

# Agenda Item 7

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 17 April 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Promontory and Car Park Adjoining the Ocean Village Marina, Ocean Way/Maritime Walk			
<b>Proposed development:</b> Site clearance and erection of a 76 bedroom hotel (Class C1) with associated spa, restaurants, bars/club and function rooms with 12 residential units (Class C3) in a building ranging in height from 5-storeys to 7-storeys and erection of a building ranging in height from 6-storeys to 10-storeys to provide 82 flats and 1,139 square metres of commercial floorspace (Use Classes A1, A2, A3, A4, A5 or B1) with associated parking and landscaping works.			
<b>Application number</b>	11/02000/FUL	<b>Application type</b>	FULL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	17.03.2012	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Referred by the Planning and Development Manager as an application of strategic importance.	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Willacy

<b>Applicant:</b> Ocean Village Waterside Developments Ltd	<b>Agent:</b> Savills
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Appendix attached</b>			
1	Development Plan Policies	2	City Design Manager comments

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Local Planning Authority is satisfied that the application site on the waterfront is an appropriate location for tall buildings and that the detailed design treatment is satisfactory. The LPA is satisfied that the additional information provided is sufficient to demonstrate that the development does not pose unacceptable risks of flooding. Furthermore, the LPA is satisfied that the proposed development would not have a detrimental impact on the setting of listed buildings nearby or on the character and appearance of the adjoining Canute Road Conservation Area. The regeneration benefits associated with the scheme have also been taken into account. 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 be granted.

Policies - SDP1, SDP6, SDP7, SDP9, SDP10, SDP13, HE1, HE3, HE6, CLT5, CLT6, CLT11, CLT14, H1, H2, H7, REI7 and MSA11 of the City of Southampton Local Plan Review (March 2006) and Policies CS1, CS3, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS19, CS20, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

## **Recommendation in Full**

### **Conditionally approve**

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 highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
- iii. Financial contributions towards open space improvements required by the development in line with Policies CLT5 and CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
- v. A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).
- vi. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
- vii. 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.
- viii. Obligations to ensure the permanent provision of public access to the promenade, raised terrace and public square.
- ix. Submission, approval and implementation of a Waste Management Plan.
- x. Submission and implementation of a Travel Plan.
- xi. Submission and implementation of a Flood Management Plan.
- xii. Provision of public art in accordance with policy.

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

## **1. The site and its context**

- 1.1 The application site, within Ocean Village, comprises the Promontory site which projects into the marina basin, an existing car park which adjoins to the north and parts of the adjoining private roads of Maritime Walk and Ocean Way. The application site area is approximately 1.18 hectares. The site is primarily used for car parking at present on a 'pay and display' basis and on occasions to provide facilities for special events involving marquees etc. There are approximately 130 publicly available car parking spaces at present with the potential for further private parking spaces on the Promontory itself.
- 1.2 The surroundings of the application site are mixed in terms of uses, building heights, age and design of buildings. To the north-east is the development known as Admiral's Quay, a predominantly residential development, with some ground floor commercial uses, within five buildings ranging in height from 4-storeys to 10-storeys. The south western part of Admiral's Quay has not yet been developed but there is an approved scheme for an additional 230 flats and commercial uses within three buildings of between 6-storeys and 12-storeys in height which was granted in 2007. A more recent scheme for 299 flats and commercial floorspace in buildings of up to 26-storeys in height was approved by the Panel in January of this year subject to a Section 106 agreement. To the north and west of the application site is the Cineworld Cinema and a series of 3, 4 and 5-storey office buildings, Enterprise House, Prospect House, Savannah House, Meridians House, Arcadia House and Barclays House. Within this area are extensive car parks to serve the commercial uses and for public use.
- 1.3 To the south of the site is the Harbour Lights Cinema which has its own private car park and beyond is the former 'boatyard site' which has recently been redeveloped to provide an Innovation Centre and a separate block of flats above A1/A3 uses. On the south side of the marina are predominantly 3 and 4-storey houses and flats in Atlantic Close and Tasman Close.
- 1.4 The application site is not within a conservation area although Canute Road to the west of the site is a conservation area containing several listed buildings on the road frontage. The dock basin wall of that part of the application site which is currently used as a car park is a Grade II listed structure.

## **2. Proposal**

- 2.1 This full planning application proposes the erection of two buildings: a hotel building with some residential accommodation on the Promontory and a mixed residential and commercial building to the north of the Promontory on the site of the existing surface level car park.
- 2.2 The proposed hotel would provide 76 bedrooms together with a range of ancillary facilities including restaurants/bars, function rooms etc and a spa area. The hotel building would range in height from 5-storeys to 7-storeys with a maximum height of 27.7 metres above Ordnance Datum (AOD). The hotel building also incorporates 12 two bedroom flats. Drop off facilities for the hotel would be provided off Maritime

Walk on the north side of the building and 24 short stay car parking spaces for guests etc would be provided opposite the hotel on the west side of Maritime Walk. Longer term car parking for hotel guests and visitors will be within the multi-storey car park which serves the whole Ocean Village estate and is situated on the west side of Ocean Way. The proposed external materials for the hotel are to be: predominantly glazed curtain walling in a silver coated or anodised aluminium frame; a bronze coloured screen of regularly spaced laminate strip slats fixed to a metal frame; silver coated aluminium panels to form terrace guarding and parapets and spandrel panels; frameless glass balustrading to roof terrace; and a full height bronze coloured screen to the roof top plant enclosure.

- 2.3 The proposed building on the site of the existing car park would be in three parts, a 6-storey part on the south side, a central 8-storey element and at the northern end a 10-storey building with roof top plant above (maximum height of 42.25 metres AOD). This building would provide 82 flats (75 x two bedroom and 7 x three bedroom units) together with commercial space at upper ground floor level. These units would provide a total gross external floorspace of 1,139 square metres which includes a marina office of 87 square metres floorspace and three units which would be available for any of the 'A' Use Classes (shops, professional offices, restaurants/cafes, bars or hot food take-aways) and/or Class B1 (business use). The lower ground floor of this building would provide car parking, cycle parking and refuse facilities. Car parking for the residential element would comprise 66 spaces at lower ground floor level and 14 on-street spaces with 88 cycle parking spaces. The residential density would be approximately 230 dwellings per hectare. The external materials for this building would be mainly precast architectural concrete stone; a bronze coloured, laminate rainscreen panel; metal framed balconies with timber decking and glass balustrades; and windows with anodised aluminium frames.
- 2.4 A series of existing and proposed open spaces form part of the application site. It is proposed to reconfigure the existing pedestrian route between the office buildings to provide an enhanced approach from the Ocean Car Park to the new hotel. This will involve infilling the existing water features and providing new hard and soft landscaping including sloping lawn areas and new tree planting as well as new canopies to provide weather protection. It is intended that this space would be used by office workers during lunchtimes as well as providing more flexible areas where events can be staged. The area to the north of the residential block, where it adjoins the Admirals Quay development, is an area of space described as a 'Welcome Plaza' which would be available for events, both marina related and specialist market/product launches as well as external seating for restaurants etc. Adjoining the commercial frontage would be a marina raised deck approximately 1.2 metres above the marina walkway level which would provide external restaurant seating and an events/public viewing area across the marina. Between the residential building and the hotel the forecourt would be a mixed pedestrian and vehicle space with guest drop-off facilities and servicing/delivery arrangements for the hotel. The terraces to the hotel on the promontory would be mainly a private amenity space for guests of the hotel and staff as well as spaces that provide function opportunities for events being held in the marina.
- 2.5 The application has been amended since it was first submitted. The main changes relate to the design of the residential building and the mix of flats as well as alterations to the public realm areas.

