

Planning and Rights of Way Panel

Tuesday, 10th December,
2019

at 6.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Mitchell (Vice-Chair)
Councillor Coombs
Councillor G Galton
Councillor L Harris
Councillor Vaughan
Councillor Windle

Contacts

Democratic Support Officer
Ed Grimshaw
Tel: 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

Interim Service Lead - Planning Infrastructure
and Development
Paul Barton
Email: paul.barton@southampton.gov.uk

PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

PUBLIC REPRESENTATIONS

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

SMOKING POLICY – The Council operates a no-smoking policy in all civic buildings

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2019/2020

2019	
4 June	17 September
25 June	15 October
16 July	12 November
6 August	10 December
31 August	

2020	
14 January	31 March
11 February	21 April
10 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 12 November 2019 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION -19/00726/FUL - COMPASS HOUSE, ROMSEY ROAD (Pages 13 - 62)

Report of the Service Lead, Infrastructure, Planning and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 19/01261/FUL- LAND TO THE REAR OF THE BROADWAY (Pages 63 - 78)

Report of the Service Lead, Infrastructure, Planning and Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 19/01378/FUL - CQ - EMPLOYMENT SITE (Pages 79 - 122)

Report of the Service Lead, Infrastructure, Planning and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

This page is intentionally left blank

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 12 NOVEMBER 2019

Present: Councillors Savage (except minute number 36) (Chair), Mitchell (Vice-Chair), Coombs, G Galton, L Harris and Windle

Apologies: Councillor Vaughan

32. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 15 October 2019 be approved and signed as a correct record.

33. **PLANNING APPLICATION - 19/00038/OUT - NELSON GATE, SOUTHBROOK ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Hybrid planning application for mixed-use development comprising: (1) Outline planning permission (with all matters reserved) sought for a multi-storey building comprising residential (C3), hotel (C1) and retail (A1 to A5) uses alongside associated parking, landscaping and vehicular access. (2) Detailed planning permission sought for the demolition of Grenville House, erection of a three-storey podium extension to Norwich House (accommodating office (B1) and retail (A1 to A5) uses), external alterations to both Norwich and Frobisher Houses, provision of a site-wide hard and soft landscaping scheme, and associated site works including parking provision and modified access arrangements.

Simon Reynier (City of Southampton Society), Marianne McCullum (agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer explained there had been an update to paragraph 6.20 of the report updating the proposed profit levels. In addition it was noted that an additional condition in regard to Telecommunications Equipment was required. The Panel were concerned over the delivery times to the potential commercial premises and voted to amend the proposed condition on delivery times. Changes to the conditions are as set out below. Officers agreed to re-consult with the Council's Sustainability Officer regarding the wording of condition 33 to find out if BREEAM 'excellent' can be achieved on the new build elements of the scheme. Delegation was given to amend the planning conditions should the need arise.

The Panel agreed that the Service Lead – Planning, Infrastructure and Development be delegated authority to confirm the Habitats Regulation Assessment following the receipt of comments from Natural England.

The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) Delegated approval to the Service Lead –Infrastructure, Planning and Development Manager to confirm the Habitats Regulation Assessment and to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, to include necessary Traffic Regulation Orders and relocation of existing taxi bays, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. 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.
 - c. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - d. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - e. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
 - f. Affordable housing viability clause;
 - g. Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013),
 - h. Submission, approval and implementation of a Travel Plan for both the commercial and student residential uses;
 - i. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners, with contributions towards community safety associated with the needs of the late night commercial uses; and
 - j. Submission of a scheme of works and management plan for the permitted route, public square and other publically accessible areas around the site.

- (ii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (iii) That the Service Lead Infrastructure Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional Conditions

48. Telecommunications Equipment (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no external telecommunications equipment shall be installed on the roof of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of safeguarding the appearance of the building and in the interests of the setting of the Civic Centre (grade II* listed) when viewed from Northam Road

Amended Conditions

08. A1/A2/A3/A4/A5 Hours of Use and Delivery Restriction (Performance Condition)

The non-residential ground floor uses hereby permitted shall not operate outside the following hours:

06:00 to 00:00

No deliveries shall be taken or despatched from the non-residential ground floor uses outside of the hours of 07:00 to **21:00** daily.

The hotel bar and restaurant shall be limited to hotel guests only after midnight.

REASON: In order to control the use in the interests of the amenity of nearby residential occupiers.

47. Parking (Pre-Occupation)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

A maximum of 111 car parking spaces shall be provided with a ratio of **not** more than 1 parking space per residential flat.

REASON: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

34. **PLANNING APPLICATION - 18/01045/FUL - LAND AT BARGAIN FARM BROWN HILL WAY**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Development of the site to provide a single storey food store (use class A1) with 158 car parking spaces to be accessed from Frogmore Lane via a new spur road and associated landscaping (departure from development plan).

Samuel Judd (local residents/ objecting), Simon Reynier (City of Southampton Society) and James Mitchell (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a number of updates to the report. It was noted that the number of parking space had been amend from 158 to 130. In addition it was explained the wording of the 106 requirements under section (i)b(1) need to be amended, as set out below.

It was noted that report had inaccurately stated in paragraph 2.1 and condition 7 stated that the net sales area explained that this required to be amended to **1,325 sq.m** from 1,352 sq.m.

The officer explained that the condition relating to site access would need to be amended, as set below.

The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE: to refuse planning permission.

FOR: Councillors Savage, Mitchell, Coombs, Harris and Windle

ABSTAINED: Councillor Galton

RESOLVED that the Panel:

- (i) Delegated approval to the Service Lead –Infrastructure, Planning and Development Manager to grant planning permission subject to
 - a. The conditions set out in the report and any amendments set out below; and
 - b. the completion of a S.106 Legal Agreement to secure:
 - 1. Either a s.278 Agreement to undertake agreed works to the Brownhill Way/Frogmore Lane junction prior to the store first opening or, a financial contribution to cover the full cost of the Brownhill Way/Frogmore Lane junction works, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013). 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.
 - 2. 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.
 - 3. Submission, approval and implementation of a Travel Plan.
 - 4. Submission, approval and implementation of a Servicing Management Plan including the routing of HGVs that service the store.
 - 5. Submission, approval and implementation of a Site Waste Management Plan

6. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- (ii) That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that an acceptable junction design cannot be agreed or the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
 - (iii) In the event that the scheme’s viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

Amended Conditions

Condition 2 (Access to Site) to as follows:

Before the store hereby approved first comes into use, the access to the site shall be provided in accordance with the plans and information approved as part of planning application planning application reference 17/01600/FULLS).

REASON: To secure a satisfactory means of access to the site in the interests of the character, amenity and safety of the area.

5. Landscaping scheme (Pre-Commencement Condition)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. Planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate **and to include a diverse planting scheme for the area demarcated on the submitted plans as “remain as existing grass land”**;
- ii. A specification of the trees to be planted providing native trees and an increase in broadleaf tree planting across the site **including within the area demarcated on the submitted plans as “remain as existing grass land”**;
- iii. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. Details of all hardstanding;
- v. details of any proposed boundary treatment, including retaining walls and;
- vi. a landscape management scheme including an automated irrigation scheme or similar to maintain the vegetation on site.

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 **10 years** following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of **10 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 **10 years** from the date of planting.

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

35. **PLANNING APPLICATION - 19/01530/FUL - 59 BURGESS ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of a part single storey, part first floor rear extension and 2.4m high retaining wall

Dr David Johnston (local residents/ objecting) and Adi Puplampu (architect), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported updates that two additional conditions to the report, as set out below.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission
FOR: Councillors Savage, Mitchell Coombs and Windle
AGAINST: Councillors Galton and Harris

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Additional Conditions

Obscure Glazing (Performance Condition)

All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

REASON: To protect the amenity and privacy of the adjoining property.

Implementation Timetable - Retaining Wall

Notwithstanding the submitted details, within 3 months of the date of this decision notice an implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. A timescale for removal of the artificially raised area, which is supported by a low blockwork retaining wall in the north-western corner of the site, adjacent to the boundary with No.3 Burgess Gardens;
- ii. A timescale for implementation of the retaining wall hereby approved.

REASON: To ensure a timely resolution to the current unauthorised works on site and to ensure existing land stability issues are addressed in a timely manner.

COUNCILLOR MITCHELL IN THE CHAIR

36. PLANNING APPLICATION - 19/01533/FUL -18 GROSVENOR ROAD

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Application for variation of Condition 1 (approved plans) and Condition 2 (relating to windows and doors) of planning permission ref: 18/00765/FUL (amended after validation to include Condition 1).

Nick Jones and Nigel Hodge (local residents/ objecting) and Councillor Savage (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the issues related to the application and requested that and voted to add an additional condition relating to the hedge on the boundary be added, as set out below.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission
FOR: Councillors Mitchell and Coombs
AGAINST: Councillors Windle
ABSTAINED: Councillors Galton and Harris

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Additional Condition

8 Replacement boundary screening (Performance)

A boundary screen – such as a hedge or fence - to a minimum height of 1.8 metres shall be maintained along the common boundary between 18 and 20 Grosvenor Road following the insertion of glazing to the rear doors of the garage building hereby approved.

REASON: To protect the privacy of neighbouring residents.

NOTE: Councillor Savage withdrew from the Panel to represent his ward on this matter.

COUNCILLOR SAVAGE IN THE CHAIR

37. **QUARTERLY DEVELOPMENT MANAGEMENT FIGURES**

The Panel considered and noted the report of the Service Lead - Infrastructure, Planning and Development detailing the Planning Department's performance against key planning metrics.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 10th December 2019 - 6pm Council Chamber, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	MP	DEL	15	19/00726/FUL Compass House, Romsey Rd
6	AG	CAP	5	19/01261/FUL Land r/o the Broadway
7	SH	DEL	15	19/01378/FUL CQ – Employment Site

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

MP – Mat Pidgeon

AG – Andy Gregory

SH – Stephen Harrison

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 3 2011-2031
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 5

Planning and Rights of Way Panel 10th December 2019			
Planning Application Report of the Service Lead - Infrastructure, Planning & Development			
Application address: Compass House, Romsey Road, Southampton			
Proposed development: Re-development of the site to create a three-storey hotel containing 73 rooms with associated works including 35 car parking spaces (amended description following amended plans).			
Application number:	19/00726/FUL	Application type:	FUL
Case officer:	Mat Pidgeon	Public speaking time:	15 minutes
Last date for determination:	24.07.2019	Ward:	Redbridge
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr McEwing
			Cllr Whitbread
			Cllr Spicer
Applicant: BMR Compass Ltd		Agent: Mr Chris Brady, Savills	
Recommendation Summary		Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report	
Community Infrastructure Levy Liable		No	
Reason for granting Permission			
<p>The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS6, CS7, CS13, CS14, CS18, CS19, CS20, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, HE6, REI9, of the City of Southampton Local Plan Review (Amended 2015).</p>			

Appendix attached			
1	Development Plan Policies	2	Accessibility Map
3	Habitats Regulations Assessment		
Recommendation in Full			
1. That the Panel confirm the Habitats Regulation Assessment set out at appendix 3.			
2. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:			
i.	Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);		
ii.	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;		
iii.	Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);		
iv.	Submission and implementation within a specified timescale of a staff and visitor Travel Plan;		
v.	The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);		
vi.	Submission and implementation within a specified timescale of a Waste Management Plan; and		
vii.	The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy.		
viii.	Financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.		

3. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Background

This application was deferred by Panel on 15th October to allow further scrutiny of the car parking survey results. An updated car parking survey has been produced which now suggests that there is available capacity for car parking on nearby roads. The survey was updated by extending the survey area to 500m walking distance and by discounting private roads including those on the adjacent estate constructed by Kier, Barrett Homes and Taylor Wimpey. The survey results are discussed in more detail later on in this report.

1. The site and its context

1.1 The site is located within the former Ordnance Survey site and fronts Romsey Road. The site is currently occupied as a car park which serves Compass House. Compass House is a 4 storey purpose built office building of post war construction, which is currently in use as office floor space (use class B1a), however prior approval has already been granted for the change of use of the building to residential (245 separate flats) without the need for planning permission.

1.2 To form the application site Compass House and its associated 333 space car park are proposed to be sub-divided. The division separates the site so that the car parking spaces located in front of Compass House and adjacent to Romsey Road would now form the application site. The remaining 225 car parking spaces, positioned to the south west of Compass House, would remain associated with Compass House.

1.3 Re-development of the wider Ordnance Survey site (other than Compass House) gained outline planning permission (reference 07/01700/OUT) in 2010 with subsequent applications to develop each distinct phase, principally for traditional housing.

1.4 There are two tree groups with Tree Preservation Orders (TPOs) within the site. This comprises of two trees on the eastern boundary of the site along Romsey Road and seven trees to the north west of the site adjacent to Compass House.

1.5 To the north the site is bordered by part of the recently completed Taylor Wimpey residential scheme. The site is also bordered to the south by the Kier mixed use scheme, which is predominantly residential in nature, but which also includes two commercial units (a retail store and a café/hot food takeaway). To the west the site is bordered by a residential scheme constructed by Barrett Homes.

1.6	The area surrounding the former Ordnance Survey site is a mainly residential suburb dating from the 1930s with a more modern 1980s estate to the west and north. Older, traditional two storey housing along the north-east side of Romsey Road is directly opposite the site whilst there are a small number of retail units and local services located at the junction of Romsey Road and Rownhams Road. Millbrook Community School is located nearby to the north of the site off Green Lane.
1.7	The site is located along the south-western edge of Romsey Road approximately 1.5km from Shirley Town centre and 4.5km from the City Centre.
1.8	The residential development located on the former Ordnance Survey site, which form part of the Kier, Taylor Wimpey and Barrett's schemes have a variety of form and include two storey terraced housing, two storey semi-detached and detached housing along with flatted blocks of varied design. The flatted blocks tend to range in height between 3 and 4 storeys.
1.9	Vehicular access to the site from Romsey Road is shared with the adjacent residential development and commercial stores located to the south.
1.10	The accessibility areas map (Figure 5 of the Southampton City Council- Parking Standards Supplementary Planning Document (SPD)), (Appendix 2) shows that the site is within 600m of a high accessibility area.
2.	<u>Proposal</u>
2.1	The application seeks full planning permission for the redevelopment of the site to form a three storey hotel fronting onto Romsey Road. Amended plans have been received since validation and public consultation in order to remove the previously proposed fourth floor; thereby removing officer's concerns regarding design/character, impact on neighbours (shading/overbearing) and car parking pressure as a consequence of reducing the number of bedrooms within the building from 101 to 73.
2.2	Within the building; along with 73 guest bedrooms, there would be a restaurant/lounge/reception area, cycle storage and associated back of house facilities for staff. The application provides 34 car parking spaces on site for customers and staff. The site would also be landscaped with 7 protected trees retained on site.
2.3	Servicing will take place from the rear of the site and there will be a potential new 19 jobs created as a direct result of the development.
3.	<u>Relevant Planning Policy</u>
3.1	The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan

(adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1.**

3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

3.3 The National Planning Policy Framework (NPPF) was revised in February 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.4 Paragraph 105 of the NPPF indicates that local parking standards for residential and non-residential development should take into account:

a) the accessibility of the development;

b) the type, mix and use of development;

c) the availability of and opportunities for public transport;

d) local car ownership levels; and

e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

3.5 Furthermore paragraph 106 of the NPPF indicates that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework).

3.6 Policy CS19 of the Core Strategy is the relevant local plan policy relating to parking standards and indicates that parking for all development in Southampton must have regard to the Council’s maximum car parking and minimum cycle parking standards which will be set out in a Supplementary Planning Document.

3.7 The Council’s Maximum Car Parking Standards require a maximum of 1 car parking spaces per hotel bedroom in this part of Southampton which would represent a maximum of 73 spaces for this hotel proposal. It should however be noted that the Parking Standards SPD indicates that provision of less than the maximum parking standard is permissible. Developers are required to demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum permissible amount, or a lower quantity. 34 car parking are proposed to serve the proposed hotel which represents less than the maximum standards and evidence including a parking survey has been provided to support the level of car parking and to demonstrate that any parking overspill will not lead to adverse on street parking stress.

4.	<u>Relevant Planning History</u>
4.1	Prior approval for the change of use of Compass House from its current use as offices to 245 residential flats (use class C3) was originally approved in May 2016 (app. ref.: 16/00233/PA56). The scheme was then resubmitted with minor changes to its layout in 2017 and the application was subsequently approved in March 2017 (app. ref.: 17/00178/PA56). A further prior approval application (ref 18/01012/PA56) was submitted in 2018 to ensure that the scheme did not expire, approval was granted in September 2018.
4.2	Planning application 18/01644/FUL was recommended for approval by the Planning Panel on 2 nd April 2019. The application sought the erection of an additional fourth floor to facilitate 19 flats (11x1 bed, 3x2 bed and 5x3 bed units) with associated car parking. 225 spaces would therefore be shared between 245 flats, approved under 17/00178/PA56, and the proposed 19 flats. Cycle storage is also provided.
4.3	There is also an application currently under consideration which seeks the extension of the ground floor by infilling the existing undercroft area of Compass House and flexible change of use to provide 330sqm of additional A1, A2, A3, B1(a), D1 or D2 (Gymnasium) floorspace. The commercial unit would be allocated 9 customer car parking spaces, two staff car parking spaces and a dedicated servicing area (18/02319/FUL refers).
4.4	Outline planning permission was granted in relation to the wider Ordnance Survey site in December 2010 under application 07/01700/OUT. Permission was granted for the principle of access and layout for the redevelopment of the site to provide a mixed use scheme comprising refurbishment of Compass House for business use (Class B1); a new business enterprise centre (Class B1) new light/general industrial unit (Class B1/B2); new retail and food & drink use (Classes A1, A3, A4 & A5); new nursing home/clinic/surgery (Class C2/D1); open space and 495 residential units (361 flats and 134 houses).
4.5	The site was subsequently split into three, one of which retaining Compass House, all developments surrounding Compass House have now been completed in accordance with the following permissions:
4.6	In June 2012 full planning permission was granted for the 'west' sector of the former Ordnance Survey site. The planning application was made by Taylor Wimpey (11/01994/FUL) and the permission granted the redevelopment of the site to provide 193 dwellings (113 houses and 80 flats) within 2, 3 and 4 storey buildings and conversion of Crabwood House with associated access, parking and landscaping works.
4.7	In November 2012 planning permission was granted under application 12/01029/OUT for the redevelopment of the site to provide 179 new dwellings (90 flats and 89 houses), Offices and /or Healthcare (Class B1office - up to 1,742 square metres and Healthcare up to 836square metres), shops (Class A1), restaurants and cafes (Class A3) and drinking establishments (Class A4 -

combined floor space of 1,394 square meters) Outline application seeking approval for layout and access.

4.8 For the southern phase of the east sector reserved matters were approved in November 2013 under application 13/00304/REM: Application for reserved matters approval (appearance, scale and landscaping) for 141 dwellings in two and three-storey buildings pursuant to outline planning permission reference 12/01029/OUT granted 6 November 2012.

4.9 The application was subsequently amended by application 13/00304/REM which was granted in June 2013: Application for reserved matters approval (appearance, scale and landscaping) for 141 dwellings in two and three-storey buildings pursuant to outline planning permission reference 12/01029/OUT granted 6 November 2012.

4.10 The final phase of the development (east sector, north phase) was granted in June 2014 (13/01789/FUL): Erection of two and three storey buildings to provide 66 dwellings (44 houses and 22 flats), a retail unit (Class A1 - 453 square metres) and a single-storey retail/café unit (Class A1/A3 - 164 square metres) with associated parking and landscaping, a new public park and new vehicle and pedestrian access from Romsey Road and a new pedestrian access from Wimpson Lane.

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 03.05.2019 and erecting a site notice 26/04/2019. At the time of writing the report **36 representations** have been received from surrounding residents and ward Councillors. The following is a summary of the points raised:

5.2 ***Highway congestion and car parking pressure/insufficient car parking. Loss of car parking spaces currently on site.***

Response: In response to these concerns, and also partly due to concerns over the height of the building, the fourth floor has been removed and thus the number of bedrooms within the hotel have reduced from 101 to 73 (a net reduction of 28). Council Highways Officers have reviewed the transport related information submitted with the application and do not oppose the scheme on the basis of 34 car parking spaces being provided. The maximum number of spaces permissible would be 1 space per bedroom (a total of 73 spaces). The scheme therefore provides less than the maximum permissible. However the Council's Parking Standards SPD indicates that less than the maximum parking standard is permissible. The application is supported by TRICS data (evidence of parking level occupancy for hotels in comparable edge of town centre location elsewhere) and a parking survey to demonstrate that the amount of parking provided will be sufficient.

The parking beat survey was undertaken on 24/25 October 2019 (during term time) at 00:30 and suggests 260 of the 369 available spaces were vacant on 24th

October and 243 of the 369 available spaces were vacant on 25th October. The Council's Highways Officer has dismissed most of these spaces but still concludes that there is a reasonable space capacity.

5.3 **Poor public transport links**

Response: There are bus stops within close proximity to the site on Romsey Road with regular services in operation and the site is within 600m of a high accessibility area and Shirley Town Centre is 0.8miles to the south east.

5.4 **The use is not sympathetic to the surrounding area which is characterised by family housing.**

Response: Planning policies do not prevent hotels being operated close to family dwellings. It is not unreasonable to site a hotel in this location especially given the employment allocation for the site and the historic commercial use of the site. Hotel and residential uses are deemed to be compatible uses which share similar impacts in planning terms.

5.5 **Highways safety.**

Response: Existing parking controls are in place to prevent any overspill parking impacting on highway safety. Where necessary site specific highway works required to offset the impact of the development and maintain highways safety will be delivered through the Section 106 legal process. The proposal includes space on site to ensure that the hotel can be adequately serviced. Provided vehicle drivers behave reasonably there will be no increased potential for accidents on the highway. The proposal does not include changes to the highway or private land that would cause or increase highway danger.

5.6 **Overshadowing properties on opposite side of Romsey Road.**

Response: The building height has been reduced to 3-storeys and this coupled with a separation distance of circa 20m across Romsey Road will ensure that harmful shadowing would not occur having regard to BRE daylight and sunlight standards.

5.7 **Neighbouring privacy.**

Response: The distance separating the site from properties on the opposite side of Romsey Road is deemed sufficient to prevent harmful loss of privacy from occurring. It is not uncommon for three storey properties to be positioned on the opposite side of public highways from two storey properties in urban locations.

