking which would increase.
- 5.7 **City of Southampton Society –**
Support residents objections. Object on the basis of design, layout/density/, loss of light/overshadowing, noise and disturbance, adequacy of parking, highway safety, loss of trees, landscaping and effect on the Conservation Area.
- 5.8 **Ocean Village Business Community (UBC/PWC/Forelle Estates/BDO/CBRE) –**
Loss of car parking and insufficient car parking to serve the development will result in increased competition for on-street car parking.
A comprehensive Masterplan for Ocean Village should be prepared to run alongside the Local Plan process.
- 5.9 **Forelle Estates –**
Loss of TPO trees and unclear where the 2 for 1 tree replacements will be located. Podium tree planting is unlikely to provide equivalent public amenity value. The existing car park is well used/not surplus to requirements. Loss of car parking would impact on the attractiveness of Ocean Village as an employment location and visitor destination. Parking demand from new residents is not satisfactorily addressed due to costs and practicalities associated with the multi-storey car park.

- 5.9.1 Lack of affordable housing and absence of a viability assessment to justify this. The National Planning Practice Guidance confirms that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent.
- 5.9.2 Poor Design due to excessive mass and bulk of the development. Does not meet the policy requirements of AP35. The site is not identified within areas identified for individual landmark buildings by the CCAP. Insufficient private external amenity space.
- 5.9.3 Disagree with the applicant's assertion that the 2006 MDL Masterplan carries great weight which doesn't not support the proposal in any case. A residential tower would do little to add to the vitality of the area or reinforce Ocean Village's attraction as a destination for national and global business.
- 5.9.4 Things have moved on since 2006 MDL Masterplan and a comprehensive review is welcome in the context of the Local Plan review. Query if an EIA screening opinion has been submitted.
- 5.10 **Local Residents' Issues -**
Signing of ownership certificate queried-leaseholders should be served notice.
- 5.10.1 Loss of car parking. Insufficient parking adding to pressure in the area. Query the practicality and cost associated with using the multi-storey car park. Much of the car park is currently used for the storage of vehicles and permits have already been sold for spaces within it-it's not clear how many spaces are actually available for use. A summer survey should be undertaken to reflect when the marina is used more intensively. Poor public transport connections to Ocean Village. Additional congestion within the area.
- 5.10.2 Loss of trees- in the context of an area that does not benefit from sufficient soft landscaping. The proposal would provide smaller trees than existing with no details on how many trees per type would be planted. 40 new trees are not provided.

- 5.10.3 Loss of light to neighbouring properties and overshadowing of properties and open space. Including Sapphire Court and the communal garden area and the communal podium area for the Splash development. The daylight and sunlight assessment highlights that a number of the neighbouring properties fail the VSC test, with less than 27% skylight reaching windows. This impact could be addressed with a building of a lesser scale and massing. A wider assessment of the impact of the development should be undertaken. The over-shadowing impact on the hotel would impact on its attractiveness and potentially its viability.
- 5.10.4 Scale is out-of-character and over-bearing. Moresby Tower was intended to be the 'iconic' high rise building on the marina. There is no good justification for another building of a similar height.
- 5.10.5 Design is unattractive and monolithic. It is not innovative nor distinctive. The architecture is monotonous.
- 5.10.6 The proposal is not plan led. The last masterplan was 2006 and not publicly endorsed.
- 5.10.7 The Townscape, Heritage and Visual Impact Appraisal highlights a moderate impact on Geddes Warehouse and Royal Pier. The proposal would detract from views from Mayflower Park and detract from Royal Pier causing harm to the setting and significance of this asset- this amounts to substantial harm.
- 5.10.8 Loss of privacy to neighbouring properties
- 5.10.9 Insufficient external amenity space to serve the development. The internal living environment would be poor.
- 5.10.11 The Planning Statement is incorrect in its assumption that no affordable housing provision is required. Paragraph 64 of the Framework is intended to boost the provision of affordable housing products which are aimed at 'affordable housing ownership'. As such developments other than that listed should deliver 10% should be starter homes, discounted market sales housing or other affordable routes to home ownership. It exempts Build to Rent from these products but does not exempt the development to provide the whole affordable housing percentages set out in the Development Plan.
- 5.10.12 Concern with wind tunnel effect on public areas around the building.
- 5.10.13 Concern with lack of community infrastructure e.g. health services and schools

- 5.10.14 Concern with the piecemeal approach to development in Ocean Village, the lack of cohesive planning and development. There is an existing mish-mash of building styles which the proposal would exacerbate.
- 5.10.15 Disruption during construction and noise from use of balconies and communal terraces
- 5.10.16 Concern with the lack and poor quality of public space. This is impacting on the attractiveness of the marina to host events. There is too much emphasis on residential development in Ocean Village.
- 5.10.17 Bats and hedgehogs have not been fully considered in the submitted Ecology report.
- 5.10.18 The Council need to carry out an Appropriate Assessment. Water quality impact on designated sites needs to be addressed.
- 5.10.19 The development is ES development and needs further work

Officer comment

The application has attracted a significant level of local objection and the above issues are detailed further in the Planning Considerations of this report. The Panel will note the recommendation for refusal and the reasons drafted above identify the Planning harm that can be evidenced at an appeal, but these do not necessarily support each of the concerns raised locally. The Panel may, of course, seek to amend the suggested reasons for refusal.

- 5.11 **Following receipt of amended plans a further consultation and neighbour notification exercise was carried out by the Planning Department. A further 126 responses were received, including comments from the three Ward Councillors and residents' groups. The following is a summary of the points raised following the second consultation exercise:**

- 5.12 **Cllr Bogle -**

I wish to lodge an objection that builds on previous objection and comments. This is a controversial application that has already generated significant comment and concern. Most of those have met with and talked to are not necessarily anti-all development but want Ocean Village to develop in a more coordinated way. The timing of this resubmission is unhelpful also as only those with internet access can reasonably engage.