### 3. **Relevant Planning Policy**

- 3.1 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.2 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The application site is part of an allocated site for development in the Local Plan under Policy MSA 11. This policy allocation promotes a mix of uses including offices, a marine innovation centre, water based leisure and A3 uses, hotel, marina related events and residential. Some of the land subject of this site allocation has now been developed with a public multi-storey car park on land to the west of Ocean Way, and a mixed residential and commercial development of up to 11-storeys in height on the former boatyard site which is south of the Harbour Lights Cinema.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 The City Centre Urban Design Strategy (CCUDS) has been approved by the Council as supplementary planning guidance to the Local Plan and should be taken into account in the determination of this application. Key aims of the strategy are to enhance 'arrival' and movement through the city; to improve the visual quality and coherence of the city centre and achieve a high quality environment for Southampton. The strategy seeks to develop the character area concept within the city centre (the application site is within the Waterfront Character Area). Within this area the design objectives are: to improve the connectivity of the waterfront to the rest of the city and increase opportunities for pedestrian access to the waters edge; to create new public spaces to provide attractive settings for key buildings; to build up the architectural mass and scale towards the water's edge; and create active building frontages along key sections of the waterfront.
- 3.5 The City Centre Action Plan (CCAP) Preferred Approach is currently subject of public consultation but is a material consideration in this case. The application site is within the Ocean Village Quarter and is identified as part of a development site. The relevant draft policy in the CCAP seeks to enhance Ocean Village as a high quality waterfront destination through promoting a mix of uses for employment, residential and leisure which could include offices; food and drink; leisure; hotel; water based recreation; residential and ancillary shopping. The design aspirations of the policy are to use innovative and distinctive architectural design; to create a continuous route for public access along the waterfront; provide residential uses on upper floors and an active commercial frontage on the ground floor; development on the promontory should be a flagship development providing a public space for events and exhibitions to replace the adjoining surface car park.

#### 4. Relevant Planning History

- 4.1 The following planning decisions all relate to the Promontory site. In 1987, outline planning permission was granted for the erection of 34 residential units with associated car parking.
- 4.2 In 1990, planning permission was granted for the erection of a 9-storey block of 19 flats, a 5-storey block of 9 flats and two garage blocks with 4 self-contained flats above and associated car parking. This permission was renewed in 1995 and 2000 but has now expired.
- 4.3 In 1993, planning permission was granted for the erection of a 2-storey marina services building and a marina car park. A further outline permission for a similar form of development was granted in 1996 with reserved matters approval in 1997. This permission was renewed in 2002.
- 4.4 Planning permission was granted in June 2007 for a 15-storey 225 bedroom hotel with associated facilities including an events piazza on the same site as the current planning application (Council reference 06/00521/FUL). This permission has not been implemented and has also now expired.
- 4.5 In October 2008, planning permission was granted for the erection of a 13-storey building to provide a 224 bedroom hotel with ancillary facilities and a marina control centre with an events plaza adjoining and associated landscaping (reference 08/00693/FUL). The time for implementing this permission was extended in April 2011 so this permission could still be implemented (reference 11/00023/TIME).

## **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 (19.01.2012) and erecting a site notice (12.01.2012). At the time of writing the report **8** representations have been received from surrounding residents and businesses. Of these comments, 6 responses are opposed to the development and 2 are in favour.
- 5.2 The comments opposing the application can be summarised as follows:
- The proposed development, when combined with the recent approval for Admiral's Quay, could result in a significant traffic impact on the area.
  - The car parking provision is inadequate and well below the Council's standards with an element of the provision being on-street. This will produce significant parking overspill which will inevitably encroach on the adjoining private roads including the Pacific Close estate. To prevent such parking overspill a planning condition should be imposed to erect gates across the point of entry to the Pacific Close estate.
  - The proposal results in a significant loss of open space for the Ocean Village marina and replacement with a series of smaller open spaces which are designed to suit the adjoining commercial operators but the public benefits of these areas is minimal. The proposed 'Welcome Plaza' would be a residual and unattractive space. There is concern that events such as the annual Sports Boat and RIB Show and race starts such as the Clipper round the world race will be discouraged from using the marina due to the loss of usable areas of open space.
  - The existing ponds should be retained, they are unique in this part of the city

centre, provide a place of relaxation for both residents and office staff and are home to ducks and fish. This is one of the few truly family friendly features of the Ocean Village estate. Replacing the ponds with just a grassed area will reduce the amenity of the area.

- Wider improvements to the public realm, including feature lighting and waste bin provision, should be sought.
- The proposed landscaping changes and inclusion of canopies could result in congregations of large numbers of people and potential anti-social behaviour.
- The residential/commercial building does not satisfactorily address Maritime Walk as it turns its back on to the street and will create an undesirable 'back of house' effect.
- The location of the hotel would effectively split the marina into two and result in a loss of views.
- The proposal would create sub-standard flats, with limited privacy between balconies and the creation of a large number of single-aspect north-facing flats.
- There would be a loss of sunlight/daylight to the directly adjoining office building and a loss of view across the marina.
- There is a restrictive covenant on the car park part of the site which limits the maximum height to the eaves of any structures to 2.9 metres.
- To safeguard the amenities and operational requirements of adjoining businesses, it is reasonable to limit noise/vibration during construction, retention of utility provisions, the condition of the site, safety and access arrangements.

These comments are addressed later in this report.

5.3 The comments supporting the application are as follows:

- The design of the proposed hotel is very attractive and in keeping with the maritime setting.
- The height and overall scale of the hotel is in keeping with the neighbouring block of flats and the properties around the marina.
- This high quality waterfront hotel would considerably enhance Ocean Village and provide much needed additional hotel accommodation in Southampton.

5.4 The amended drawings have been the subject of re-consultation and any further responses will be reported verbally at the meeting.