5.8 **Overdevelopment of the site.**

Response: Adequate facilities can be provided on site to accommodate and service the development; and to ensure that an acceptable environment is created without harming neighbouring amenity or the visual quality of the local environment. The proposal also results in a decrease in site coverage by hardstanding and will provide the opportunity to increase the amount of soft landscaping on the site.

5.9	<i>Antisocial behaviour, noise and litter.</i>
	Response: The Council must plan with reasonable behaviour in mind. Harmful noise is unlikely to be generated from the site provided that occupants behave reasonably and the site is managed by staff in a reasonable manner. Control of noise and anti-social behaviour is also covered by separate legislation managed by the police and environmental health officers.
5.10	<i>Loss of trees</i>
	Response: The scheme has been amended with retention of all seven of the existing protected trees and, therefore, the tree team no longer oppose the development.
5.11	<i>Air pollution.</i>
	Response: The site is not located within an air quality management area. The proposed scheme for a hotel and will have a negligible impact on overall air pollution within this area. There is a Separate legislation is used to control air pollution from domestic appliances and private motor vehicles. Furthermore the development proposal provides a net reduction of 72 car parking spaces on site which may reduce the levels of nitrogen dioxide in the area.
	<u>Consultation Responses</u>
5.12	SCC Highways: The undated survey uses the Lambeth Methodology and expands the survey area from 200m to 500m walking distance from the site because the scheme is commercial rather than residential. The survey area contains a total of 369 potential car parking spaces.
5.13	The Lambeth methodology however, allows for 'common sense' when considering the extent of the survey area. In taking the common sense approach the Council's Highways Team have discounted 293 spaces leaving 76 car parking spaces that are considered as reasonable to be used by customers of the hotel. This common sense approach is not solely based on distance but includes factors such as the walking route, how visible the site is from each parking area and the crossings over busy roads that would be involved.
5.14	The survey does not take account of time restricted parking bays as they would be impractical for hotel customers. Private roads were also not considered as these are not guaranteed to be 'unrestricted'. Romsey Road is not considered due to nature of the road: traffic speeds and road width suggest that parking would result in a highway hazard and/or obstruction, although it is acknowledged that there are some available spaces which legally can be parked on. For this reason, the S106 highway requirements will likely require the scheme to install parking restrictions (double yellow lines) along this stretch of Romsey
5.15	Of those 76 spaces on Thursday 24 th October there were 42 available and on Friday 25 th October there were 39. When added to the 34 available space on the site this equates to 76 on Thursday 24 th October and 73 on Friday 25 th October. This figure would be sufficient to allow 1 for 1 parking on the basis of a 73

	bedroom hotel and therefore the scheme would achieve compliance with the parking standards SPD.
5.16	The data provided by the applicant within the parking survey and parking prediction data generated by the TRICS database both support view that there is sufficient parking for the proposed hotel
5.17	Servicing can also be achieved on site
5.18	No objection is raised subject to conditions and planning obligations to deliver site specific highways.
5.19	SCC Employment and Skills Plan Manager: An Employment and Skills Plan obligation will be required via the S106 Agreement.
5.20	SCC Urban Design Manager: No objection to the design or appearance of the hotel building. In landscape terms the preference is for at least one ultimately very large tree species to be planted within the entrance space to the south of the hotel entrance and as shown we should expect this space to have seating to allow it to be used as a public space. It is regrettable that this space still has a small number of parking spaces and I still remain of the view that this should be a unified 'public' space.
	OFFICER RESPONSE: A balance is needed between providing car parking on site to reduce offsite car parking and public space/landscaping.
5.21	SCC Planning Policy: Sequential approach is acceptable. No objection to the principle of the development.
5.22	SCC Sustainability: No objection, apply recommended BREEAM and Zero or Low Carbon Energy Sources conditions.
5.23	SCC Environmental Health (Pollution & Safety): No objection, apply recommended conditions including hours of construction, construction environment management, control of noise (plant equipment) & refuse storage.
5.24	SCC Environmental Health (Contaminated Land): No objection, apply recommended conditions including contaminated land investigation & remediation, no import onto site of contaminated soils and unsuspected contamination.
5.25	SCC Archaeology: No objection, apply recommended conditions including archaeological investigation, evaluation and further works as necessary.
5.26	SCC Flood Risk Management: At the time of writing the appeal an objection has been raised however it is anticipate that the objection will be removed once the consultant has reviewed the additional information received from the applicant. Planning panel will be updated accordingly.

5.27	SCC Trees: Amended plans have been received which result in the retention of all seven protected trees on site albeit with pruning required. No objection subject to recommended conditions including Arboriculture methodology and protection measures.
5.28	Southern Water: No objection, apply recommended conditions and informative.
5.29	SCC Ecology: No objection in principle however, additional information is required to assist in the production of a Habitats Regulations Assessment (HRA) (nutrient loads). Should approval be granted apply recommended conditions to secure ecological enhancements. Recommend conditional approval subject to completion of HRA.
5.30	<p>Natural England:</p> <p>As submitted, the application could have potential significant effects on Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SAC), Hythe to Calshot Marshes Site of Special Scientific Interest (SSSI) and New Forest SPA, SAC and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Natural England require an ecological assessment of impacts of the operational phase of the development on potentially impacted designated sites. Without this information, Natural England may need to object to the proposal.</p> <p>OFFICER RESPONSE: A nutrient budget calculation has been provided to inform the Habitats Regulations Assessment; attached as appendix 3.</p>
6.	<u>Planning Consideration Key Issues</u>
6.1	<p>The key issues for consideration in the determination of this planning application are:</p> <ul style="list-style-type: none"> - The principle of development; - Design and effect on character; - Residential amenity; - Parking highways and transport ; - Trees and ecology; - Flood risk; - Mitigation of direct local impacts; and - Likely effect on designated habitats.
	<u>Principle of Development</u>
6.2	Notwithstanding the existing planning consents and development across the former Ordnance Survey site; and more recent policies favouring provision of commercial floor space/employment uses in the City Centre, the policy allocation REI9 for the site remains employment. As a hotel use does provide 'employment'

opportunities the scheme is considered to comply with the policy designation in principle as confirmed by SCC Planning Policy.

6.3 The NPPF (2019) and Core Strategy policy CS3 applies a sequential approach to main town centre uses, including hotel uses. This seeks to direct proposals to city, town or district centres if there are sites which are available, viable and suitable. The applicant has undertaken a sequential assessment for the western sector of the city. Following further dialogue the applicant has provided further evidence that indicates it's reasonable to assume a significant proportion of the hotel's custom - perhaps around 60% - will relate to demands from the western side of the city. This covers a significant population / employment base and will cover hotel stays related to for example visiting friends / wedding guests, hospital visits, and contractors (re employment estates, etc). The city and wider area cannot be separated into discreet hotel market areas, and some demands met by this hotel could no doubt be met by a city centre hotel. However the evidence provided is considered to be reasonable and indicates this proposal will, to a significant extent, meet demands relating to the more local and substantial population / employment base and general hospital, all in the western part of the city. For this reason Planning Policy agree the sequential approach did not need to consider city centre sites. It is also worth noting the proposal is on a main bus route.

6.4 The NPPF requires planning decisions to promote an effective use of available land. Development of the site has the potential to improve the site's appearance through building design & landscaping, increase flood mitigation by removing impermeable hard surfacing & incorporating sustainable urban drainage systems, improvements to site biodiversity and by creating employment opportunities.

6.5 Accordingly there are no policy reasons to oppose the development in principle.

Design and effect on character

6.6 Whilst the dominant character of buildings in the area is two storey family dwelling houses the immediate surrounding context has no uniform character. On the opposite side of Romsey Road two storey family dwelling houses dominate however to the north there is a part four/part three storey residential block (1 – 41 Colby Street). To the west is Compass House which is a four storey building, although permission has been granted for an additional storey. To the south is a mixed use three storey block with another three storey block forming the corner of Romsey Road and Wimpson Lane. Each of the developments include a mix of designs and materials adding to the varied site context.

6.7 The bulk, scale and mass of the proposed hotel, as amended, is now considered acceptable as the three storey height reflects the three storey height of buildings to the north and south and the proposal. Furthermore the hotel would not exceed the height of the Compass House building. The width of the hotel building is considered acceptable because it does not exceed the width of the Compass House building.

6.8	As there is no uniform character to the buildings within the vicinity the simple contemporary design and use of materials proposed is also considered acceptable
6.9	The scheme is also deemed to be a significant improvement over the existing site appearance and layout as a car park. The proposal allows the opportunity to improve the landscape character of the site. All protected trees will be retained and additional tree planting is proposed.
	<u>Residential amenity</u>
6.10	The development would not cause adverse ant harm in terms of overshadowing, privacy or visual impact to neighbouring amenity due to the distance between the site and the closest residential properties (between 25m & 27m for the properties on the opposite side of Romsey Road and between 17.5m and 24m for the potential future dwellings within Compass House). Conditions relating to construction management and hours of work are also recommended to prevent unreasonable harm to residents during the construction phase.
6.11	As such the proposal is considered to be acceptable in terms of its impact on nearby residential amenity and accordingly is deemed compliant with policy SDP1(i).
	<u>Parking highways and transport</u>
6.12	The proposal is for 73 hotel bedrooms located within an urban area. The proposed number of hotel bedrooms is not anticipated to have a significant impact on the highway network or highways safety. Where necessary site specific highways contributions can be secured through the section 106 legal agreement to mitigate the impact of the development in highways safety terms.
6.13	The site is also well served by public transport and is within walking distance of a high accessibility zone leading from the junction of Romsey Road and Wimpson Lane and leading to Shirley Road.
6.14	As car parking is a key determinant in the choice of mode of travel high levels of car parking results in higher car usage and therefore by providing more car parking on site it is expected to lead to greater highways congestion given that more customers are likely to choose to travel to the hotel by car. The information held within the TRICS database, which has been interrogated by the Highways Consultant working on behalf of the applicant and the Council's Highways Officer, supports this view. Not everyone will drive to this site. The TRICS Database provides trip generation analysis for developments so that informed assumptions of trip generation for proposed development can be formulated. The updated car parking survey (submitted 31/10/2019) also demonstrates that there is capacity for overspill parking within established streets (within a 500m walking distance from the application site), if necessary, however owing to interrogation of the TRICS database information it is not anticipated that significant overspill parking will frequently occur to a degree that will be harmful to the amenity of local residents. The parking survey area has been extended to 500m owing to the

commercial, rather than residential, nature of the development. The applicant considers it reasonable to extend the car parking survey area wider than the usual 200m walkable distance area used in residential development assessments because visitors to commercial uses/development can be expected to be more willing to walk a further distance from parked vehicles to their destination. A summary of the submitted parking survey will form part of the officer's presentation to the Panel (and is available online) but concludes that there is spare capacity. The Council's Highways officer disagrees that all of the available spaces should be included but that, nevertheless, some 30 plus spaces could be found within suitable and convenient streets near to the hotel. This analysis excludes the private estate and including Mercator Close.

6.15 Servicing can be achieved on site and tracking diagrams have been provided to demonstrate access by servicing vehicles.

6.16 The site is in an area with good access to public transport infrastructure with two bus stops being within 300m walk of the site and 600m from a high accessibility area.

6.17 Cycle storage is also provided on site for visitors, staff and customers – with staff shower facilities provided.

On balance officers accept that the majority of customers will arrive by car but that some will arrive by public transport/taxi. Whilst we do not accept the applicants findings that there are between 243 and 260 available off-site parking spaces there is some capacity to deal with the likely overspill and the parking provision can be supported on this basis.