- 5.12.1 I would like to see a properly agreed Master plan for the Ocean Village area done first with full stakeholder engagement (residents, businesses, long leaseholders and the main freeholder) before any new planning application is allowed/decided in this area. Ideally, this would be done together with the Local Plan, so there is up to date planning policy that informs any future planning applications.
- 5.12.2 The 2006 Master Plan that is still referenced has not been complied with (most critical is the lack of decent green space/communal space) and was never an admissible policy to reference for planning purposes. Development in the area has been piecemeal and there needs much greater coherence to ensure this area of the city can really work and flourish for all. As it is, the original master plan designated this site for a much smaller building for commercial use rather than residential use and concur with the City Design Officer's original comments on the overall design approach.
- 5.12.3 The scale of the changes (a reduction of 24 units to 199, a reduction in one storey to 24 storeys, a reduction in car parking from 14 to 10 spaces etc) do not address the concerns raised in my previous objection. The key concerns are overdevelopment, overshadowing (particularly for the Splash Development, Harbour Lights cinema and Harbour House Hotel) and the loss of mature and protected trees.
- 5.12.4 In addition, the proximity to the port boundary generates a further issue/risk with noise complaints that is mentioned by both ABP and Environmental Health and could adversely affect future residents and increase the work of our Environmental Health team.
- 5.13 **Cllr Noon** –
Stand by original objections raised
- 5.14 **Cllr Paffey** –
Original comments still stand

- 5.15 **Regional Portfolio III Limited Partnership via Bell Cornwall**
The use, which excludes ground floor commercial, is contrary to the CCAP. Absence of affordable housing is contrary to the adopted Development Plan. The site is not within an area indicated for a tall building cluster and since the prevailing character of the area is buildings of 5 storeys, the scale is out-of-character. The public transport accessibility of the site casts doubt on whether the site is suitable for a development of very high density. There are insufficient family homes within the development, contrary to CS16 of the Core Strategy. Insufficient private amenity space for residents of the development. Shortfall in car parking spaces compared with the maximum permitted by the Parking Standards SPD. This is compounded by the loss of the car park on site. The Ocean Village multi-storey car park was intended to serve parking displaced from other development sites in Ocean Village. A Habitats Regulations Appropriate Assessment is required.
- 5.16 **Blake Morgan for Forelle Estates Limited**
The changes to the scheme are minor and so the original objections are maintained. There has been a lack of genuine public engagement nor attempts to address concerns raised by the public.
- 5.16.1 Loss of TPO trees in an area where there is a paucity of green infrastructure and trees. The established group of trees provide immediate benefits. It is not clear that the replacement tree planting can be accommodated on the site.
- 5.16.2 Insufficient car parking due to the loss of the car park and increased demand from new residents of the development. The cost of parking permits in the multi-storey car park could be prohibitive to some residents and therefore doing little to alleviate the problem of indiscriminate parking in the area.
- 5.16.3 The proposed towers exhibit poor design retaining a monolithic, utilitarian appearance which accentuates their excessive bulk and mass. Alexandra Wharf and Moresby Tower sit alongside the more open setting of the waterfront where their slender form can be appreciated-thereby acting as landmarks. The development would instead appear as competing and distracting. The landscape does not convey a sense of place. The site is not an identified tall building site.
- 5.16.4 Insufficient private external amenity space.
- 5.16.5 The 2006 masterplan referred to does not have weight in the decision-making process and does not support a tall building on this site in any case.

5.16.6 The viability appraisal in lieu of affordable housing should be in the public domain.

5.16.7 EIA screening should be carried out.

5.17 **City of Southampton Society –**

The application has failed to address residents' comments. The Evolving Vision is not included in the local plan nor subject of public consultation. The multi-storey car park is not suitable for late night use and suffers from pressure on match days. The loss of trees, pollarding of remaining planes and the lack of space for replacement planting is not acceptable. The pocket park does little to address open space issues given the relationship with substation. Affordable housing should be provided. Communal rooms/spaces should be retained such.

5.18 **Local Residents Comments -**

Concern with the process of amending the scheme and notifying the neighbours. The Covid-19 pandemic means it is difficult for neighbours to engage.

Officer Response: The amended plans and information were made available on the Council website and the neighbour notification period extended to provide residents with more time to comment. The Government's expectation was that the planning system continued to operate during the Covid-19 lockdown.

5.18.1 The changes to the scheme have not gone far enough to address previous concerns raised.

5.18.2 Loss of trees. This is contrary to the Southampton Green Charter and has a negative impact on wildlife and air quality in the city and character of the area, particularly as there is a scarcity of soft landscaping/trees in Ocean Village. Pollarding of the plane trees limits their contribution to the area. The scale is excessive. The proposal would result in the over-development to the detriment of Ocean Village.

5.18.3 There should be a clearer over-arching plan for the development of Ocean Village. The proposals are not plan led. This scheme represents adhoc development out of step with the earlier principal concepts of Ocean Village. The term "evolving masterplan" as used by MDL in their submission is merely their term, to justify the development. Over-bearing and harmful impact on the skyline. We would like to see an updated, comprehensive masterplan for Ocean Village, so that future development can be managed in a planned and cohesive manner.

- 5.18.3 Loss of light to and overlooking of the neighbouring Splash development. The submitted daylight/sunlight assessment is not based on survey data. The report highlights that a number of properties would fail the vertical sky component and so would experience harm to amenity. An assessment on the impact of neighbouring non-residential buildings should be carried out. Over-shadowing of public realm, Alexandra Court/Cobalt Quarter/Sapphire Court.
- 5.18.4 The reduction in car and cycle parking exacerbates previous concerns raised. Census data indicates that there would be overspill car parking onto surrounding streets which is already a problem in the area. Loss of car parking convenient to the Cinema.
- 5.18.5 Poor design. The appearance and design is unacceptable. The development does not offer a landmark building like Moresby Tower. The monotony and lack of architectural interest or identity to its elevation treatment is out of character with the surrounding area. It is neither innovative nor distinctive.
- 5.18.6 Traffic generation/poor public transport availability in Ocean Village Inadequate infrastructure to support additional development including healthcare and schools.
- 5.18.7 Lack on meaningful open space with the development, given there is an overall lack of open space in Ocean Village.
- 5.18.8 An EIA should be carried out for the project.

Officer Response: The project has screened to assess whether an Environmental Impact Assessment (EIA) would be required. The conclusion of the screening was that the development does not require an EIA.

- 5.18.9 An Appropriate Assessment is required to address the Habitats Regulations. The information provided indicates that the development would have a significant effect on the designated sites but as no definite means of mitigation has been identified the project should not be allowed.

Officer Response: An Appropriate Assessment would be required before the project could be approved.

5.18.10 The potential for contamination should be assessed prior to determination.

Officer Response: A preliminary investigation has been carried out. The Council's Environmental Health team are satisfied that contamination risks could be dealt with at a later stage in the development process.

5.18.11 The effect on nearby Heritage Assets has not been properly assessed. The proposal would have an overly dominant effect on Canute Road Conservation Area.

Officer Response: Sufficient information has been provided to understand the impact of the proposal on designated heritage assets. This is discussed in more detail below.

5.18.12 A desk-based review of archaeology on the site should be carried out.

Officer Response: The Council's Archaeologist has advised that this matter could be dealt with via planning conditions were the application to be supported.