5.5 **SCC Highways** - The roads within the Ocean Village estate are privately owned, not adopted public highways. The proposed internal layout seeks to improve pedestrian movement in and around the site which is welcomed. The servicing arrangements and level of car parking provision is considered to be adequate.

5.6 **SCC Housing** – As the scheme comprises 94 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 33 dwellings. Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

1. On-site as part of the development and dispersed amongst the private element of the scheme.
2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice

3. Commuted financial payment to be utilised in providing affordable housing on an alternative site

In this case provision would be sought on site.

- 5.7 **SCC Sustainability Team** – Pleased to see that the application is accompanied by pre-assessments for Code and BREEAM and an Energy & Sustainability statement and there is commitment to achieve Code Level 3 and Very Good respectively and appropriate C02 reductions. The residential development should meet a minimum of 15% C02 reduction on Building Regulations Target Emission Rates. The pre-assessment estimator shows 2 credits in category Ene1 which is a minimum 16% reduction. The non-residential elements should achieve at least 12.5% reduction and the pre-assessment estimator shows 4 out of 15 credits which is approximately equivalent to 15% reduction. There is potential for improvements in green infrastructure including elements of green walls and opportunities should be sought to include this on this development. There are also flat roofs which could accommodate green roofs and provision of this additional green infrastructure could gain additional credits in the code for sustainable homes as the current score does not provide much of a safety margin, as stated in the code report. Rainwater harvesting should also be implemented where feasible. There are no objections to the application subject to conditions.
- 5.8 **SCC City Design** – The proposals offer a suitable scale and quality of development that will significantly enhance the legibility and ‘sense of place’ of Ocean Village as one of the few locations in the city where currently the public can enjoy the waterfront. The hotel promises to lift the overall impression of Ocean Village with its strong maritime styling and a fitting venue for maritime events and celebrations where one will be able to enjoy the waterfront from one of its many terraces. Much work has been put into the design of the residential block by the architects, working closely with officers, and the resultant design is a well mannered and fitting response to a challenging set of constraints that will sit in harmony with the hotel and proposed development at Admiral's Quay. CABE/EH's Tall Building Guidance requires that tall buildings should be of ‘excellent design quality’ – these proposals promise to meet this criteria but this will hinge on the highest quality glazing, cladding and balcony materials and fittings etc being used as well as excellent architectural detailing. (Note: the full comments of the City Design Manager are included within Appendix 2 of this report).
- 5.9 **SCC Planning Policy Team** - no objections in principle to a mixed use scheme on this site, however, there is concern that the quantity of open space (Welcome Plaza and waterfront walkway) will be unable to adequately function as an exhibition and events space. Although, the site will make more efficient use of land, there is concern that the reduced size and new layout of the open space could be insufficient to accommodate the scale of visitors and facilities associated with an international yachting event. The principle of re-developing this brownfield site for housing is supported in principle by Policy H2 of the Local Plan Review and CS 5 of the Core Strategy which notes that the majority of development should be on previously developed land. The council supports Class A3, A4 and A5 uses in this city centre, waterside location. However, the cumulative impact of the combined retail floorspace (greater than 750 sq m) needs to be controlled outside the primary shopping area as it can potentially have an adverse impact on the vitality and viability of the primary and secondary retail frontages and is contrary to the sequential approach set out in Policy CS3. Therefore it is recommended that a



condition is used to limit A1 and A2 use to be no greater than 750 sqm.

- 5.10 **SCC Environmental Health (Pollution & Safety)** - There are no objections to the application subject to the inclusion of conditions covering the hours of construction works, noise and vibration mitigation measures during construction, dust suppression during construction, extract ventilation measures to the hotel and food and drink premises, storage and disposal of refuse, and noise from external plant equipment.
- 5.11 **SCC Environmental Health (Contaminated Land)** Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by Environmental Health Services indicate that the subject site is located on/adjacent to the following existing and historical land uses - Docks & Wharf (on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Annex 2 of PPS23 and Policies SDP1 and SDP22 of the Local Plan Review this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of future occupiers.
- 5.12 **SCC Ecology** – The application site and its immediate surroundings consist of hard surfaces and buildings which have negligible biodiversity value. The site is however, within 500m of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site and the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). Whilst there are not likely to be any direct effects there is potential for construction phase activities to result in indirect effects. Such activities include the following:
- o Noise, arising from piling, affecting bird species which are interest features of the Solent and Southampton SPA/Ramsar site
  - o Noise, again from piling, impacting on Atlantic salmon which are a secondary feature of the River Itchen SAC.

These potential impacts can be easily addressed through suitable construction techniques, for example vibro-piling, and timing of work. A request was made for these details to be submitted in support of the planning application however, as this has not occurred, they will need to be secured through a planning condition.

I do not believe that the buildings pose a collision risk for birds due to their relatively low level. However, lighting can draw birds towards buildings so a detailed lighting plan that clearly indicates how this risk will be minimised should be secured through a planning condition.

In conclusion, the proposed development is unlikely to have any direct adverse impact on biodiversity, including designated sites however, there is potential for indirect impacts. Information detailing how the impacts identified above can be minimised should be secured through planning conditions.

- 5.13 **BAA** – There are no aerodrome safeguarding objections to this proposal provided that a condition is applied to any planning permission covering a bird hazard management plan.
- 5.14 **Environment Agency** - **OBJECT** to the grant of planning permission and

recommend refusal on this basis for the following reasons: the flood risk assessment (FRA) submitted with this application does not fully comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 2: Development and Flood Risk (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, there is insufficient information provided to demonstrate that the proximity of the proposed buildings to the existing quay wall will not compromise the Hold the Line policy of the North Solent Shoreline Management Plan by restricting access for essential maintenance and/or repair. It may be possible to overcome this objection if further information is provided, as detailed below.

### Advice to the Local Planning Authority

#### **Shoreline Management Plan (SMP)**

Our immediate concern, and grounds for our objection, is that insufficient information has been provided to demonstrate that the proposed development will not compromise the effective maintenance of the existing quay walls. We request that further information is provided with regard to the design of quay walls, their likely future maintenance requirements including ownership and responsibility, and how this will be carried out within the context of the proposed layout in order to demonstrate that flood risk to third parties behind the existing defence line will not be increased as a result of the development.

Although the issue of future defence improvements does not form part of our objection, we would strongly recommend that greater consideration is given to how the development will be designed to form an integral part of any future flood defence scheme. Currently, it is not sufficiently clear how this will be achieved and we would recommend that the following information is provided to Southampton City Council for clarity, to ensure that the scheme does not increase flood risk to others.

The effective protection of the community will be reliant upon both the effective maintenance of the existing quay walls in addition to the provision of the raised area of land to protect against a future rise in sea level.