Trees and Ecology

6.18 The site has at present negligible intrinsic biodiversity value and the proposal provides the opportunity for biodiversity enhancements including native planting and the provision of tree mounted bird and bat boxes.

6.19 All 7 seven protected trees on site will also be retained and tree planting is proposed within the indicative landscaping scheme.

Flood Risk

6.20 The proposal represents an opportunity to improve drainage, flood prevention and mitigation on site by the incorporation of a sustainable urban drainage system.

Mitigation of direct local impacts

6.21 The proposed development is required to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a

development of this scale, an extensive package of contributions and obligations is proposed as part of the application. The scheme triggers the need for site specific highways works.

Likely effect on designated habitats

6.22 The proposed development, has been screened as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 3**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of (equivalent to 5% of any CIL (had the scheme been for a residential development and thus CIL liable) taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites. An updated Habitats Regulations Assessment has been included as an appendix to this report:-

7. Summary

7.1 Overall the scheme is acceptable and the level of development proposed will not result in significant material impact on the amenities enjoyed by surrounding occupiers or the character and appearance of the area. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

7.2 Approval of the scheme will secure development that will increase the efficiency of this brownfield site, improve the site's appearance through building design & landscaping, increase flood mitigation by removing impermeable hard surfacing & incorporating sustainable urban drainage systems, improvement biodiversity and create employment opportunities. These positive aspects of the proposal are judged to outweigh the impact on neighbouring and nearby residential amenity caused by the potential for overspill parking.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

<u>Local Government (Access to Information) Act 1985</u>
<u>Documents used in the preparation of this report Background Papers</u>
1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(g), 6(a), 6(b).
MP for 15/10/19 PROW Panel
<u>PLANNING CONDITIONS</u>
1. Full Permission Timing Condition (Performance)
The development hereby permitted shall begin no 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).
2. Approved Plans [Performance Condition]
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.
3. Restricted Use (Performance)
Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (Hotel, use class C1) and not for any other purpose.
Reason: In the interest of the amenities of neighbouring occupiers.
4. Details of building materials to be used [Pre-Commencement Condition]
Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, balcony balustrading, the roof of the proposed building and the boundary treatment/privacy screen serving the amenity space pursuant to any other conditions listed within this decision notice. 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. Development shall be implemented only in accordance with the agreed details.
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.
5. Details of external appearance
No development shall take place until detailed drawings to a scale of 1:20 showing a typical section of glazing, roof construction and roof drainage has been submitted to and approved

in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

To ensure satisfactory design of the building.

6. No other windows or doors other than approved (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

7. Obscure Glazing (Performance Condition)

All windows serving the accessible rooms facing west, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

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

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. Means of enclosure, proposed boundary treatment, retaining walls,
- ii. car parking layouts,
- iii. other vehicle pedestrian access and circulations areas,
- iv. hard surfacing materials,
- v. structures and ancillary objects (refuse bins, benches, lighting columns etc.),
- vi. 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;
- vii. a landscape management scheme.

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.

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.

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

9. Piling (Pre-Commencement)

<p>Prior to the commencement of development hereby approved, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.</p>
<p>Reason: In the interest of residential amenity.</p>
<p>10. On site vehicular parking 34 spaces [Pre-Occupation Condition]</p>
<p>The 34 approved vehicular parking spaces (measuring at least 5m x 2.4m) and adjacent vehicular manoeuvring space (measuring at least 6m wide) shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the hereby approved development. Throughout the occupation the development hereby approved the parking spaces and manoeuvring space adjacent shall not be used for any other purpose.</p>
<p>Reason: To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed; and to remove confusion of occupants in the interests of discouraging car ownership by a large proportion of residents by not providing car parking spaces free for any occupant to use.</p>
<p>11. Security gate [Pre-Commencement Condition]</p>
<p>Prior to the occupation of the development the car park must be secured by an electric gate, the details of which (including its design how it will be operated) will be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in accordance with the approved details and the approved security gate shall be maintained in perpetuity.</p>
<p>The gates to the vehicular access shall be closed and securely locked during times of the day when the access is not in use by guests, staff or for servicing purposes.</p>
<p>Reason: To avoid unauthorised use by non-guests/staff/for servicing purposes, to improve security and in the interests of residential amenity.</p>
<p>12. Service bay restriction [Performance Condition]</p>
<p>Before the development hereby approved first comes into occupation, the servicing area shall be provided in accordance with the plans hereby approved and thereafter retained as approved. At all times the servicing bay shall be retained for servicing purposes only and shall not be used for alternative car parking purposes or storage uses.</p>
<p>Reason: To ensure that adequate space is retained on site for servicing purposes and to prevent obstruction of the highway.</p>
<p>13. Service bay signage [Pre-Occupation Condition]</p>
<p>Prior to the occupation of the hereby approved development signage and marking out of the restricted servicing area shall be installed to identify the purpose and restriction of the servicing bay in accordance with details to first be submitted to and approved in writing by the local planning authority.</p>
<p>Reason: To ensure that adequate space is retained on site for servicing purposes and to prevent obstruction of the highway.</p>
<p>14. Cycle storage facilities [Performance Condition]</p>
<p>Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with the plans hereby approved and thereafter retained as approved. At all times 1 dedicated cycle storage space per ten employees and 1 dedicated cycle storage space per 10 beds shall be retained and made</p>

available for customers and staff and those cycle storage spaces shall be retained for that purposes thereafter in perpetuity.

Reason: To encourage cycling as an alternative form of transport.

15. Refuse & Recycling [Performance Condition]

Before the development hereby approved first comes into occupation, the storage of refuse and recycling shall be provided in accordance with the hereby approved plans and the details listed below, and thereafter retained as approved.

- The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.
- Internal lighting must operate when doors are open.
- Tap and wash down gully must be provided with suitable falls to the floor.
- Internal doors/walls/pipework/tap/conduits must be suitably protected to avoid damage caused by bin movements.
- The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m.
- The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used.
- A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.
- The developer must contact the City Council's refuse team eight weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. Email waste.management@southampton.gov.uk.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

16. Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

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

17. Archaeological evaluation work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with the written scheme of investigation submitted by email on 2 May 2019 and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

18. Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

19. Archaeological work programme (further works) [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.	
20. Ecological Mitigation Statement (Pre-Commencement)	
Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted AIN; with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.	
Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.	
21. Noise control, plant equipment. (Pre-Commencement)	
No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment 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. Construction Management Plan [Pre-Commencement]	
Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:	
(a)	parking of vehicles of site personnel, operatives and visitors;
(b)	loading and unloading of plant and materials;
(c)	storage of plant and materials, including cement mixing and washings, used in constructing the development;
(d)	treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
(e)	measures to be used for the suppression of dust and dirt throughout the course of demolition and construction;
(f)	details of how noise emanating from the site during construction will be mitigated.
The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.	
Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.	
23. Hours of work for Demolition / Clearance / Construction (Performance)	
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 to 18:00 hours
Saturdays	09:00 to 13:00 hours

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.
24. Land Contamination investigation and remediation (Pre-Commencement & Occupation)
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.
25. Use of uncontaminated soils and fill (Performance)
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.
26. Unsuspected Contamination (Performance)
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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

27. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

28. BREEAM Standards (Pre-Commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage report, is 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).

29. BREEAM Standards [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 Excellent against the BREEAM Standard, in the form of post construction assessment and certificate as issued by a legitimate BREEAM 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).

30. Zero or Low Carbon Energy Sources (Pre-Commencement Condition)

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO2 emissions of at least 12.5% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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).

31. Tree Retention and Safeguarding (Pre-Commencement Condition)

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the

development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period. I020 - No storage under tree canopy (Performance)

32. Arboricultural Method Statement (Pre-Commencement Condition)

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

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

33. Arboricultural Method Statement (Performance)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement including the tree protection measures throughout the duration of the demolition and development works on site.

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

34. Arboricultural Protection Measures (Pre-Commencement)

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

1. Induction and personnel awareness of arboricultural matters
2. Identification of individual responsibilities and key personnel
3. Statement of delegated powers
4. Timing and methods of site visiting and record keeping, including updates

5. Procedures for dealing with variations and incidents.
Reason: To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees
35. Restricted use of flat roof area (Pre-commencement Condition)
The roof area of the extension hereby approved which incorporates a flat roof surface, and the flat roof of the original/existing building not proposed to be used as private roof terraces for the occupants of the hereby approved flats shall not be used as a balcony, terrace, roof garden or similar amenity area, or for any storage purposes without the grant of further specific permission from the Local Planning authority.
Reason: In order to protect the privacy of adjoining occupiers in line with Local Plan policy
36. Sustainable Drainage Systems (Pre-Commencement)
Prior to the commencement of development a specification for the proposed sustainable drainage system (including green roofs) shall be submitted to the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.
Reason: To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.
37. Surface / foul water drainage (Pre-commencement)
No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.
Reason: To ensure satisfactory drainage provision for the area.
38. External Lighting Scheme (Pre-Commencement)
Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.
Reason: In the interest of residential amenity/to minimise the impact on protected species.
39. Wheel Cleaning Facilities (Performance)
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.
40. Staff showings facilities [Performance Condition]

Before the development hereby approved first comes into occupation, show/washing/changing facilities shall be made available on site for staff to use in accordance with the approved plans and thereafter retained as approved for those purposes

Reason: To encourage cycling and walking as an alternative form of transport.

41. Limited number of hotel bedrooms [Performance Condition]

The hotel hereby approved shall at no time have more than 73 bedrooms unless further planning permission is obtained.

Reason: In the interests of local residential amenity and in particular to restrict the potential for overspill car parking.

42. Service bay restriction [Performance Condition]

Notwithstanding the approved plans prior to the occupation of the development hereby approved details of taxi drop off and pick up points serving the hotel shall be submitted to and approved in writing by the local planning authority. Once approved the taxi drop off and pick up points within the development shall operate in accordance with the approved details in perpetuity.

Reason: To ensure that adequate space is retained on site for taxi drop off and pick up and to therefore encourage use of alternative modes of transport to the private motor car for customers and staff.