5.18.13 A wider assessment of the impact on townscape should be provided.

Officer Response: The Council's Heritage and Design Officers are satisfied that they have sufficient information to assess the application.

5.18.14 There is insufficient amenity space to serve the flats and the daylight/sunlight assessment has not considered the quality of these spaces.

5.18.15 Open space in the area is poor and should be provided, especially since the flats are capable of accommodated families with children.

5.18.16 The building has a considerable amount of dead frontage to the ground floor.

5.18.17 Concern with a potential wind tunnel effect

5.18.18 Disruption during the construction process.

Officer Response: All development results in some disruption during construction. Providing these impacts can be appropriately managed through planning conditions, this in itself, would not be sufficient reason to withhold planning permission.

5.19 Consultation Responses

5.20 SCC Highways - No objection subject to conditions.

5.21 SCC Planning Policy - I support the overall approach to only consider further tall buildings in this location in the context of a master plan for the quarter. Policy AP35 (Ocean Village) starts: "Development in this quarter will be supported which enhances Ocean Village as a high quality waterfront destination...". Policy AP16 (Design) starts with "Development in the city centre will deliver the highest standards of sustainable development and design...." and ends with "...where a key site is developed in phases, the layout and design of each phase will retain the ability for future phases to integrate into the development to achieve the comprehensive design principles for the whole site". Taken with all the CCAP's policies and the issues set out in the pre-app response, this justifies the need for a master plan.

5.22 Policy AP13 (Public Open Space in New Developments) criterion 2 explains that development will be expected to provide an appropriate amount of amenity open space on site, accessible to all occupiers, taking account of indicative standards, the nature of the development and the proximity of other open space. Criterion 1 expects the creation of new civic spaces as specified in Table 7 where the new space is on or adjacent to the development site. Table 7 (and para. 4.122 – 4.123) give a broad indication of these new spaces, including an Ocean Village Events space. This is also included in policy AP35, relating to a public space to replace the car park adjoining the promontory site.

5.23 In-order to deliver appropriate open space for the location, there may be practical challenges in co-ordinating development parcels and trade offs between different policy aims. However this cannot be properly considered without an overall master plan. The nature of the location (enjoying waterside amenity), and the range of ways to improve open spaces / links identified in policies AP12 and AP13, may provide the scope for some flexibility. However we will only be able to judge this in the context of a masterplan which sets out the overall range and balance of benefits which further development in the quarter can bring in accordance with the overall CCAP framework.

5.24 **SCC Housing** – As the scheme comprises of 199 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 70 dwellings (69.65 rounded up). In this case on-site provision would be sought. Planning conditions and or obligations will be used 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.

The application advises a Build to Rent scheme is proposed. This does not exempt the scheme from providing affordable housing. In this case (as per the glossary of the NPPF) the affordable element is expected to be Affordable Private Rent and need not be provided by a Registered Provider. The rents (including service charges) however need to meet affordability criteria and remain affordable.

5.25 **SCC Sustainability Team** – No objection subject to conditions. It is proposed to take a 'Fabric First' approach, with energy use being further reduced by use of technologies, the preferred servicing option of the developer consisting of Community Heating using Air Source Heat Pump (ASHP) and Gas Fired Boiler, Radiators, Mechanical Ventilation with Heat Recovery (MVHR), Domestic Hot Water(DHW) via Community Heating Heat Interface Unit (HIU). Combined assessments of amenity and ancillary spaces, plus the apartments have demonstrated an overall 27.01% CO2 emission reduction over baseline for the whole development. This satisfies the policy requirement for 19% CO2 emission reduction. Overheating risk has been assessed. The green space factor demonstrates an acceptable improvement, a green roof condition is recommended to ensure that these elements of the scheme are delivered and maintained.

- 5.26 **SCC Design Advisory Panel** – Comments received following receipt of amended plans (attached in full in *Appendix 3*) set out that there is no justification for the height provided for this location in the supporting documents. The bulk and mass of the tower has no elegance or attractive proportion. The lack of any decent extent of public realm for a scheme of this magnitude and in an area clearly lacking in public realm quality
The extent of dead or low activity to the frontages around the building
- 5.27 **SCC City Design** - Comments received following the receipt of amended plans (attached in full in *Appendix 3*) set out that:
No place/context driven justification presented for a tall building in this precise location. The submission lacks a vision and design rationale/principles to guide future development within Ocean Village. This should be informed by analysis of the local character and context to determine what the special characteristics of place are for this site. As the submission does not do this we are therefore left only in a position to assess the building in isolation against policy and guidance set out in the NPPF, the National Design Guide, and SCC's City Centre Action Plan Policies AP16 Design, AP17 Tall Buildings and AP37 Ocean Village and it is clear in that context that a standalone building is unacceptable. The building would dominate the site and would not be sympathetic to local character given its scale and mass relative to its immediate surroundings.
- 5.28 **SCC Historic Environment Officer** – Objection.
Assessment and advice
There are no above ground heritage assets in close proximity to the development site. The site is not located within a strategic view to the city's principal heritage assets identified in the council's *Southampton Tall Buildings Study (2017)*. Consequently, I concur with my predecessor's opinion in that a building over 6 storeys in this location would be acceptable in principle.

- 5.29 Notwithstanding this, it would be difficult to support the revised proposals at this time. For instance, the projected views within the *Townscape, Heritage and Visual Impact Appraisal (March 2020)*, clearly illustrates that the new development would affect other short and mid- distant views through to other heritage assets located further away from the development site. The development would intrude into the clear space in the skyline around the Royal Pier Entrance Building (grade II) when viewed from Mayflower Park (View 1), lessening this building's dominance in this vista. Likewise, Views 4 & 5 illustrates that the new build would impose upon the southern backdrop of the buildings (some of which are historic) located within Canute Road Conservation Area. In both instances, it is difficult to conclude that the scale and mass of the new development, coupled with its standard high rise design, would present appropriate mitigation measures, or would lead to a visual benefit, to these elements which make up the historic character of the area.
- 5.30 Furthermore, on visiting this part of Ocean Quay, the existing ad hoc nature of the built form of the waterfront area presents a hard urban edge to the quayside with car parks, private roads, and ornamental planting. The area is not particularly welcoming for pedestrians. This part of the city, which was once characterised by the busy and bustling maritime activities of the inner dock, is now lacking in local distinctiveness and introducing similar blocks of architecture inspired by the existing residential development and current insular approach to its layout would fail to improve matters.
- 5.31 As such, the proposals would fail to preserve view/s to the nearby heritage asset/s that positively contribute/s to their setting and significance, and the introduction of bespoke and innovative architecture that would present a positive visual enhancement to this part of the city, coupled with an improved pedestrian layout, would be advised to gain officer support
- 5.32 **SCC Archaeology** – No objection subject to conditions
The proposed redevelopment of the existing car park involves the erection of an 11-to-25-storey building to provide 223 flats with associated access, parking, cycle storage, substation and landscaping. The new building may lie just to the north of the buried former dock wall, although it could partially overlie the dock wall. Groundworks beyond the proposed building footprint may also reveal the dock wall and dockside structures.