#### **Land levels**

It is stated that:

*The promontory upon which the hotel will sit is at a current level of 4.3m AOD. The topographic survey suggests that the land level varies between approximately 3.8 and 4.3m AOD.*

We would therefore request confirmation that the promontory area will be raised to a minimum of 4.2m AOD. In addition to the hotel promontory, the marina raised deck will form an integral part of the flood defence line in future years. It must therefore be designed and constructed appropriately in order to perform this function e.g. to withstand floodwater.

#### **Principle of development**

The FRA states that the minimum floor level for residential development (including

the residential element of the hotel) would be set at 8.97m AOD. With a design flood level of 4.2m AOD in the year 2115 the FRA shows that over the lifetime of the residential development, these dwellings would not be subjected to internal flooding.

There would however, be potential flooding affecting the commercial section of the development on the ground floor. Assuming that the building is examined over the higher risk development lifespan (residential) the design flood level of 4.2m AOD, according to the Southampton Level 2 Strategic Flood Risk Assessment (SFRA2) and its modelling, would imply flood levels of the site of around 100mm – 150mm. Over a commercial lifespan, the potential flood levels are reduced to less than 100mm, however, as the commercial section of the development is integral to the residential sections' existence, we believe that the buildings as a whole should be looked at over a residential lifespan.

Planning Policy Statement 25: Development and Flood Risk and the associated Practice Guide (paragraphs 7.23 to 7.31) places responsibilities on LPA's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, we will expect LPA's to formally consider the emergency planning and rescue implications of new development in making their decisions.

### **Flood Proofing**

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

#### Response

The applicant has been in discussion with the Environment Agency about these comments in an attempt to resolve this objection. The agency have informally indicated that their concerns have been met but a formal update will be provided at the meeting.

- 5.15 **Southern Water** – Initial investigations indicate there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service this development. The proposed development would increase flows to the public sewerage system. Existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Southern Water have no objections subject to the imposition of a condition and informative.

## **6. Planning Consideration Key Issues**

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

- The principle of the development and the mix of uses proposed.
- Design issues, including the height and form of the development and the impact

- on the setting of the marina.
- Transportation issues.
- Sustainability, flood risk and environmental impact.
- Regeneration issues

## 6.2 Principle of Development

The 2006 and 2008 approved schemes (subsequently renewed in 2011) have established the principle of a landmark hotel building on the Promontory site. The application site is within the city centre boundary as defined in the Local Plan. The provision of a hotel on this site is in accordance with central government guidance which promotes a 'town centres first' approach to site selection for main town centre uses, including hotels, and Policy CLT1 of the Local Plan. The mixed use site allocation, Policy MSA 11, recommends that uses fronting the docks should be primarily leisure, hotel and marina related facilities such as events and exhibition space, in recognition of the role this site currently offers for world yachting and other special events. As with the previous schemes, the hotel incorporates a wide range of ancillary facilities which would be complementary to the marina and event activities. The previous permissions for hotels on the Promontory included using virtually the whole of the existing car park as an 'events plaza', i.e. an open space primarily for public events. This approach was partly because the hotel building was much larger with extensive function and conferencing space. It was also partly for legal reasons as there is a restrictive covenant on the land which limits the height of buildings which could be constructed on this part of the site. The previously approved schemes have not proved to be viable and although there is still an extant permission for a larger hotel there does not seem to be a strong likelihood that it will be built. The mixed use allocation for the site under Local Plan Policy MSA 11 allows for residential and smaller scale commercial uses of the type proposed here. In principle, therefore, the proposed development complies with government guidance, Local Plan Policy and supplementary planning guidance. There is therefore no objection to some form of building on the car park site, subject to detailed design, transportation and flood risk issues as well as the Panel being satisfied that sufficient open space and other facilities will be provided to potentially allow marina related events to continue to be accommodated at Ocean Village.

## 6.3 Design issues

Members attention is drawn to the detailed comments of the Council's City Design Manager in Appendix 2 to this report. There are a wide variety of architectural styles and building heights surrounding the Ocean Village Marina. Buildings vary in scale from 2 and 3-storey houses to the recently completed 11-storey block of flats on the Boatyard site. Furthermore, the panel approved the final phase of the Admiral's Quay development in January of this year which includes three new buildings, the largest of which is 26-storeys (80 metres height AOD). There is therefore a clear precedent for tall buildings in this part of the city. There are a series of policies and supplementary design documents which support this waterside location as a suitable location for tall buildings. This includes Local Plan Policy SDP9 which is permissable of tall buildings on the waterfront and 'CCUDS' which is referred to in paragraph 3.3 of this report. Furthermore, the City Centre Masterplan and the emerging City Centre Action Plan which have been published for public consultation similarly support tall buildings on the city's waterfront. Ocean Village is one of the few areas of publicly accessible waterfront in the city and

consequently is considered to be an appropriate location for a landmark feature which will help to create a new sense of place. Having said this the proposed buildings, particularly the hotel, are significantly smaller than the previously approved hotel buildings.

- 6.4 In terms of the detailed design, the form and scale of both buildings is considered to be acceptable. The hotel building would be individual and quite striking in appearance for this maritime location. The proposed residential building is of a simpler design which effectively 'defers' to the more public hotel building. Both buildings have four public sides so it is inevitable that there will be at least one elevation which is back of house. The residential/commercial building inevitably has its main ground floor frontage facing the marina and its rear elevation to Maritime Walk. However, the amendments to the scheme have improved this frontage and will incorporate two residential entrances which would provide a certain amount of public activity on this rear elevation.
- 6.5 The application proposes significant alterations to the public realm in Ocean Village. The existing water features between the office buildings look quite dated and the applicant is seeking to upgrade this space as a more welcoming approach to the new hotel. Local residents have objected to the removal of these water features but there are no policy reasons which would justify opposing these changes. There is a concern that the amount of site coverage with the new buildings would reduce the amount of space available for large scale public events at Ocean Village. However, the applicant has provided a certain amount of evidence to demonstrate that, although smaller, a range of different scale exhibition and public events could still be accommodated in conjunction with the marina. Indeed the hotel would provide a range of function facilities which would complement marina related events and the new commercial units, with large areas of public assembly space, should add to the vitality of Ocean Village as a whole.
- 6.6 The application site is significantly further away from the main heritage assets of the area, which are the listed buildings and the conservation area in Canute Road, than for example the Admiral's Quay development. Subject to further details and good quality external materials it is considered that this development would not adversely affect the setting of listed buildings or the character and appearance of the Canute Road Conservation Area.
- 6.7 The nearest residential neighbours to the application site are on the south side of the marina at Tasman Close and on the former boatyard site. These neighbours would not be directly affected by the development in terms of loss of light or overshadowing and their outlook would not be affected to the same degree as would have resulted from implementation of the much larger hotel previously approved. Several of the businesses in the existing office buildings have made representations against the development on the grounds of loss of light and views, the restrictive covenant and disturbance during the construction process. In response to these concerns, there is no right to a view of the marina and the terms of a covenant is not a planning matter. Loss of sunlight and daylight to a commercial property is not such an important consideration as would be the case for a residential neighbour. The construction impact can be mitigated through appropriate conditions.
- 6.8 In terms of the mix of residential units proposed, the majority of the flats proposed are 2 bedroom units but the amendments made to the scheme result in the incorporation of 3 bedroom family sized units (7 out of the 82 units or 9% of the

total). Each of these units would have some outdoor space but this provision of family accommodation is well below the city wide target of 30%. However Core Strategy Policy CS 16 does allow for this target to be varied depending on the established character of the neighbourhood and the viability of the scheme. As this is a city centre location and the residential accommodation is on the upper floors above commercial units, this reduced amount of family housing can be justified. The layout of the proposed flats is considered to be acceptable with the vast majority being dual aspect.