This page is intentionally left blank

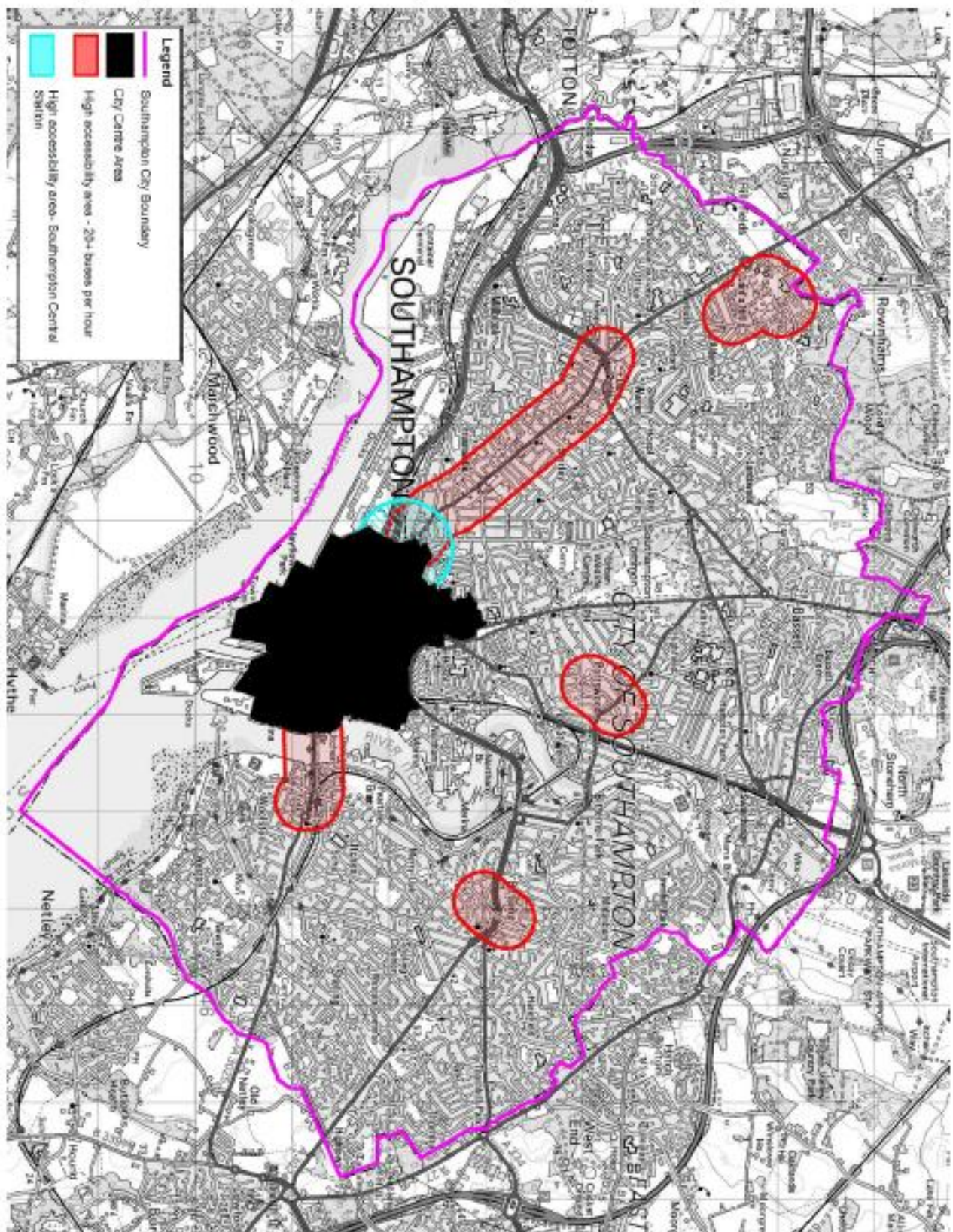
Agenda Item 5

Appendix 1

Application	19/00726/FUL
<u>POLICY CONTEXT</u>	
<u>Core Strategy - (as amended 2015)</u>	
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions
<u>City of Southampton Local Plan Review – (as amended 2015)</u>	
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
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
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE6	Archaeological Remains
<u>Supplementary Planning Guidance</u>	
Planning Obligations (Adopted - September 2013)	
Parking Standards SPD (September 2011)	
<u>Other Relevant Guidance</u>	
The National Planning Policy Framework (2019)	
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)	

This page is intentionally left blank

Southampton City Council Parking Standards Supplementary Planning Document (SPD)



This page is intentionally left blank

Agenda Item 5

Appendix 3

Application	19/00726/FUL	APPENDIX 3
Habitats Regulations Assessment (HRA)		

Application reference:	19/00726/FUL
Application address:	Compass House Romsey Road, Southampton
Application description:	Re-development of the site to create a four-storey hotel containing 101 rooms with associated works.
HRA completion date:	14/10/2019

HRA completed by:	
Lindsay McCulloch	
Planning Ecologist	
Southampton City Council	
Lindsay.mcculloch@southampton.gov.uk	

Summary
<p>The project being assessed is a new 101 bed hotel. The development is located approximately 1.83km from the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site and approximately 6.3km from the New Forest Special Area of Conservation (SAC), SPA and Ramsar site.</p> <p>The site was previously a car park. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site, and also the release of additional nitrogen and phosphorous, via waste water, which could affect the features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

Section 1 - details of the plan or project	
European sites potentially impacted by plan or project:	<ul style="list-style-type: none"> ▪ New Forest Special Area of Conservation (SAC)
European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at	<ul style="list-style-type: none"> ▪ New Forest Special Protection Area (SPA) ▪ New Forest Ramsar site ▪ Solent Maritime SAC ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar Site
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No – the development consists of a new hotel which is neither connected to, nor necessary for, the management of any European site.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq. m of office floorspace and 462,000 sq. m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 15,610 net additional dwellings across the city between 2016 and 2035 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of Compass House site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a</p>

	sizeable increase in population and economic activity.
--	--

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

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

The proposed development is located 1.83km to the east of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar and 1.85km to the east of the Solent Maritime SAC whilst the New Forest SAC, SPA and Ramsar site are approximately 6.3km to the south.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.

The following mitigation measures have been proposed as part of the development:

- New Forest Mitigation
 - Agreed contribution of £2346.5752, will be ring fenced for footpath improvements in the Shoreburs and Weston Greenways and Peartree Green Local Nature Reserve;
 - Agreed contribution of £586.6438, will be allocated to the New Forest National Park Authority Habitat Mitigation Scheme;
- A contribution of £ £11,764 towards the Solent Recreation Mitigation Partnership;

The development will result in an annual increase of 67.2kg/TN/yr which will be added to the levels of nitrogen to be addressed by a strategic mitigation scheme once one has been developed.

Conclusions regarding the likelihood of a significant effect

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

The project being assessed would lead to the provision of a 101 bed hotel located approximately 1.83km from the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, 1.85km from the Solent Maritime SAC and 6.3km from the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site

The site was previously a car park. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site. In addition, waste water generated by the development could result in the release of nitrogen and phosphate into the Solent leading to adverse impacts on features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site.

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

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

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

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

The conservation objective for Special Areas of Conservation is to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

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

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

PERMANENT, OPERATIONAL EFFECTS.

Recreational disturbance

Human disturbance of birds, which is any human activity which affects a bird's behaviour or survival, has been a key area of conservation concern for a number of years. Examples of such disturbance, identified by research studies, include birds taking flight, changing their feeding behaviour or avoiding otherwise suitable habitat. The effects of such disturbance range from a minor reduction in foraging time to mortality of individuals and lower levels of breeding success.

New Forest SPA/Ramsar site/ New Forest SAC

Although relevant research, detailed in Sharp et al 2008, into the effects of human disturbance on interest features of the New Forest SPA/Ramsar site, namely nightjar, *Caprimulgus europaeus*, woodlark, *Lullula arborea*, and Dartford warbler *Sylvia undata*, was not specifically undertaken in the New Forest, the findings of

work on the Dorset and Thames Basin Heaths established clear effects of disturbance on these species.

Nightjar

Higher levels of recreational activity, particularly dog walking, has been shown to lower nightjar breeding success rates. On the Dorset Heaths nests close to footpaths were found to be more likely to fail as a consequence of predation, probably due to adults being flushed from the nest by dogs allowing predators access to the eggs.

Woodlark

Density of woodlarks has been shown to be limited by disturbance with higher levels of disturbance leading to lower densities of woodlarks. Although breeding success rates were higher for the nest that were established, probably due to lower levels of competition for food, the overall effect was approximately a third fewer chicks than would have been the case in the absence of disturbance.

Dartford warbler

Adverse impacts on Dartford warbler were only found to be significant in heather dominated territories where high levels of disturbance increased the likelihood of nests near the edge of the territory failing completely. High disturbance levels were also shown to stop pairs raising multiple broods.

In addition to direct impacts on species for which the New Forest SPA/Ramsar site is designated, high levels of recreation activity can also affect habitats for which the New Forest SAC is designated. Such impacts include trampling of vegetation and compaction of soils which can lead to changes in plant and soil invertebrate communities, changes in soil hydrology and chemistry and erosion of soils.

Visitor levels in the New Forest

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

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

The application site is located 6.3km from the nearest part of the New Forest SPA and Ramsar site and 4.9km from the National Park boundary in terms of linear distance and as such, residents of the proposed hotel would appear to fall into the category of local day visitors.

Characteristics of visitors to the New Forest

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.

(Source: www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs.

Car parking and accessibility

The development consist of a 101 bed hotel with a limited amount of on-site car parking spaces. With just 34 spaces and no further parking available locally, only a third of the rooms will benefit from a car parking space. Data gathered as part of the visitor survey undertaken by Footprint Ecology in 2008 clearly indicated that the majority of visitors travel to the New Forest by car. Assuming the hotel is operating at full capacity, the majority of visitors will not fit this profile.

Visiting the New Forest National Park using public transport

Should visitors choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Direct travel from the hotel to the designated areas is not possible and visitors must first make their way to the train or bus stations in Southampton city centre. From here it is possible to use train and bus services to access the New Forest however, these services serve the

urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

Table 1 Train services from Southampton Central to New Forest Locations

Destination	Service frequency (outside of peak hours)	Journey time
Ashurst	1 service per hour	10 mins
Beaulieu Road	6 services between 0900-1800	14 mins
Lyndhurst	No service	
Brockenhurst	4 services per hour	16 mins
Lymington	2 services per hour (change at Brockenhurst)	20 mins
Burley	No service	

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed hotel the process is complicated and likely to be costly for visitors without cars. It is therefore reasonable to conclude that the number of visits is likely to be low as visitors wishing to visit the New Forest are likely to choose accommodation that is more conveniently located.

Mitigation

Although the likely frequency of recreational visits to the New Forest, arising from the proposed development is low, there is still the risk of recreational impacts. Southampton City Council has therefore agreed to take a financial contribution of £2933.21, which is equivalent to 5% of the Community Infrastructure Levy (CIL) fee that would be paid had the development been for residential use (Hotel developments are not CIL liable) to be used to mitigate potential impact.

The majority of this money, equivalent to 4% of the CIL fee, (**£2346.5752**) will be used to upgrade footpaths and infrastructure in the City's greenways. The

greenways are a series of wooded stream valleys within Southampton's urban area which provide opportunities for walks in a semi-natural environment.

However, even with good quality walking routes available within Southampton, the New Forest's draw as a special destination is likely to attract visitors from the Compass House development. It is therefore proposed that a financial contribution of **£586.6438** (equivalent to 1% of the CIL figure) will be used to fund the New Forest National Park Habitat Mitigation Scheme. This scheme involves the following elements:

- Access management within the designated sites.
- Alternative recreation sites and routes outside the designated sites.
- Education, awareness and promotion.
- Monitoring and research.

Solent and Southampton Water SPA/Ramsar site

In 2008 the Council adopted the Solent Disturbance Mitigation Project's mitigation scheme, in collaboration with other Councils within the Partnership for Urban South Hampshire, in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA and Ramsar site. This enables financial contributions to be made by developers to fund appropriate mitigation measures. The level of mitigation payment required is linked to the number of bedrooms within the properties.

Assuming the hotel always contains a number of visitors there will be a net increase in population of the city is likely which could lead to significant impacts on the Solent and Southampton Water SPA. There is therefore the risk that the development, in-combination with residential developments across south Hampshire, could lead to recreational impacts upon the Solent and Southampton Water SPA. The likelihood of recreational impacts occurring is clearly linked to visitors' ability to access the coast. Results from the Solent Disturbance & Mitigation Project visitor survey, Fearnley, H., Clarke, R. T. & Liley, D. (2011), indicated that 52% of visitors arrived by car. Consequently, residents occupying rooms without car parking will have a low likelihood of visiting the coast.