5.33 Initial geotechnical ground investigation works are to be carried out as part of the proposals. These works will confirm the nature of deposits under the site, and also locate the former dock wall and other structures. The ground investigation works are to include an initial geophysical survey, and also trial pits etc to locate the dock walls.

- An archaeological watching brief should take place during the ground investigation works, with provision to record any dock remains uncovered.
- If peat deposits are found during the ground investigation works, it may be possible to sample the peat for archaeological analysis; if not, a separate geo-archaeological borehole investigation may be required.
- An archaeological watching brief may also be required on certain groundworks during redevelopment (level reductions, services/soakaways, beam trenches, etc), depending on the extent to which buried dock structures will be disturbed.

5.34 **SCC Environmental Health (Pollution & Safety)** – No objection. The noise report and mechanical ventilation method that would be deemed necessary are suitable to provide an acceptable internal living environment. Further details, in addition to whether operable or non-operable, of the glazing are required as to ensure the appropriate standard is fitted throughout. The glazing is likely to differ on each elevation and/floor.

Consideration needs to be given to overlooking from the car park into the flats on the same as to protect privacy. Any other condition likely to be recommended by EH has been referenced and satisfied in the documents provided to accompany the application.

5.35 **SCC Environmental Health (Contaminated Land)** – No objection. This department agrees with the recommendations made in the Geoenvironmental and Geotechnical Desk Study and therefore recommend that the conditions be attached.

5.36 **SCC Ecology** – No objection subject to conditions and an Appropriate Assessment being carried out.

The application site consists of an area of hard-standing and a small building with a number of standard trees within the site and around the southern boundary and a mixed species hedgerow running around the perimeter. The hard-standing and building are of negligible biodiversity value however, the trees and hedgerow have the potential to support nesting birds and are therefore of low ecological value.

- 5.37 The land immediately surrounding the site is predominately buildings and hard-standing with low quantities of vegetation. These habitats are of negligible to low ecological value. The ecology report states that the landscape scheme will deliver biodiversity enhancements however, only 38% of the species in the submitted landscape scheme have identifiable value for wildlife. I would expect to see at least 50-60%. In addition, the enhancement measures still do not include nesting provision for swifts and peregrine falcons.
- 5.38 The site is located approximately 75m from the Solent and Dorset Coast potential Special Protection Area (pSPA) and within 625m of the Solent and Southampton Water SPA and Ramsar site and the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lie approximately 4.6km to the north-east whilst the New Forest SAC, New Forest SPA and New Forest Ramsar site are approximately 4.4km to the south-west.
- 5.39 Although there is a negligible risk of direct adverse impacts on statutorily designated sites, the proposed development does have the potential to result in indirect impacts during both the construction and operational phases. As a result a Habitats Regulations Assessment will be required and a statement to inform an HRA has been provided.
- 5.40 **SCC Flood Risk Manager** – No objection subject to conditions.

5.41 **SCC Tree Officer** - Comments received prior to amended plans being received - Objection:

I do not support the proposed development due to the loss of mature trees. Whilst the Tree Report argues that the London plane trees are the principle arboricultural feature, the making of T2-696 The Southampton (Ocean Village - Barclays House Car Park) Tree Preservation Order 2018 clearly illustrates the high visual amenity that all trees on site present. The Italian alders proposed for removal are clearly visible from Ocean Way and only “filtered”, as described in the report, whilst the London planes are in full leaf, when they (the alders) still offer high visual amenity. The London planes are described as becoming more prominent with maturity, however it is proposed that they should be maintained as pollards once the development is complete meaning that their crowns will not be allowed to reach the dimensions that would offer this prominence, nor provide the environmental benefits that a mature crown offers. Furthermore the pollarding of these trees would ordinarily be unlikely to be approved under a 1APP, and would only be applied for as a result of the pressure imposed on them by the development. Pollarding these trees is considered to be unnecessary and would reduce visual amenity.

Following the receipt of the amended plans and information the Tree Officer commented:

No change on my original comments, only to add in response to the below that pollarding, however well done, cannot fail to be detrimental to visual amenity such is the severity of the work.

5.42 **SCC Employment and Skills** – No objection. An Employment and Skills Plan Obligation will be required via the S106 Agreement. Early consultation around the ESP is recommended in order to ensure effective planning of activities to create positive outcomes relevant to the needs of the School Trust, the contractor and the wider community.

5.43 **SCC CIL Officer** – The development is CIL liable as new residential units would be created by the development. With an index of inflation applied the residential CIL rate is currently £ 104.38.per sq m, to be measured on the Gross Internal Area floorspace of the building, inclusive of communal and circulation spaces. This CIL figure will next change in January 2020. Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.

5.44 **SCC Air Quality Officer –**

We recognise and support conclusions provided by the air quality assessment that the development will not have a significant impact on compliance with national air quality objectives. We also recognise and support the measures suggested in the travel plan. However, due to the scale of the development and proximity to the Town Quay AQMA we anticipate at least the following mitigation measure to be implemented: Construction traffic management plan to be adopted which should include, as a minimum, the requirement for HGVs servicing the site during construction to meet Euro VI diesel or Euro IV petrol emission standards as a minimum. The plan can also include other measures which will reduce congestion and associated unnecessary emissions from construction HGVs.

Details on how these mitigation measures and how they are to be implemented and managed should be set out in a mitigation statement which should be submitted to and approved by the Local Authority. We support conclusions made regarding dust risks and expect the developer to implement mitigation measures associated with the highest level of dust risk, as suggested in section 5.1.9 and detailed in section 6.1.1.

Officer Note: The issues raised above could be addressed in a planning condition were the application to be supported.

5.45 **Southampton Airport –** No objection subject to conditions.

5.46 **University Hospital Southampton National Health Service Foundation Trust (NHS Trust) –**

This substantial development of up to 223 housing units could have a material impact on primary care in this part of the city - in particular the St Mary's Surgery practice which operates from two sites - St Mary's Surgery in Johnson Street and Telephone House in the High Street which are already over-stretched.