#### 6.9 Transportation

This is a city centre site which is well served by public transport and can therefore accommodate a high density form of development of this nature. The previously approved development was for a much larger hotel with more extensive conference and entertainment facilities and the increase in the amount of development with a residential use would not have a significant impact in traffic terms. The Council's highways team are satisfied that the level of trips to the site can be accommodated without adverse impact on the city's highways network.

- 6.10 In terms of car parking provision, the new parking standards in the emerging CCAP seek a maximum of one space per two bedroom flat and a maximum of 2 spaces for three bedroom flats. The level of parking provision for the proposed residential building is one space per unit which is only marginally below the maximum standards and therefore is considered to be acceptable. The existing surface level visitor car parking would be transferred to the Ocean Way multi-storey car park in accordance with the terms of a previous Section 106 agreement which will mean there will be no net loss of visitor car parking at Ocean Village. In terms of the representations from the Pacific Close residents, this is essentially a management issue as the roads in Ocean Village are privately owned and managed by the applicant. There is no evidence to suggest that guests or visitors to the hotel would overspill into Pacific Close which is over 400 metres by road from the site of the hotel.

#### 6.11 Sustainability and environmental impact

The applicant has submitted BREEAM and Code for Sustainable Homes pre-assessments for this mixed use development which show a commitment to meeting Code Level 3 and the potential for meeting BREEAM very good standard. These measures are welcomed, would meet the requirements of Core Strategy Policy CS20 and can be secured through conditions.

- 6.12 The applicants flood risk assessment demonstrates that the residential development would be built to a level which would be safe in a flood event. The Environment Agency originally objected to the application on a number of grounds. The applicants have provided additional information and the Environment Agency have informally indicated that this information is sufficient for their objection to be withdrawn but this has yet to be confirmed. In terms of coastal defence issues, the applicants are the landowners of the entire Ocean Village estate and have responsibility for the future maintenance and, if necessary, improvement of the marina dock wall. A site specific flood management plan can form part of the Section 106 agreement.

#### 6.13. Regeneration Issues

The proposed development offers significant regeneration benefits to this part of the city centre. The application site is predominantly car parking which does not make best use of this waterfront setting. This development would enhance Ocean Village as a visitor attraction, incorporate public realm enhancements and provide both jobs (an estimated 100 full time equivalent jobs) and new housing. Development of this site raises particular issues relating to economic viability. A financial viability appraisal of the development has been submitted and is in the process of being independently assessed. A verbal update on the viability position will be provided at the meeting. Because of the particular circumstances associated with this development it is likely that the proposed development will not fund the normal package of Section 106 benefits. The applicant has made it clear that no affordable housing provision will be possible (the normal policy requirement of 35% would mean 33 affordable units should be sought). It is probable that the Section 106 obligations will concentrate on improvements to open space and site specific transport works.

## **7. Summary**

- 7.1 This is a substantial site around one of the only publicly accessible waterfront areas in the City. The current use of the site has a negative impact on the marina. A hotel and other leisure related uses have been promoted through the Local Plan process. This is a prominent and difficult site to develop; in design terms the proposed building would be a high quality addition to the area and would enhance Ocean Village as a leisure destination. The development is acceptable in Transportation terms, subject to improvements which can be secured through the Section 106 agreement and would provide significant regeneration benefits. Overall, the proposal is considered to be acceptable and is recommended for approval subject to a Section 106 agreement and conditions.

## **8. Conclusion**

- 8.1 It is recommended that planning permission is granted subject to a Section 106 agreement, to be varied as necessary by the Planning and Development Manager following the outcome of the viability assessment, and conditions listed in this report.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 3(a), 4(d), 4(f), 4(r), 4(z), 4(vv), 6(a), 6(c), 7 (a), 8(a), 8(j), 9(a), 9(b).

### **RP2 for 17/04/2012 PROW Panel**

#### **PLANNING CONDITIONS**

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

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

Reason:

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

## 02. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

## 03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

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

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

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

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

Reason:

To improve the appearance of the site and enhance the character of the development in



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

**04. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]**

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

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

Reason:

In the interests of highway safety.

**06. APPROVAL CONDITION (Construction Management Plan - Pre-Commencement Condition)**

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development have been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify the areas to be used for contractors vehicle parking and storage of plant, building materials, excavated materials, temporary buildings and all working areas required for the construction of the development hereby permitted. The method statement shall also include full details including maintenance details of hoardings to screen the materials compound from neighbouring premises. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority

REASON

To protect the amenities of neighbours and the wider environment.

**07. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]**

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

approved in writing by the Local Planning Authority:

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

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

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

Reason:

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

#### 08. APPROVAL CONDITION - Reuse of uncontaminated soils [Performance Condition]

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

Reason:

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

#### 09. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

10. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

11. APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

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

Reason

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

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

The refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the use to which the facility relates has been provided. The storage areas shall be retained thereafter.

REASON

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

13. APPROVAL CONDITION - Bird Hazard Management Plan (Pre-Commencement Condition)

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds (possible different management strategies during the breeding season and outside the breeding season). The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

## REASON

It is necessary to manage the roofs of the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

### 14. APPROVAL CONDITION - Layout of Car Parking/Serviceing (Pre-Occupation Condition)

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

## REASON

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

### 15. APPROVAL CONDITION - Details of visitor cycle parking (Pre-Occupation Condition)

The development hereby approved shall not be first occupied until visitor cycle facilities have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

## REASON

To ensure satisfactory provision of cycle facilities for visitors to the site.

### 16. APPROVAL CONDITION - Safety and Security measures (Pre-development condition)

No development shall commence until a scheme of safety and security measures, including CCTV equipment, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall subsequently be implemented in accordance with the scheme before the development is first occupied unless otherwise approved in writing by the Local Planning Authority.

## REASON

In the interests of safety and security and crime prevention.

### 17. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The food and drink uses / drinking establishments hereby permitted shall not operate, (meaning that customers shall not be present on the premises, no sale or delivery of food or drink for consumption on or off the premises), outside the hours of 0730 to midnight on any day.