The hotel is unlikely to be fully occupied all the time and, even when it is, only 34 rooms will benefit from parking spaces it is proposed to apply the one bedroom flat rate to those rooms that would have access to a car parking space. Calculations of the SRMP contribution for the development are shown below.

Size of Unit	Scale of Mitigation per Unit	Number of units	Total
1 Bedroom	£346	34	£11,764
	Total		£11,764

It is considered that, subject to a level of mitigation, which has been calculated as a total of £11,764 being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

Water quality

In their letter date 6th September 2018, Natural England highlighted concerns regarding, “high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”

Eutrophication is the process by which excess nutrients are added to a water body leading to rapid plant growth. In the case of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site the problem is predominately excess nitrogen arising from farming activity, waste water treatment works discharges and urban run-off.

Features of the Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

Evidence of eutrophication impacting the Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data covering estimates of river flow, river quality and also data on WwTW effluent flow and quality.

An Integrated Water Management Study for South Hampshire, commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities, examined the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be enough capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to waste water treatment works will be

enough to accommodate the quantity of new housing proposed. Considering this, Natural England have advised that a nitrogen budget is calculated for larger developments.

A methodology provided by Natural England has been used to calculate a nutrient budget and the full workings are provided in Appendix 1. The calculations conclude that there is a predicted Total Nitrogen surplus arising from the development of 67.2kg/TN/yr. This was arrived at through use of the British Water Code of Practice 4 Flow and Loads to calculate volume of wastewater and based upon the following assumptions:

- The hotel is running at 100% occupancy with each of the 101 rooms containing 2 people.
- The bar is utilised by 80% of the guests.
- The restaurant serving food similar to that in a roadside restaurant is utilised by 60% of the guests.

The results of the British Water Code of Practice 4 Flow and Loads calculation are shown in Appendix 2:

Due to the nature of the site, and the surrounding urban environment, there are no mitigation options available on site. In addition, at present there is no strategic mitigation scheme into which payments can be made. It is therefore proposed that a record of the outstanding amount of 67.2kg/TN/yr nitrogen is made so that it can be added to the levels of nitrogen to be addressed by a strategic mitigation scheme once one has been developed.

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

Conclusions

The following conclusions can be drawn from the evidence provided:

- Only a third of rooms will have access to car parking spaces.
- Access to New Forest locations by public transport visitors to the hotel would be complicated and costly.

The following mitigation measures have been proposed as part of the development:

- Only 34 parking spaces will be provided within the proposed development.
- £2346.5752 contribution ring fenced for footpath improvements in the Greenways;

- £586.6438 contribution allocated to the New Forest National Park Authority Habitat Mitigation Scheme;
- A contribution of £11,764 for the Solent Recreation Mitigation Project.

As such, visitor pressure on European and other protected sites in the New Forest arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

There currently isn't a strategic mitigation scheme for water quality impacts and it is therefore proposed that a record of the outstanding amount of 67.2kg/TN/yr nitrogen is made so that it can be addressed once one has been developed.

References

Fearnley, H., Clarke, R. T. & Liley, D. (2011). The Solent Disturbance & Mitigation Project. Phase II – results of the Solent household survey. ©Solent Forum / Footprint Ecology.

Liley, D., Stillman, R. & Fearnley, H. (2010). The Solent Disturbance and Mitigation Project Phase 2: Results of Bird Disturbance Fieldwork 2009/10. Footprint Ecology / Solent Forum.

Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park

European Site Qualifying Features

The New Forest SAC

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

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer
- (*Quercion robori-petraeae* or *Ilici-Fagenion*) (primary reason for selection)
- *Asperulo-Fagetum* beech forests (primary reason for selection)
- Old acidophilous oak woods with *Quercus robur* on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*,
- *Salicion albae*) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

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

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

The New Forest SPA

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

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*

<ul style="list-style-type: none"> ▪ Nightjar <i>Caprimulgus europaeus</i>
<ul style="list-style-type: none"> ▪ Woodlark <i>Lullula arborea</i>
<p>The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:</p>
<ul style="list-style-type: none"> ▪ Hen Harrier <i>Circus cyaneus</i>
<p>New Forest Ramsar Site</p>
<p>The New Forest Ramsar site qualifies under the following Ramsar criteria:</p>
<ul style="list-style-type: none"> ▪ Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
<ul style="list-style-type: none"> ▪ Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
<ul style="list-style-type: none"> ▪ Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.
<p>Solent Maritime SAC</p>
<p>The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:</p>
<ul style="list-style-type: none"> ▪ Estuaries (primary reason for selection)
<ul style="list-style-type: none"> ▪ <i>Spartina</i> swards (<i>Spartinion maritimae</i>) (primary reason for selection)
<ul style="list-style-type: none"> ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) (primary reason for selection)
<ul style="list-style-type: none"> ▪ Sandbanks which are slightly covered by sea water all the time
<ul style="list-style-type: none"> ▪ Mudflats and sandflats not covered by seawater at low tide
<ul style="list-style-type: none"> ▪ Coastal lagoons
<ul style="list-style-type: none"> ▪ Annual vegetation of drift lines
<ul style="list-style-type: none"> ▪ Perennial vegetation of stony banks
<ul style="list-style-type: none"> ▪ <i>Salicornia</i> and other annuals colonising mud and sand
<ul style="list-style-type: none"> ▪ Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (“white dunes”)
<p>Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:</p>

- Desmoulin's whorl snail *Vertigo moulinsiana*

Solent and Southampton Water SPA

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

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

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

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

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

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

Solent and Southampton Water Ramsar Site

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

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

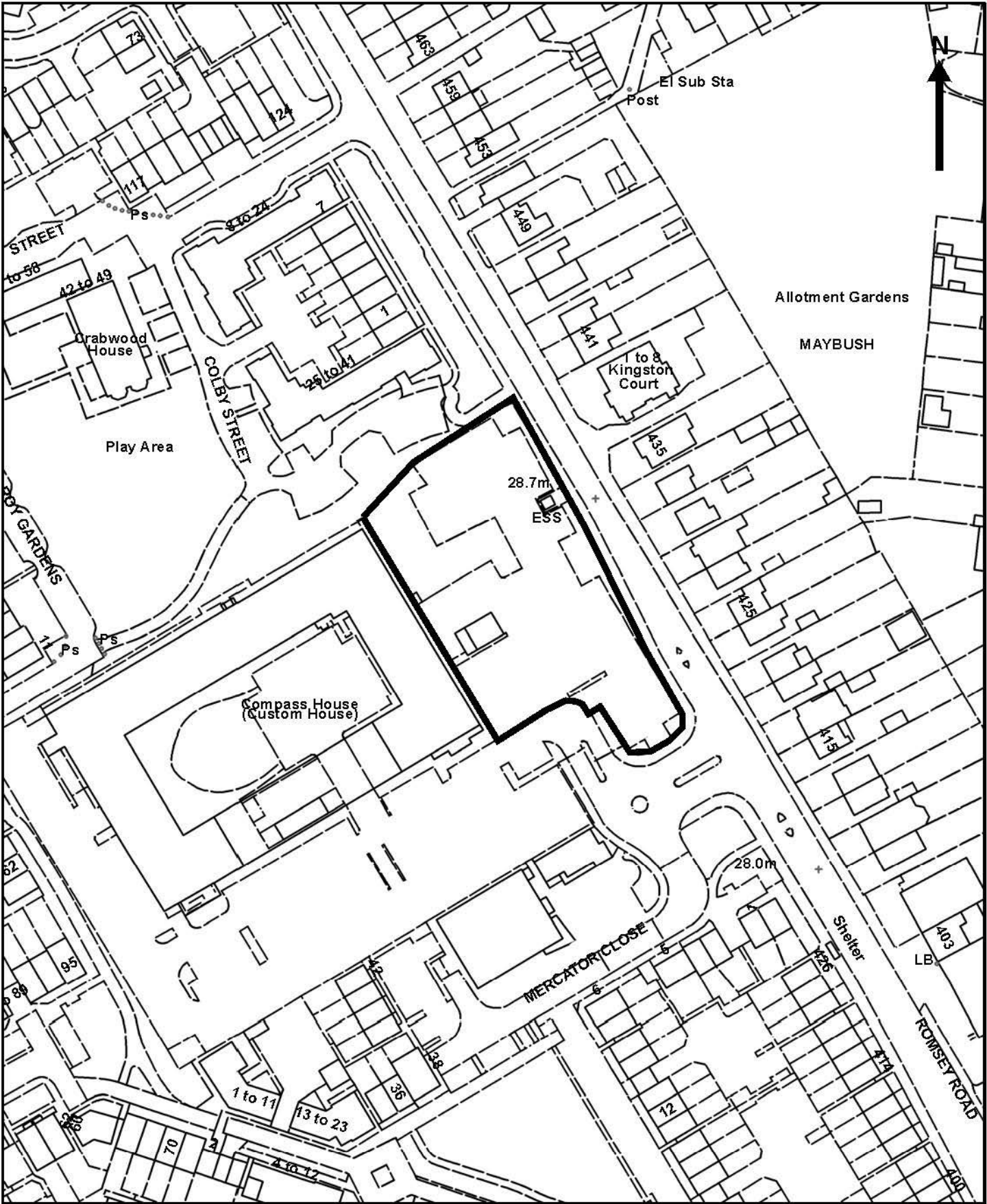
Appendix 1 Nutrient Budget

Calculation using water rate of 110 litres waste water per person per day

Step	Measurement	Value	Unit	Explanation
Development Proposal	Development types that would increase the population served by a wastewater system	1	Hotel	
Step 1				
Step 2	Wastewater volume generated by development	20454	Litres/ day	
Step 3	Receiving WWTW environmental permit limit for TN	10	Mg/l TN	
Step 4	TN discharged after WWTW	184082	Mg/TN/day	90% of the consent limit = 9mg/l TN. 20454 x 0.9
	Convert mg/TN to kg/TN per day	0.184082	Kg/TN/day	Divide by 1,000,000
	Convert kg/TN per day to kg/TN per year	67.2		x 365 days
Wastewater total nitrogen load	67.2kg/TN/yr			

Agenda Item 5 19/00726/FUL

Appendix 4



Scale: 1:1,250

©Crown copyright and database rights 2019 Ordnance Survey 100019679



This page is intentionally left blank

Planning and Rights of Way Panel 10th December 2019
Planning Application Report of the Service Lead – Infrastructure, Planning & Development

Application address: Land to rear of The Broadway, Portswood Road, Southampton			
Proposed development: Use of building as a food court with cafe, bars and takeaway (flexible mixed use comprising classes A1, A3, A4 and A5) with ancillary soft play area, office and storage and kitchen extraction flue.			
Application number	19/01261/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	12 December 2019 (ETA)	Ward	Portswood
Reason for Panel Referral:	Five objections have been received	Ward Councillors	Cllr Cooper Cllr Mitchell Cllr Savage
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Lainston Broadway LLP	Agent: Goadsby Planning & Environment
---	--

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	No
---	-----------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019).

Policies - SDP1, SDP7, SDP9, SDP10, SDP16, CLT15, REI4, REI5 and REI7 of the City of Southampton Local Plan Review (Amended 2015), CS3, CS19 and CS24 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and the relevant sections of the Parking Standards Supplementary Planning Document (2011).