- 5.47 **Natural England** – The application is supported by a ‘Technical Note – Nutrient Neutrality’ (Ramboll, Jan 2020), which outlines the development will result in a positive N budget of 314 kg/TN/y which will require mitigation. Please note Natural England recently released an updated version of the Solent nutrients methodology (please see attached). It is advised the calculation is redone to take account of the acceptable background level of 2mg/l N. Therefore it is likely this will result in a reduced budget, however mitigation will still be required to ensure the development is nutrient neutral, please see below and the attached PDF for further advice on mitigation and where it should be located. A number of strategic mitigation options are coming forward and discussions with the local planning authority is recommended. The Hampshire and Isle of Wight Wildlife Trust (HIWWT) has developed a strategic-scale mitigation option that is available to developers. We recommend that details of the mitigation strategy are provided to inform your authority’s appropriate assessment. This should include detail on how the offsetting will be secured and enforced in perpetuity.
- 5.48 **ABP** – ABP originally lodged an objection pending further information. Concern that the residents would be subject to noise and disturbance from the Port which could impact on the operation of the Port.
- 5.49 **Historic England** – Do not wish to offer comments. Refer to SCC’s own specialist advice.

6.0 **Planning Consideration Key Issues**

6.1 Introduction

- 6.1.1 This planning application was submitted following pre-application advice that concluded:

At this stage it is difficult to accept the principle of a tall building on this site in the absence of the masterplan which demonstrates a rationale for sustainable tall building growth within Ocean Village. The Council’s policy framework does not highlight Ocean Village as being appropriate for a cluster of tall buildings but rather sets out an approach for individual landmark buildings on the waterfront. Given the potential for development on surrounding and adjacent sites, it is important that Ocean Village is planned comprehensively to understand which sites have potential for tall buildings. The Council would support a collaborative approach to the development of Ocean Village to achieve the policy aims for the enhancement of the area as a key waterfront destination in the city.

- 6.1.2 Following receipt of this planning application, a number of significant issues were raised during the initial consultation period. It was, therefore, agreed to not determine the application as initially submitted but to provide time for the applicant's team to address the issues raised. The applicant subsequently submitted amended plans and information and requested that the application be determined on the basis of the revised package of information. The key changes to the scheme are summarised as follows:
- Reduction in maximum height of the tower from 25 to 24 storeys
 - Reduction in the lower sections of building from 17 storeys to 14 storeys and 11 storeys to 8 storeys.
 - Change of materials and Juliette balconies
 - Reduction of car parking spaces from 14 to 10 spaces

6.1.3 The National Design Guide sets out at paragraphs 69 and 70 that tall buildings, where well-designed, can have a positive urban design role to play and can act as landmarks. The Guidance emphasises that tall buildings need special consideration in terms of their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. The application will, therefore, be assessed in these terms, along with other relevant material planning considerations and the following report discusses the following key planning considerations:

1. Principle of Development
2. Location/Siting
3. Contextual Design
4. Design Composition
5. Microclimate
6. Privacy/Outlook
7. Quality of the residential environment
8. Parking & highways
9. Air Quality
10. Mitigation
11. Designated habitats

6.2 Principle of Development

- 6.2.1 The site is not identified for development purposes in the adopted Development Plan although it lies within the Ocean Village quarter as part of the defined city centre. Policy CS1 of the Core Strategy supports the provision of new dwellings, leisure and hotel development within the city centre. Policy AP9 of the City Centre Action Plan (CCAP) supports the delivery of residential development within the city centre through the redevelopment of sites as appropriate. CCAP policy AP35 supports development which promotes a mix of residential, leisure, hotel and residential uses. The principle of redevelopment for the uses proposed is, therefore, acceptable and maximising the use of previously developed land is an accepted principle of the UK planning system. Furthermore, the provision of housing would assist in addressing the city's housing need in accordance with Policy CS4 of the Core Strategy which confirms the need for an additional 16,300 homes within the city between 2006 and 2026.
- 6.2.2 CS16 of the Core Strategy requires the provision of a target of 30% of total dwellings as family homes on sites of ten or more dwellings. The policy defines family housing as having 3 or more bedrooms and with direct access to sufficient private and useable amenity space (20sq.m per flat). The policy does set out a flexible approach to the delivery of family homes, requiring delivery to be balanced with other factors including the character of an area and development constraints. Given the city centre location of the site and the nature of development, as a flatted block, it is considered that the provision of less family homes than the target is justified in this instance.
- 6.2.3 The site lies within an area of Medium Accessibility to Public Transport (Public Transport Accessibility Level band 3). Policy CS5 of the Core Strategy supports high-density development (over 100 d.p.h) in city centre locations. The proposal would meet this guideline, although density in itself is not determinate and needs to be assessed in the round with the merits of the scheme. The level of development proposed, in respect of how it affects the design of the development, is discussed in the following sections.

6.3 Location and Siting

- 6.3.1 Policy AP17 (Tall Buildings) of the adopted City Centre Action Plan (CCAP) indicates locations in the city where tall buildings and structures may be acceptable and refers to Map 12, which illustrates the locations listed in the policy. The CCAP differentiates between individual tall buildings, tall building clusters and landmark buildings and indicates Ocean Village as a location for 'individual landmark buildings'. The policy itself specifically supports landmarks along the waterfront, which this site is not being set back from the waterfront. Policy AP17 confirms that a landmark is not necessarily a tall building with the glossary of the CCAP describing a landmark building as "a building which has become a point of reference because its height, siting, distinctive design or use sets it apart from surrounding buildings". This is reiterated by policy AP35 which confirms at paragraph 5.153 that "the use of innovative, distinctive and bold architectural design is supported to create landmark buildings" at Ocean Village. Policy AP35 specifically highlights the Promontory as being the site for a flagship building. This site has been subsequently developed as the Harbour Hotel.
- 6.3.2 The City Centre Masterplan provides guidance for the City Centre (where it is consistent with the CCAP) and also sets out the general locations where tall buildings may be appropriate as part of a cluster, edge or point location. The Tall Building Framework Diagram in the Masterplan also provides locations where new tall buildings would be appropriate but does not indicate the Ocean Village as an edge or cluster site for tall building, instead highlighting the promontory as a landmark building site. The City Centre Urban Design Strategy (SPD) sets out an opportunity to creating a new landmark building to the south of the Harbour Lights cinema, this site was subsequently developed to provide Sapphire Court.
- 6.3.3 The promontory site has been developed for the Harbour Hotel and the development of Admiral's Quay has seen the formation of 26 storey Moresby Tower. These buildings are located on the waterfront as envisaged by the policy position. The application proposal would, therefore, essentially result in the formation of a tall building cluster at Ocean Village along with the existing 26 storeys Moresby Tower (former Admiral's Quay reference 11/01555/FUL) and the 13 storeys Harbour Hotel, against background architecture of buildings of up to 11-storeys in height. As set out, the policy backdrop does not support the formation of a tall building cluster in this location.