Reason:

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

#### 18. APPROVAL CONDITION – Delivery times (Performance Condition)

No deliveries to the commercial premises or to the hotel hereby approved shall take place outside the hours of 0730 to midnight on any day.

REASON:

To safeguard the amenities of future occupiers of the residential accommodation

#### 19. APPROVAL CONDITION - Hours of Use (Performance Condition)

The proposed bars and restaurants of the hotel and their associated outside terrace areas shall not be open for business to the general public (non-hotel patrons) outside the hours of 0730 to midnight.

REASON

To protect the amenities of occupiers of nearby residential properties.

#### 20. APPROVAL CONDITION - Restriction on retail development - Performance Condition.

The development hereby approved shall provide no more than 750 square metres gross external floorspace (including mezzanine floors) of retail use (Class A1).

Reason:

To restrict the amount of retail floorspace on the site in accordance with Policy CS3 of the Southampton Core Strategy (2010)

#### 21. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment serving the commercial units and hotel facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

#### 22. APPROVAL CONDITION (Protection of listed dock wall - Pre-Commencement Condition)

No works for the construction of the residential/commercial building on the existing car park shall commence until measures to protect the adjoining listed dock wall are in place details of which shall first have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved

details unless otherwise agreed in writing by the Local Planning Authority.

**REASON**

To ensure the listed structure is protected during the building works.

**23. APPROVAL CONDITION - Public realm details (Pre-Occupation Condition)**

The development hereby approved shall not be occupied until details of the treatment to the public realm surrounding the buildings has been submitted to and approved in writing by the Local Planning Authority. These details shall include surface treatment, seating and any means of enclosure together with details of measures to control deliveries to the premises. The approved measures shall subsequently be implemented unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent amending order, no gates, walls, fences or other means of enclosure shall be installed on the open areas surrounding the buildings without the prior written approval of the Local Planning Authority.

**REASON**

To ensure satisfactory treatment of these important areas of public space.

**24. APPROVAL CONDITION - Details of lighting (Pre-Commencement Condition)**

No development shall commence until details of external lighting to the buildings and external areas of the development have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

**REASON**

In the interests of ensuring a satisfactory appearance to the development and the safety and security of the area.

**25. APPROVAL CONDITION - Provision of public spaces (Pre-Commencement Condition)**

No development shall commence until a programme of phasing for the provision of the promenade and other public spaces has been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:**

To ensure the provision of public space as part of the development.

**26. APPROVAL CONDITION – Archaeological work programme [Performance Condition]**

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

**Reason:** To ensure that the archaeological investigation is completed.

**27. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]**

No development shall take place within the site until the implementation of a phased

programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

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

#### 28. APPROVAL CONDITION - Public seating areas (Pre-Occupation Condition)

The commercial units hereby approved shall not be first occupied or open to the public until details of the external areas to be used for seats and tables has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and no other areas of the promenade or public areas shall be used for such outdoor seating without the prior written consent of the Local Planning Authority.

Reason:

To maintain appropriate public use and access within and through the development.

#### 29. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

Condition Informative 1

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

Guidance on Pollution Prevention, section 6.5

Condition Informative 2

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

#### 30. APPROVAL CONDITION Green Roof / Rainwater Harvesting feasibility study [Pre-Commencement Condition]

A detailed feasibility study for a green roof and a rainwater harvesting system must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof and/or rainwater harvesting system, a specification shall be agreed in writing with the Local Planning Authority. The green roof and/or rainwater harvesting system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

**31. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]**

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard, including at least 4 credits in category Ene 01, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

**32. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 2 credits in category Ene1, in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

**33. APPROVAL CONDITION - Code for Sustainable Homes [performance condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3 of the Code for Sustainable Homes, including at least 2 credits in category Ene1 in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body shall be submitted to the Local Planning Authority for its approval.

REASON:

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



#### 34. APPROVAL CONDITION - Dust suppression (Pre-Commencement Condition)

Before development commences, a detailed scheme of proposed methods of best practice to suppress dust shall be provided for approval in writing to the Local Planning Authority and such methods shall be adopted during the course of construction unless otherwise agreed in writing by the Local Planning Authority.

##### REASON

To protect the amenities of adjoining occupiers.

#### 35. APPROVAL CONDITION - Phasing of development (Pre-occupation Condition)

The residential accommodation hereby approved shall not be first occupied until the hotel building has been completed and is available for use, unless otherwise agreed in writing by the Local Planning Authority.

##### REASON

To ensure the hotel is provided as part of the mixed use development proposed to accord with the site allocation in Local Plan Policy MSA11.

#### 36. APPROVAL CONDITION (Noise attenuation - Pre-Occupation Condition)

Noise from any externally sited individual plant shall be suitably attenuated to ensure no noise nuisance arises at the nearest occupied buildings and details of proposed sound attenuation measures in relation to such plant must be submitted for approval of the Local Planning Authority prior to the installation of the plant.

##### REASON

To protect the amenities of adjoining occupiers.

#### 37. APPROVAL CONDITION (Monitoring of Noise - Pre-Commencement Condition)

No development shall be commenced until a monitoring regime to monitor noise disturbance (to be agreed with the Local Planning Authority in consultation with the Environment Agency prior to works commencing) from any piling operations, during the months of March to November has been submitted to and approved in writing by the Local Planning Authority. If noise elevates above an agreed threshold limit, works will cease on site until noise levels are lowered or until the sensitive period (March - November) has passed.

##### REASON

Any potential piling has a particularly detrimental effect on Itchen Salmon for which the River Itchen is designated a Special Area of Conservation (SAC), these precautions give certainty that all mitigation measures are in place to prevent adverse impact on the salmon populations. These measures will also protect Salmonid populations (Salmon and Sea Trout) protected under the Salmon and Fresh Water Fisheries Act 1975 and also on the wider aquatic environment.

#### 38. APPROVAL CONDITION - Signage (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (Control of Advertisement) Regulations 2007, or any subsequent amending regulations, no external advertisements shall be displayed on the hotel without the prior written approval of the

Local Planning Authority.

Reason:

In the interests of controlling the appearance of this important building in a prominent location.

#### 39. APPROVAL CONDITION - Noise and Vibration Measures (Pre-Commencement Condition)

A detailed scheme for noise mitigation measures to control noise and vibration from construction works shall be provided for agreement in writing by the Local Planning Authority prior to the commencement of development works. Augur piling is the preferred method of piling and this preference should be included within the mitigation measures proposed. The measures shall also include an estimate of achievable reduction in noise levels at closest occupied locations outside the site boundary. Where noise levels are still likely to breach 75dB LAeq (1 hour) at the facades of adjoining properties proposals should be submitted of arrangements to reduce the working hours of particularly noisy operations. The measures shall include the monitoring of noise levels at the boundary to the site during the site preparation phase.