Appendix attached	
1	Development Plan Policies
2	Map showing location and opening hours of nearby late night uses

Recommendation in Full

Conditionally approve

1 The site and its context

- 1.1 The site holds a backland location behind Portswood Road, Tennyson Road and Westridge Road and lies within the defined Portswood District Centre. Currently the site houses a large vacant laundry warehouse, comprised of brick and tiles which varies in height and occupies the majority of the site. The sole access to the development is via an access way between 1 The Broadway and the Victory Centre (Place of Worship). Other than the adjacent shops and Victory Centre the area to the rear is residential in nature.
- 1.2 The site is generally level with a slight slope to the rear. However, at the rear boundary the land slopes down adjacent to Tennyson Road where the properties are at a lower level. There is an access way from Westridge Road that serves the existing properties on Portswood Road. This access does not form part of the application site, and the same is true of the two footways to the rear of Tennyson Road. The neighbouring properties about the site in a close-knit pattern of development characteristic of a district centre. The building to the south (The Victory Centre) is an attractive locally listed art deco building and the Russell Place Conservation Area sits behind the Portswood Road frontage on the opposite side of Portswood Road.

2 Proposal

- 2.1 The application seeks conversion of this former laundry building for use as a food court with cafe, bars and takeaway (flexible mixed use comprising classes A1, A3, A4 and A5) with ancillary soft play area, office and storage. The gross internal floor area of the building is 974sqm. The submission indicates that the proposal would create 18 full time jobs.
- 2.2 The proposed layout comprises tables and benches within the middle of building framed by food stalls, café/deli, juice bar, licensed bar, toilets and soft play with ancillary office. The eastern part of the building is identified as storage space. The proposal includes works to install kitchen extraction equipment to allow cooking of hot food.
- 2.3 Pedestrian access would be taken from Portswood Road with bin and bike storage located adjacent to the building entrance.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in

compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

- 3.3 Policy CS3 of the Core Strategy supports the role of District Centre in meeting the week to week needs of the local community. Saved policy REI5 (District Centres) sets out that ground floor A1, A2, A3, A4 and A5 uses will be permitted in District Centre locations. Similarly, policy REI7 (Food and Drink Uses) supports food and drink uses in District Centre locations providing that suitable conditions are used to control the impact on amenity to local residents from disturbance and nuisance caused by cooking odours and noise. Saved policy CLT15 of the Local Plan accepts the principle of night-time uses within District Centre locations. There are no limits imposed through adopted policy on the maximum number of A3-A5 uses allowed within the District Centre
- 3.4 Saved policy SDP1(i) seeks to protect the amenity of local residents, whilst policy SDP16 will not permit noise generating development if it would cause an unacceptable level of noise impact to nearby sensitive noise uses.

4 Relevant Planning History

- 4.1 On 08th August 2017 a planning application for site redevelopment with the erection of a part 2-storey, part 4-storey building to contain 43 units of student accommodation was refused. This application was considered by the Planning and Rights of Way Panel on 01.08.2017 and members refused the application on the grounds of overdevelopment, un-neighbourly form of development, poor living environment and for failure to enter into a S106 agreement. LPA Reference 17/00325/FUL.
- 4.2 A re-submission for the erection of a part two, part three storey building to contain 37 units of student accommodation was refused under delegated powers on 08.08.2017 with similar refusal reasons to the previous decision. LPA Reference 18/00954/FUL. A subsequent planning appeal of this refusal (ref APP/D1780/W/18/3214743) was dismissed on the grounds of poor living environment for student occupiers.

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 and erecting a site notice (20.09.2019). At the time of writing the report **5 representations** have been received raising the following issues:
- 5.2 **Noise and disturbance from customers congregating outside in the food court itself and in the street, particularly at night when such venues act as a focal point for rowdy elements, and from customers walking home through nearby streets at night.**

Officer Response: The site is located within the boundary of Portswood District Centre with pedestrian access onto Portswood Road. Saved policy REI5 supports A1, A2, A3, A4 and A5 uses in this location. No objection has been raised by the Council's Environmental Health Team in relation to noise impact, subject to appropriate acoustic mitigation to avoid adverse noise breakout through glazing and the asbestos panel roof, which can be secured by planning condition. The proposed hours of use with a terminal hour of 10pm are suitable for the District Centre and earlier than some existing food and drink outlets in the District Centre which trade until midnight. Patrons would exit the building

onto Portswood Road and this would not be adversely harmful having regard to existing background noise levels in this area, there would also be dispersal of any congregation as pedestrians move through adjoining streets.

Therefore the proposal is not considered to have an adverse noise impact on the residential amenities of nearby residents.

5.3 An increase in unruly, anti-social behaviour (litter, graffiti etc.), both within the District Centre and in surrounding residential areas, already a severe problem

Officer Response: Saved policy REI5 supports A1, A2, A3, A4 and A5 uses in this location. The proposal seeks a food court which includes an ancillary play area and would not lead to adverse noise and disturbance subject to planning conditions to control hours of use, odour, noise and litter. A decision needs to be made assuming reasonable behaviour.

5.4 Noise and disturbance from deliveries and from ventilation systems

Officer Response: Planning conditions can be imposed to ensure deliveries take place between reasonable hours (8am-7pm) and to ensure appropriate acoustic specification for the mechanical ventilation system (to be agreed in consultation with the Council's Environmental Health Team).

5.5 Inadequate access and parking arrangements. The proposed unloading bay on the Portswood Road, across the narrow entrance would obstruct the entrance and pose a hazard for emergency vehicles. Deliveries and refuse collection here, near the pedestrian refuge on a very busy road, would delay traffic and obstruct and be dangerous to pedestrians.

Officer Response: Servicing vehicles can deliver from the double yellow lines to the front of the site without adversely obstructing the flow of vehicles on Portswood Road. Servicing management details can be secured by condition.

5.6 The lack of on-site parking (only 12 cycle spaces) would lead to opportunistic parking in nearby residential roads

Officer Response: The site is located within a District Centre which is accessible to the local community and well served by frequent bus services. Car free development can be supported in this location and many other premises do not have their own parking. Parking is available within Portswood Road and there are public car parks within Tennyson Road and to the rear of Portswood Shopping Centre to serve this District Centre.

5.7 Light pollution from the food court would be intrusive to neighbouring dwellings, whereas the Council has made considerable efforts to reduce pollution from street lighting in the neighbourhood.

Officer Response: The proposal involves the conversion of an existing building and will not require excessive external lighting, other than low level lighting to the pedestrian access route. A condition is recommended to secure lighting design details to prevent adverse lighting impact on the nearest residential properties on the upper floors of The Broadway.

5.8 The cumulative effects of this proposal on top of the large number of existing pubs, take-aways and music venues in Portswood, Highfield and Bevois Valley which harm residential amenity.

Officer Response: Saved policy REI5 supports A1, A2, A3, A4 and A5 uses in this location and does not restrict the overall number of food and drink uses within the District Centre. Food and drink uses help to maintain a reasonable

level of building occupancy within shopping streets given the current market challenges within the retail sector and improves footfall throughout the day.

5.9 Odour impact

Officer Response: A planning condition is recommended to secure appropriate odour filtration as part of the mechanical extract flue details. To be agreed in consultation with the Council's Environmental Health Team.

5.10 The existing building is in poor condition, No details have been supplied of any materials to be used, should any renovation be needed, or of the existing materials.

Officer Response: The application is seeking conversion of the existing building and is not proposal any external alterations to the building, other than the installation of mechanical ventilation equipment.

The Local Planning Authority cannot force the applicant into undertaking external alterations to the building. Works to improve the acoustic performance of the building can be carried out internally.

5.11 The hours sought - 8am to 10 pm Monday to Saturday(14 hrs) and 10 am to 10pm on Sunday(12 hours-) are excessive, especially on Sunday.

Officer Response: The proposed hours of use with a terminal hour of 10pm are suitable for the District Centre.

Consultation Responses

5.12 SCC Highways

No comments received at the time of writing this report and an update will be provided at the Panel meeting.

Officer Response – The site is located within a District Centre which is accessible to the local community and served by regular bus services. Less than the maximum car parking standards can be supported in this location. There is existing car parking available to serve the District Centre and TRO parking controls are in place to prevent on-street car parking prejudicing highway safety. The site can be serviced from Portswood Road without prejudicing highway safety or obstructing the flow of traffic within Portswood Road.

Adequate bin and bike storage has been provided and can be secured by planning condition. Delivery hours can also be controlled by condition.

SCC Environmental Health (Pollution & Safety)

Environmental Health has no objection in principle to this development in a mixed commercial and residential area. The intended opening hours are deemed appropriate assuming that appropriate mitigation against noise break out, odour and lighting is included. There will be no additional buildings erected or any increase to the height of the existing building so the main considerations are noise, odour and light that may potentially cause nuisance to local residents.

The following additional considerations/conditions are recommended to secure the following;

- Measures to prevent break out of noise through the glazed and asbestos panel roof and walls; and
- The extraction flue appears to be appropriately located away from residential units, but the details of the filters and noise levels should be submitted and agreed.

- 5.13 **City of Southampton Society** - have reservations about this application and request that the developer provide answers to the following questions:
- 5.13.1 No details have been provided as to how the internal space of the building will be fitted out to ensure it meets HEALTH AND SAFETY regulations for cooking and serving food.
Officer Response – This is not a planning matter and is covered under Building Regulations and separate Environmental Health Legislation. Food Premises approval will be required and will ensure compliance with hygiene regulations. The installation of kitchen facilities and associated plant will require Building Regulations Approval.
- 5.13.2 Will any deep cleaning be provided before use as a food court? What cooking and washing up facilities will be provided for each of the 7 stalls? Will refrigerated storage space be provided for each stall?
Officer Response – This is not a planning matter and is covered under separate Environmental Health Legislation with Food Premises Approval required.
- 5.13.3 Does the existing building have more than one floor, if so what use will be made of the upper floors?
Officer Response – The proposal is only shown at ground floor level and there are no stairs to the roof space.
- 5.13.4 Will any heating be provided in the large open area and the small rooms?
Officer Response – The installation of heating facilities is not a planning matter and will be covered under the Building Regulations. The Council’s Sustainability Officer has been consulted to see if energy efficiency measures are required as part of this building conversion and an update will be provided at the panel meeting.
- 5.13.5 What arrangements will be made for disposal of food waste?
Officer Response – Arrangements for the appropriate management of food waste are covered under the Food Premises Approval. Bin storage is shown on the proposed layout. Bin storage provision and details of servicing can be secured by planning condition.
- 5.13.6 No details have been provided as to work required on the external aspects of the building. The East wall has broken windows and ivy growing up the side. Will this be remedied? Is the roof watertight?
Officer Response - The application does not propose any external alterations requiring planning permission, other than the installation of the kitchen extraction flue. External repairs can be carried out without requiring planning permission. It rests with the landowners to ensure the building is watertight and fit for purpose
- 5.13.7 What are the details for the construction of the Fire Exit on the West wall. This leads to an unmade track used by shops in The Broadway - does this meet fire regulation requirements?
Officer Response - Fire escape is a separate matter covered under the Building Regulations.
- 5.13.8 Will any use be made of the two pathways connecting the building to Tennyson Road?
Officer Response – Access into the food court will be taken from Portswood Road

- 5.13.9 The pedestrian access route appears to be used by rough sleepers with many abandoned beer cans evident. What procedures will be adopted to ensure that this is a safe environment for customers late at night or first thing in the morning? Will a lockable gate be inserted where the access way meets The Broadway?