- 6.3.4 Paragraph 4.168 of AP17 does include flexibility to locate tall buildings outside of the locations specified, subject to meeting the design criteria set out in CS13 of the Core Strategy and the relevant design guidance for the quarter set out in the CCAP. The guidance for the Ocean Village Quarter, set out in the CCAP, does not provide the opening for a further tall building on this site, nor elsewhere in Ocean Village. Furthermore, having regard to the comments of the Council's City Design Manager and the Design Advisory Panel, it is not considered that the proposal meets the design requirements for Ocean Village in terms of providing "innovative, distinctive and bold architectural design". Policy CS13 of the Core Strategy reiterates the importance for context-sensitive design and, since the proposed building is significantly greater in scale and massing than its immediate neighbours, also fails to provide the confidence that a tall building is appropriate for this site.
- 6.3.5 In summary, whilst the adopted Development Plan supports the principle of new residential development on previously developed land in the city centre, that makes efficient use of the land, the principle of a tall building in this location is not automatically supported by the policy framework. The site is not identified for a tall or landmark building within the adopted Development Plan and the proposal does not meet the policy requirements set out in respect of locating tall buildings in alternative locations. That said, this issue must be tested further in terms of the justification provided within the application submission and the quality of the development proposed.
- 6.3.6 The application is supported by an Ocean Village Evolving Vision which is described an informal development brief for Ocean Village. The document sets out that a masterplan was prepared by MDL in 2006 to fulfil the aim of the planning policy at that time, Local Plan policy MSA11. This 'masterplan' was submitted as a background document to an earlier planning application for the Admirals Quay development and the multi-storey car park. The public consultation exercise for that application was in respect of the planning application proposals and public were not specifically invited to comment on a 'masterplan'. The 'masterplan' described in the Evolving Vision document was not formally approved by the Council, nor was it was listed as an approved plan or document in relation to the planning application that it provided background information for. Furthermore, the planning policy that this masterplan related to has been subsequently superseded by the City Centre Action Plan. This policy, therefore, has no weight in the decision-making process and it therefore follows that the masterplan similarly has no weight in the decision-making process.

6.3.7 Furthermore, the masterplan referred to in the submitted Evolving Vision document and the context in which it was considered at the time, does not lend support for a further tall or landmark residential building in this location. The Masterplan indicated this site was appropriate for a 4-storey office development. The Evolving Vision document sets out that a taller building was envisaged for the multi-storey car park site and the proposition for Maritime Walk effectively delivers the design objectives of that scheme. However, the Panel Report for the multi-storey car park (06/00522/FUL) set out:

“The masterplan does show that an office development could, in the longer term, be accommodated above the multi-storey car park. However, there are no firm proposals to this effect. In the short term, a large scale office development would not accord with Local Plan policy following the Inspector’s Report which recommended deletion of this area as a preferred office location until public transport improvements had been achieved.”

6.3.8 This further demonstrates limited status that the Council gave the Masterplan at the time it was tabled and the absence of support from the Council for development above the multi-storey car park. It is also noted that the Design and Access Statement for the Moresby Tower application describes Admirals Quay as being the final element of the regeneration of Ocean Village

6.3.9 As such, it is considered that the Evolving Vision, which references an earlier, unadopted masterplan document does not provide the clear justification needed to locate a tall building on the application site that is also not supported by the adopted Development Plan.

6.4 Relationship to context, impact on local character, views and sight lines

6.4.1 The National Planning Policy Framework (2019) requires developments to add to the overall quality of an area, be visually attractive (as a result of good architecture, layout and landscaping) and create places with a high standard of amenity for existing and future users (para 127). Paragraph 130 of the Framework confirms that permission should be refused for development that fails to take opportunities for improving the character and quality of an area. The National Design Guide (October 2019) reinforces the NPPF’s statement that good design is fundamental to the planning process and sets out guidance for how this can be achieved in new developments.

6.4.2 The Council’s adopted policies seek high-quality, context-sensitive design which creates a high-standard of residential design. The aim of the Local Plan is to improve the quality of life for all residents of the city and it requires all new development to contribute to this. CS12 of the Core Strategy seeks better integration between the city and the waterfront by improving pedestrian connectivity and preserving key views.

- 6.4.3 Policy AP16 requires new development in the city centre to open up appropriate views of the waterfront, cruise liners and/or shipping movements from public spaces, boulevards and streets. It also requires care to be taken in terms of the impact of tall building on the waterfront and resists uniform blocks of tall buildings, those which obscure important skylines and which detract from or close strategic views. Policy AP16 also requires development to protect specified strategic views in the city.
- 6.4.4 The site is a relatively small area, located in the midst of built form of a much lower scale than proposed. CCAP policy AP16 sets out that new development should relate well to the predominant scale and mass of existing buildings in the street. The proposal clearly does not relate to the scale and mass of its immediate neighbours. The site cannot be described as a gateway site or important in the street hierarchy of Ocean Village or the city centre, where a building of prominence would be expected. The prominence of the building does not, therefore, reflect the position/importance of the site in the hierarchy of the city centre's streets and spaces.
- 6.4.5 The Council's independent design advice includes the comments of the independent Design Advisory Panel, and the City Design Manager which both confirm that neither parties consider that the chosen design approach is acceptable in terms of scale, massing nor appearance. The development's proximity to its lower-rise neighbours means that the proposed building would appear cramped and awkward in relation to surrounding development. This is particularly evident from the views provided from the south and eastern sides of the marina contained within the submitted Design and Access Statement and the Townscape Assessment. As noted in the comments received, the resultant building would dwarf the attractive neighbouring Harbour Lights cinema building and appears dominant in several the viewpoints provided, rather than complementing the city's skyline.
- 6.4.6 The Council's Historic Environment Officer notes the appearance of the proposed building in the view of the Grade II Listed Royal Pier Entrance building from Mayflower Park to the detriment of the Listed Building's dominance in this view. In addition, the building would also impose upon the setting of buildings within the Canute Road Conservation Area. It is advised that the scale, mass of the building and design approach within these vistas fail to preserve view/s to the nearby heritage asset/s that positively contribute/s to their setting and significance.
- 6.5 Composition - how the building meets the ground and the sky