REASON

To protect the amenities of adjoining occupiers.

#### 40. APPROVAL CONDITION - Approved Plans

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

Reason:

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

**POLICY CONTEXT**Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
NE4	Protected Species
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT10	Public Waterfront and Hards
CLT11	Waterside Development
CLT14	City Centre Night Time Zones and Hubs
CLT15	Night Time Uses in Town, District and Local Centres
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H6	Housing Retention

H7            The Residential Environment  
REI7        Food and Drink Uses (Classes A3, A4 and A5)  
MSA11      Land at Ocean Way, Maritime Walk and fronting Alexandra Docks

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Supplementary Planning Document (2011)

Other Relevant Guidance

National Planning Policy Framework (March 2012)

## **City Design Manager's comments**

### Relevant policies/guidance:

Local Plan Review 2006 SDP 1, 6, 7, 8 and 9, MSA 11, Core Strategy 2010 CS 1, 5 and 13, City Centre Urban Design Strategy (CCUDS) 2000, draft City Centre Action Plan 2012 and draft City Centre Master Plan 2012, City Centre Development Design Guide 2004, City Centre Streetscape Manual 2004, Residential Design Guide 2006, CABE/EH's Tall Buildings Guidance 2007, Skyline Strategy (officer guidance) 2006.

### Summary

Subject to items highlighted in bold, the proposals offer a suitable scale and quality of development that will significantly enhance the legibility and 'sense of place' of Ocean Village as one of the few locations in the city where currently the public can enjoy the waterfront. The hotel promises to lift the overall impression of Ocean Village with its strong maritime styling and a fitting venue for maritime events and celebrations where one will be able to enjoy the waterfront from one of its many terraces. Much work has been put into the design of the residential block by the architects, working closely with SCC officers, and the resultant design is a well mannered and fitting response to a challenging set of constraints that will sit in harmony with the hotel and proposed development at Admiral's Quay. CABE/EH's Tall Building Guidance requires that tall buildings should be of 'excellent design quality' – these proposals promise to meet this criteria but this will hinge on the highest quality glazing, cladding and balcony materials and fittings etc being used as well as excellent architectural detailing.

### Amount and Use

A key requirement of any new proposal on the promontory and along Maritime Walk is that it should contribute to and enhance the existing development mix. The proposal does this by providing an almost continuous frontage of commercial uses that along with the proposed development at Admiral's Quay will extend the existing uses of cafes and restaurants, via a linear promenade around a further two sides of the marina basin including the promontory, creating a greater critical mass, improved offer and a backdrop for maritime events and marina activities. The increased footfall anticipated by the proposed hotel and residential uses will help sustain the commercial uses in the vicinity.

### Scale

CCUDS advocates increasing scale and mass of development along the waterfront with opportunities for architectural landmarks and tall buildings, which continues to be advocated by the draft City Centre Master Plan.

The residential block, stepping from 6, 8 to 11 storeys (including plant) has quite a challenging role to mediate between the strong vertical forms of the 26 storey tower proposed at Admiral's Quay and the horizontal form of the proposed 6 storey hotel, as well as creating a good relationship with the public realm at the entrance to the development adjacent to Admiral's Quay. However the articulation of the block's scale mass and form has been well handled in response to this, creating a good sense of enclosure to the marina. The block steps up in height to reach 11 storeys close to Admiral's Quay strengthening the mass of development around the marina basin at the north west corner and creating an imposing and potentially dramatic 'gateway' entrance to the marina

quayside. The residential block steps down towards the south, deferring to the proposed hotel, which rightfully, being the most publicly accessible building, has the most dominant architectural form around the marina basin. The block is raised half a storey to accommodate underground parking, however as with the Admiral's Quay scheme this allows raised terracing to be provided to the cafes and restaurants overlooking the marina.

The block is articulated so that its west elevation addresses the street, Ocean Way, improving the sense of enclosure and street scene activity here, whilst the north elevation faces onto the public square with steps up to a wide terrace which 'softens' and creates added interest to the edge of this space. The building form is further reorientated at its northern end to face the marina. The plan keeps to a regular, and often repeating layout, and this is reflected in the form, using a simple device to rotate the floor plan of one of the apartments to align the footprint with the quayside.

The hotel at six storeys high provides sufficient enclosure to the main marina basin without being too overbearing on existing development along the southern edges of the marina. It also sits reasonably comfortably next to the Harbour Lights Picture House Cinema to the south west. It has a crisp and simple horizontal form with fluid lines, exuding clear references to maritime architecture with sculptured solid panelling to tiered terraces on each level and full height curtain walling of glass and silvered paneling. Its form is articulated at roof level and to each terrace below, to increase its height towards the seaward end of the promontory, giving due emphasis to the most important elevation that overlooks the marina at the promontory end.

Due to the location of the residential block on the west side of the marina it is inevitable that afternoon and evening sun will cause shadowing of the terraces and quayside. However sun will penetrate to the north and south of this block and the reflective finishes of the hotel will bring reflected sunlight into the marina in the evening.

### Landscaping

The redesign of existing landscape features and ponds on the approach from the multistorey car park make a significant contribution to refreshing what has become a 'tired' public realm. This route has been rationalised, providing a more direct link to the hotel from the car park, with new tree planting proposed, new raised grassed beds and a new linear canopy that lines the north edge of this route. This will also improve visual connections with the hotel's west elevation and still provide glimpses of the marina activity. The route crosses a raised 'shared space' crossing of the access road Maritime Walk creating a convenient and accessible route for pedestrians. **The public art should integrate with an overall strategy for the marina, and that proposed on this route needs to be carefully commissioned so that it does not appear as 'art on a pedestal' but art that has some proper function and association with the history or current functions of Ocean Village.**

**Conditions should require new paving, lamp posts, signing and street furniture to be coordinated with the public realm specification for the first phases of the Wilson Bowden scheme where possible. Existing quayside railings and lamp posts should be repainted from their blue colour to a neutral silver or grey colour if they are not to be replaced.**

**A detailed landscape plan will need to be conditioned, with particular consideration given to choice of tree species suitable for this maritime environment and appropriate design of tree pits to ensure their proper irrigation and growth in this otherwise reclaimed land. Trees at the entrance to the development should not have**

**canopies so great as to obstruct views into the marina, and be placed with consideration to access and siting of event equipment such as staging.**

The space between the Admiral's Quay and residential block is much smaller than the space currently provided by the car park. This space is likely to be windy at times, due to funneling of wind between the buildings and so careful location of trees, canopies and parasols will help reduce this. However, providing the detailed design of the space takes into consideration siting of a stage etc it is considered that events can still be held here if appropriately managed. **Consideration should be given to the provision of onsite electrical and water supplies for events.**