- 6.5.1 In terms of the elevational design, the building is broken into 3 vertical elements which does create a bulky form of development rather than a tower of elegant proportions that can be observed at the nearby Moresby Tower. It is considered that this results in a blocky form of the city's skyline rather than a graceful or positive addition. When viewed from the north, the visual break between the 14-storey element is set back from the 24-storey element by a small recess. When viewed from the north, this results in a 37 metre length of building at 14 storey height. Similarly, the southern elevation provides 37 metre 8-storeys expanse of building. As such, the massing of the building when viewed from the public realm would appear oppressive.
- 6.5.2 Policy AP12 of the CCAP seeks the provision of new open space within Ocean Village. AP13 of the CCAP sets out standards for on-site public open space in the city centre and requires the creation of new civic spaces including an Ocean Village events space. The amount of site coverage and absence of an appreciable setting to the building further compounds the impression that the building is shoe-horned onto the site. This highlights the importance of the policy requirement for tall buildings to be provided on the waterfront in Ocean Village where the river can provide a space to buildings of significant scale.
- 6.5.3 There is a paucity of soft landscaping to the immediate ground floor area surrounding the building. An island of landscaping is proposed on the opposite side of the road, although it's disconnect with the building, isolated nature, incorporation of electricity substations and position next to operational port land means it has questionable usability and offers little to the setting of the building to provide space to the tall building. As noted by the Tree Officer, the development would result in the loss of a significant number of mature protected trees which currently make a positive contribution to the amenity of the area. Remaining trees would be pollarded which significantly reduce the positive impact that they currently have on the character of the area. Given the otherwise hard landscaped appearance to Ocean Village, the erosion of the green landscape character would further harm the character of the area. In terms of the positioning of the building, the loss of the visual link from 'north-south' pedestrian desire line which runs down the centre of this site is also regrettable.

6.5.4 The ground floor of the building includes the main entrance to the development, ancillary storage and servicing areas and residents' lounges. The Design and Access Statement emphasises the importance in providing a small commercial unit to the south of the ground floor to activate this frontage, although this is not incorporated into the final design with this area being provided as a resident's lounge with no internal circulation to the rest of the building. It's usability and therefore its ability to activate the southern ground floor frontage to the building is, therefore, questionable. The uniformity of the design approach combined with the scale and massing results in an authoritarian appearance to the building rather than a design which 'lifts the spirits' and has been assessed as harmful when set against the current development plan..

6.6 Sunlight, daylight, overshadowing and wind

6.6.1 The application is accompanied by a daylight and sunlight assessment. This concludes that, as a result of the development, the neighbouring Cobalt Court will no longer achieve the recommended BRE standards for daylight-receiving 3% less on the Vertical Sky Component. This effects windows of living spaces in two flats within the neighbouring development. The report however, notes that the affected spaces are served by other windows which would not be significantly affected by the development. On this basis it is not considered that the neighbouring residential development would experience significant harm to their amenities.

6.6.2 The assessment concludes that daylight levels will drop but not more than to be expected within an urban setting and that the development does not impact on access to direct sunlight. Furthermore, it is noted that neighbouring amenity areas will receive more than 2 hours of sunlight, unaffected by over-shadowing on the Spring equinox, as the guidance requires. The proposal is, therefore, considered to be acceptable in this respect. Whilst neighbouring commercial properties are not assessed this is in accordance with the Council's own policies and guidance which require the protection of living spaces rather than working spaces.

6.6.3 The application is also accompanied by a Wind Comfort Analysis. This demonstrates that the development would have a minor adverse effect on the wind climate of the surrounding area but that all areas around the building will be safe for all users. The development is, therefore, considered to be acceptable in this respect.

6.7 Privacy and Outlook

6.7.1 Separation distances between the proposed development and neighbouring buildings range from approx. 17 to 20m. The nearest residential development, Cobalt Court is set at a slightly angled position in relation to the development. Whilst this is slightly less separation than the standards set out in the Residential Design Guide, this document encourages flexibility, particularly in denser locations. The separation distances achieved are considered to be typical within a city centre context and, as such, are not considered to result in particularly harmful over-looking or inter-looking between developments and would ensure an acceptable level of outlook from the neighbouring development.

6.8 Quality of Residential Environment

6.8.1 The size and layout of flats are generally good with habitable rooms having sufficient outlook, daylight and privacy. Residents have access to communal lounges and gym facilities. The application sets out that all flats will be mechanically ventilated with a sound insulated façade. The Council's Environment Health team are satisfied with this approach in terms of ensuring that the development does not suffer from undue noise and disturbance from the neighbouring port. As such the quality of accommodation is considered to be generally acceptable and it is not considered that the development would impede the 24 hour operation of the Port.

6.8.2 In term of amenity space, the external area provided on the opposite side of the road is considered to have limited value as private communal amenity space, given its remoteness to the flats and location adjacent to the public highway. The flats themselves do not benefit from private balconies and instead rely on two communal roof terraces totalling approx. 600sq.m of space. The wind assessment concludes that the roof terraces will be fit for use by residents. The amount of private amenity space is well less than the 20 sq.m of space that the Residential Design Guide indicates is appropriate for each new dwelling. It is accepted that in the city centre, provision of less external space may be acceptable taking into account the need to make efficient use of land, the typically flatted nature of development and the all-round benefits of city centre living which provides convenient access to other facilities. It is also noted that the nearest public green open space is approximately 500 metres from the site. On balance, and taking into account the otherwise good quality nature of accommodation, this deficit in amenity space is considered to be acceptable. Furthermore, the publicly accessible waterfront at Ocean Village also provides amenity for residents and visitors alike.

6.9 Parking Highways and Servicing

- 6.9.1 The City Centre Action Plan confirms at paragraph 4.194 that there is sufficient capacity of car parking spaces in the city centre and the overall aim is to maintain rather than to increase the level of car parking. It goes on to confirm that it may be appropriate to close and redevelop some of the existing inner-city centre car parks. The retention of the existing car parking on the site is not required by the policies of the adopted Development Plan. CS18 of the Core Strategy confirms the Council's commitment to a modal shift to more sustainable modes of travel by promoting developments that reduce the need to travel by private car. This is also reiterated in the City Centre Action Plan. The redevelopment of the existing car parking would accord with this aim.
- 6.9.2 The application is supported by information to justify both the loss of car parking and the level of car parking proposed to serve the development. A total of 10 car parking spaces are proposed to serve the development. The City Centre Action Plan sets out that, for this type of development, a maximum of 203 spaces should be provided. The level of car parking proposed is well less than the standard set out, however, as noted, these are expressed as a maximum requirement rather than minimum, in order to promote more sustainable patterns of development. It is not unusual for substantially less than the maximum standard of parking spaces to be provided within the city centre given its excellent access to shops, services, amenities, employment and public transport opportunities. The streets within Ocean Village are privately owned and maintained and subject to parking restrictions which limits the potential for over-spill car parking. On this basis officers have not sought a parking survey to support the proposed shortfall. Furthermore, in such circumstances, there is an element of buyer beware where new residents moving into the development would be aware that they would not be able to park a car on the site or immediate area.
- 6.9.3 The application sets out that residents could purchase permits for a nearby existing multi-storey car park for development, also within their control, setting out that there is capacity within the existing multi-storey car park for users displaced from the application site. The evidence provided with the application does support this approach. That said, were the option to use the multi-storey car park not available, the level of car parking proposed would still ultimately meet the policy requirement. Given the controls that exist on surrounding streets, there is no clear evidence of harm that would result from the low amount of parking provided on site.