The terraces are accessed by ramps and steps, and make a positive contribution by extending the existing promenade in a similar architectural manner. A width of 3m has been allowed for public access along the quayside to the east of the residential terraces - this is a relatively narrow width but sufficient for access for people to move behind others that might be lining the quayside balustrading. **The detailed design of the public spaces, terraces and balustrading should be conditioned, in particular to demonstrate a seamless flow of public realm paving design between existing and proposed schemes at Admiral's Quay and that is robust in the maritime environment. Paving design should be attractive to look down on from the taller surrounding buildings. Where possible lights should be wall mounted, and the design consistent with the existing palette and is of suitably high quality.**

**All building signing should be conditioned.**

#### Appearance

Both buildings will significantly improve the long distance views from Woolston (Centenary Quay) and the Itchen Bridge by providing a built edge to the marina quayside that will stimulate and focus activity. The development will not be seen from the Canute Road Conservation Area, apart from the junction at the entrance to Ocean Way. From here the view will be considerably improved due to the development fronting the back of pavement and creating a focused view towards the hotel across the marina between the proposed Admiral's Quay development. The view down Maritime Walk will change considerably with the residential block providing back of pavement frontage. This and a shared surface treatment to the street will help the road feel more like a street than an access road, however it is unfortunate that a row of parking is necessary along this frontage. This view also focuses on the hotel whose westerly elevation projects forward of the residential block and the Harbour Lights. **Appropriate signing will be important from this route. Some artists impressions or photo montages would be helpful in illustrating these and shorter term views.**

The hotel material and finishes are appropriate given the quodos of the development and its maritime location. **The silver colour scheme will need to be considered in further detail when materials/colours are submitted as it may be more appropriate to use a white colour scheme for terrace guarding and parapets** with the bronze coloured panelling system, with silver coloured anodised aluminium windows and curtain walling. **Given the architectural importance of this building the detailing of roof parapets and eaves, terraces and balustrading, glazing and panelling should be conditioned.**

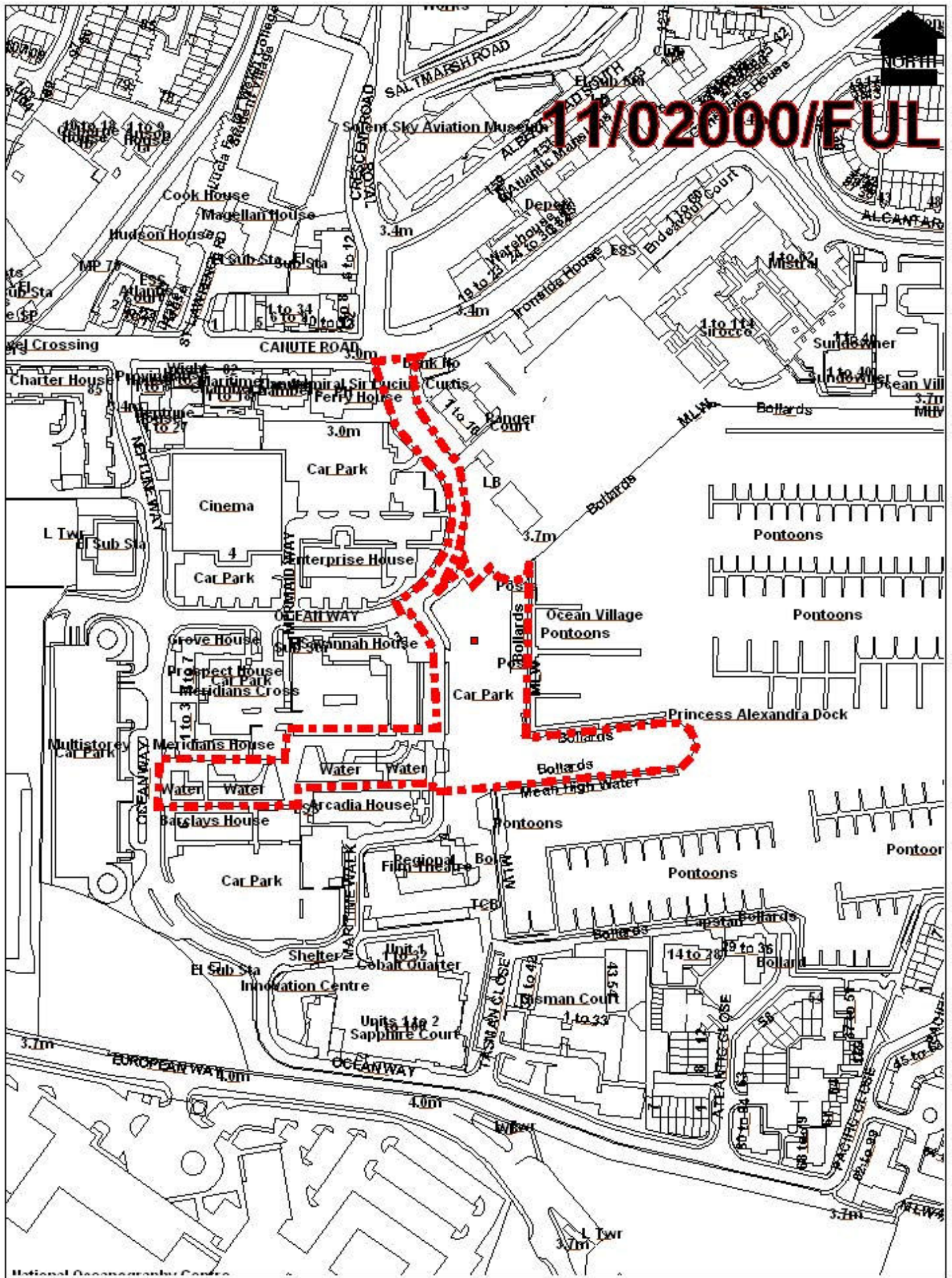
A complimentary materials and colour palette is proposed for the residential block with precast stone panels and bronze coloured panelling with aluminium windows, metal framed balconies and glazed panels. **Detailing of roof parapets and eaves, canopies, fenestration, terraces and balcony design should be conditioned.**

**All materials, furniture and fixings should be fit for purpose and use in a marine**

**environment.**

The residential block has well mannered elevations that are elegant and refined, making use of repeating structuring forms that minimise competing forms with the hotel's design and strengthen the character of the block itself. Entrances have been designed with slight recesses affording protection from the weather and the use of a full height panel slightly angled to create a recess provides a common language for each residential entrance. A stepped recessed entrance to one of the restaurants on the elevation fronting Ocean Way gives this a level of distinction and importance in this facade. All apartments have balconies which appear to be a reasonable size, being at least 2m square, just about large enough for a table for 4 people.





Scale : 1:2500

Date : 03 April 2012

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