- 6.9.4 Policy AP19 of the CCAP confirms that the Council will promote an enhanced network of streets and spaces including new or enhanced high-quality strategic links. This includes the Ocean Village Link which connects the main shopping area to Ocean Village via Oxford Street. The policy confirms that a financial contribution towards securing the links may be required. Subject to the measures to support sustainable travel, the application is, therefore, considered acceptable in this respect.
- 6.9.5 Overall, the development is considered acceptable, although public realm and cycle link improvements should be included to promote sustainable travel and to help mitigate the impact of a large residential development here.

6.10 Air Quality and the Green Charter

- 6.10.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.10.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.10.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
 - Minimise the impact of climate change
 - Reduce health inequalities and;
 - Create a more sustainable approach to economic growth.
- 6.10.4 The application seeks to address these aims by:
- Meeting the Council's standards set out in CS20
 - Promoting cycling as a sustainable form of transport and limiting on-site car parking to discourage private car travel
 - Delivering housing in a city centre location.

The application site is approximately 500 metres from the nearest Air Quality Management Area and an Air Quality Assessment has been provided with the application which concludes that the proposal would not have a detrimental effect on the city's air quality. The Assessment is prepared by a reputable expert in this area and, subject to further measures being sought by planning condition, the Council's Air Quality Team are satisfied with the conclusions of the report.

6.7 Mitigation of direct local impacts

6.7.1 In accordance with the adopted Development Plan and the Developer Contributions Supplementary Planning Guidance, to mitigate the impact of the scale and nature of the development on the surrounding area, the following package of measures would need to be secured before planning permission could be granted:

- Site specific highways
- Carbon Management
- Mitigation of the effects on the Natura 2000 sites
- Public Art
- Highway condition survey
- Employment and skills plan
- Affordable Housing (still needed even if waived as we have viability review clauses etc.)
- Flood Management Plan
- Refuse Management Plan

6.7.2 The request for a financial contribution by the NHS Trust to support this development forms a material consideration in the determination of this planning application. The representation seeks a contribution towards additional healthcare activities as a result of population increase without being specific. The NHS Trust are not seeking a contribution to infrastructure or the maintenance thereof. Consequently, regulation 123 of the CIL Regulations (2010) does not come into play. There is a reference to a formula, which it considers to comply with regulation 122 and not amount to a generalised tariff.

6.7.3 In response to the NHS Trust's request it is considered that the application cannot be refused in the absence of the contribution requested as the request does not specifically meet the tests in regulation 122 in respect of being necessary to make the development acceptable in planning terms, being directly related to the development itself, and being fairly and reasonably related in scale and kind to the development. Para 54 of the NPPF (2019) states that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of planning obligations. Officers have concluded that the development is not unacceptable (in other words, that it is acceptable); there is no demonstrable harm in this regard and there isn't a sufficient degree of nexus between people living in this development (rather than elsewhere) and the impact on the NHS Trust's operations, which can only be identified in general terms based on a statistical analysis of population growth. The requests for contributions towards service provision are predicated on population growth. However, the construction of this development does not in itself lead to population growth. The need for housing is a consequence of population growth. More people aren't living in the country or in Southampton directly as a consequence of the development of housing and there is no direct evidence in respect of this development. In officers' view therefore, the impact on the cost of running of healthcare facilities is not a harm caused by this development per se, and the external cost of supporting population growth (as sought by the NHS) is not imposed by the development. As such, for these reasons, whilst supporting the NHS Trust is clearly desirable it is considered that the requested contribution is not sufficiently directly related to the development, and not necessary to make the development acceptable in planning terms. Furthermore, it is not considered that this request identifies any clear tangible need specifically related to/from this development proposal on this site. Finally, the Trust have been advised that they could apply for current (and proposed) contributions received through the Community Infrastructure Levy (CIL), as healthcare is specifically listed by the Council as an area of expenditure for which CIL funding is directly related.

6.7.4 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 has been independently tested by the District Valuation Service who agree with this conclusion.

6.7.5 The applicants have based their assessment on the developers return approach with no affordable housing and their updated assessment shows a negative profit of £1,193,173 (-2.82% of GDV), which they state is not viable but the applicants are willing to accept the profit level seeing the construction of private rental flats as a catalyst for future development on their remaining estate. DVS reach a different conclusion and suggest that on the basis of a scheme of 199 Build to Rent private units, including 161 sq m of commercial with CIL/Section 106 obligations of £2,092,869 and a BLV of £1,350,000 the scheme shows a small profit of £473,104 which although positive is only 1.12% of GDV and is not viable against the benchmark of 10%. Either way nil affordable housing is currently viable and DVS have questioned why the development is coming forward at this tie given the limited profit that could be secured.

6.7.6 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. Taking these factors into account it is considered justifiable in this instance. Affordable housing forms part of the second reason for refusal so as to alert any appeal of the need to review the viability as time progresses through the course of the development as the market conditions may change.

6.8 Likely effect on designated habitats

6.8.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. The application is accompanied by a report to inform a Habitats Regulations Assessment. This concludes that, if mitigation is not secured, that the project would have an adverse affect on the European designated sites. As such, in the absence of a mechanism to secure a scheme of mitigation measures, the application should also be refused for this reason. In the event that the recommendation had been favourable it would have been supported by a Habitats Assessment outlining this issue in more detail

7. Summary

- 7.1 Whilst the principle of continuing development is welcome, particularly in challenging economic times, the adopted policy framework does not support the location of individual tall buildings on this site nor the formation of a tall building cluster at Ocean Village. The adopted Development Plan instead points to the creation of landmark buildings on the waterfront. The National Design Guide is clear that tall buildings have the potential to create positive local landmarks, only where they are well designed. The application proposal however, results in a building of excess bulk and massing that dominates neighbouring development and views of Ocean Village, including strategic views of valued heritage assets in the city. As such, the proposal is considered to result in significant harm to the character and appearance of the area which justifies the refusal of planning permission.

8. Conclusion

- 8.1 It is recommended that planning permission is refused for the reasons given at the start of this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

JT for 03/11/2020 PROW Panel