Officer Response – Improved external lighting is proposed along the access. The proposal seeks trading hours between 8am-10pm and there will be surveillance from pedestrians on Portswood Road during these hours. Members of the panel have the option of requesting a condition to secure gates to this access route although this is not required in the opinion of officers and it is fair to expect the owner to manage their site and to make their offer an attractive one.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of development;
 - Impact on local character;
 - Impact on neighbouring and local amenity (noise, disturbance and visual impact); and
 - Highways, parking and servicing and
 - Mitigation.

Principle of Development

- 6.2.1 The proposal would bring this vacant building back into use and conversion for use of building as a food court with cafe, bars and takeaway (flexible mixed use comprising classes A1, A3, A4 and A5) is compliant with the range of retail and food & drink uses appropriate for Portswood District Centre, as defined under saved policy REI5 of the Local Plan Review.
- 6.2.2 There is no policy cap restricting the number of food and drinks outlets within the District Centre. Food and drink uses support the vitality and viability of the District Centre, particularly given the current challenges facing the retail sector. The proposal is considered to represent a good fit for the site and there is unlikely to be market demand for solely retail use or for bringing the building back into industrial or warehousing use having regard to its back land position and constraints in relation to access and proximity to nearby residential properties. Residential redevelopment opportunities are also constrained by the aforementioned factors as referenced by the recent appeal decision (ref 18/00954/FUL).
- 6.2.3 Policy REI7 identifies that proposals involving food and drink uses (including A4 uses) are permitted in city, town, district and local centres providing that appropriate measures can be taken to adequately control noise and disturbance, cooking fumes and litter. No objection has been raised by the Council's Environmental Health Officer subject to conditions to ensure adequate kitchen extraction equipment and soundproofing. In light of the fact that the establishment is located in a district centre, the proposed use is not considered to generate a significant increase in noise and nuisance, noticeable above background noise levels.
- 6.2.4 The proposed site is a good location for such a facility as it is well served by public transport, and is in a short walking distance of many residential properties, thus the scheme would be accessed by sustainable modes of transport.

Impact on local character

- 6.3.1 The proposed range of uses are appropriate for the District Centre and in keeping with the character of the area. The proposal does not seek to materially alter the external appearance of the building, other than by installing the external kitchen extract flue and as such the proposal will have a neutral impact on the visual amenities of the area. The kitchen extract flue would be in keeping with the commercial appearance of the building.

Impact on neighbouring and local amenity

- 6.4.1 No objections have been received from residential properties adjacent to the site, namely housing within Tennyson Road and Westridge Road and flats above The Broadway on Portswood Road. Comments have been received from a commercial property within the Broadway and from residents within Russell Place and Abbotts Way, located to the north-west of the District Centre. A response to these comments has been provided in section 05 of this report.
- 6.4.2 The proposal is not considered to adversely harm the residential amenities of neighbouring occupiers. The proposal is not considered likely to generate harmful noise nuisance having regard to existing background noise levels from neighbouring commercial uses and traffic noise. Environmental Health have no objection to the proposal subject to planning conditions to secure appropriate kitchen extraction equipment and soundproofing of the building.
- 6.4.3 In terms of the proposed hours of use, it is considered the closing hours of 22:00 is appropriate within a District Centre location and it is noted that the application proposes lesser hours of operation than is typically considered to be acceptable in such locations. A planning application with further consultation would be required before these hours could be changed.

Highways, parking and servicing

- 6.5.1 No car parking is available to serve the unit, however, the site is located on a main bus route and there are car parks available within the vicinity of the site. Furthermore, the nature of the District Centre is to meet the needs of the local community and so the provision of no car parking is considered to be acceptable.
- 6.5.2 Furthermore there are no associated highways safety concerns with the scheme. The location is highly accessible by public transport and it is envisaged that acceptable delivery and servicing arrangements can be achieved thus with appropriate conditions to secure a servicing management agreement the proposal is considered to be acceptable in terms of highways impact.

Mitigation

- 6.6.1 None required because the proposal relates to an existing building and the proposed use will not lead to an intensification in vehicular trips when compared to the existing authorised industrial use. The proposed terminal hour of 10pm does not trigger the need for contributions towards late night bus services.

7 Summary

The proposed use of the building as food court with cafe, bars and takeaway (flexible mixed use comprising classes A1, A3, A4 and A5) with ancillary soft play area, office and storage is appropriate for the District Centre and accords with the Council's adopted Development Plan policies. Furthermore, the proposal would bring a vacant building back into use which would have a

positive impact on the vitality and viability of the Centre. No external alterations are proposed other than a rear flue and, therefore, the change of use is considered to be in keeping with the site and surroundings and with the imposition of the conditions suggested below, the proposal would not have a harmful impact on residential amenity.

8 Conclusion

The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d), 2 (b) (c) (d) (e), 4 (f) (g) (vv), 6 (a) (c), 7 (a)
AG for 10/12/2019 PROW Panel

PLANNING CONDITIONS

01.APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use 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 - Hours of Use - food/drink establishments [Performance Condition]

The food and drink use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Friday 08:00 to 22:00
Saturday 10:00 to 22:00
Sunday and Bank Holidays 10:00 to 22:00

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

03.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, to include the compressor located externally, 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.

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

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 to 18:00 hours
Saturdays 09:00 to 13:00 hours

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 - Servicing [Pre-Occupation Condition]

Prior to the commencement of the development hereby approved a servicing management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in full accordance with the approved servicing management plan.

Unless otherwise agreed in writing with the Local Planning Authority no deliveries shall take place outside the hours of 0800hrs to 1900hrs on any day

Reason: To protect the amenities and privacy of occupiers of the adjoining properties, to protect the highway surface and in the interests of highways safety.

06. APPROVAL CONDITION - Soundproofing (Pre-commencement Condition]

A detailed scheme for the soundproofing of the building shall be submitted to and approved by the Local Planning Authority. Such agreed scheme of soundproofing shall be fully implemented before the building is first brought into use and thereafter retained.

REASON: To protect the amenities of the surrounding area.

07. APPROVAL CONDITION - Control of Amplified Equipment [Performance Condition]

At no time shall sound amplifying equipment or acoustic instruments be used or installed which would generate noise audible from the boundary of the nearest residential property to the building to which the consent hereby granted relates unless otherwise agreed in writing with local Planning Authority.

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

08. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport.

09. External Lighting Scheme (Pre-Commencement)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity and safety and security.

10. APPROVAL CONDITION - Glass Storage [Performance Condition]

Except for on bin collection day no storage of glass (for recycling purposes) shall take place outside of the building. Glass collection shall also not take place between the hours of 20:00 and 9:00.

Reason: To protect the amenities of occupiers of the adjoining property.

11. 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 - (as amended 2015)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS19	Car & Cycle Parking
CS24	Access to Jobs

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

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP16	Noise
CLT15	Night Time Uses in Town, District and Local Centres
REI5	District Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

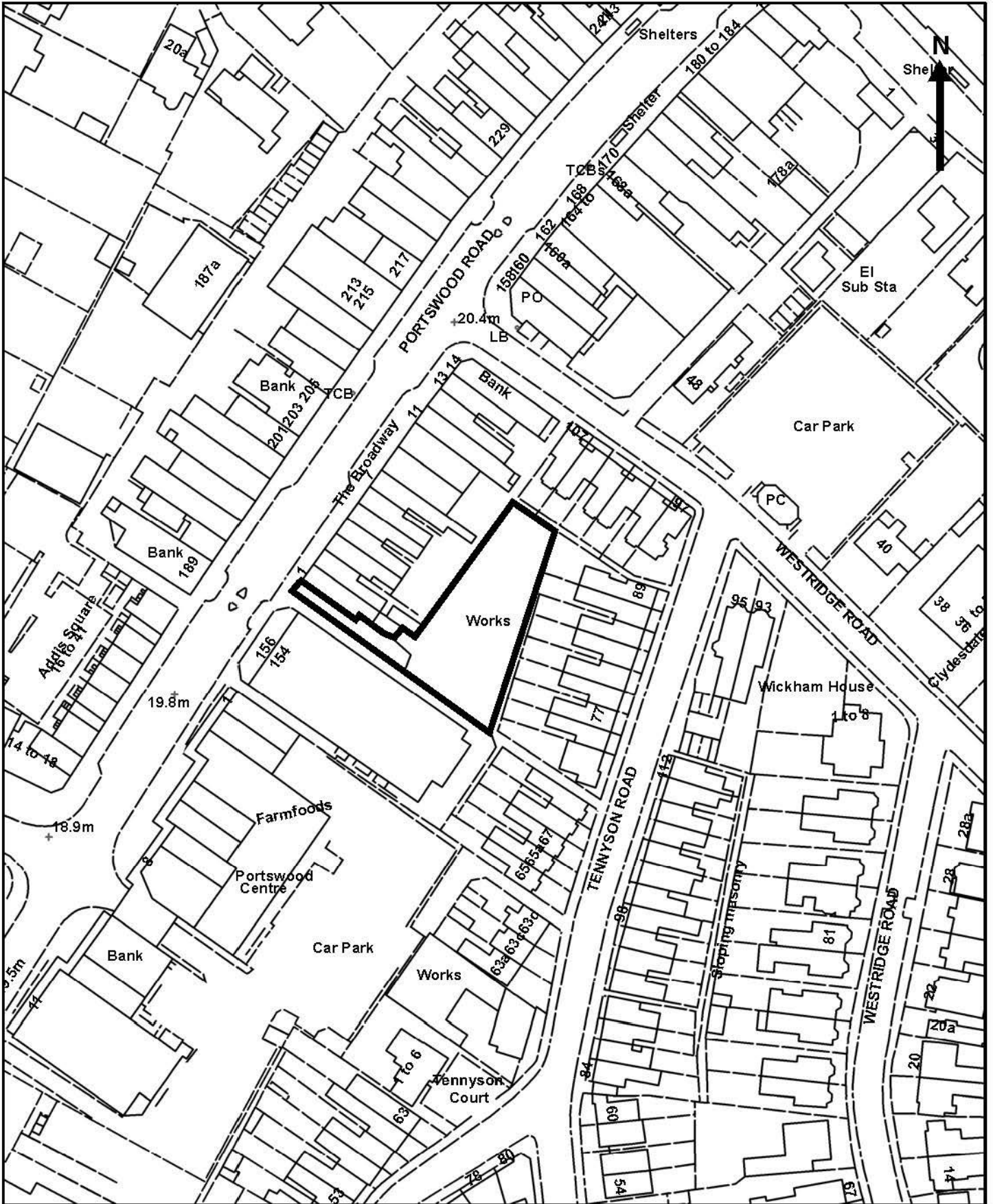
The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Table 1: Permitted Hours of Operation in Portswood

Address	Application Reference	Permitted Hours (Planning)
The Brook Inn	05/01220/VC	11:00 to 1:30 Monday to Thursday 11:00 to 2:30 Fridays & Saturdays 12:00 to 00:30 Sundays
Units 5-6 The Portswood Centre	07/02055/VC	09:00 to 00:00 daily
Unit 7 The Portswood Centre	09/01208/FUL 14/01355/FUL	08:00 to 1:00 Sundays to Thursdays 08:00 to 2:00 Fridays and Saturdays
29-31 Portswood Road	13/00796/FUL	11:00 to 00:00
104 Portswood Road	12/00785/FUL	09:00 to 00:00
160 Portswood Road	12/00618/FUL	07:00 to 00:00 daily
170 Portswood Road	17/01414/FUL	08.00 to 00.00 hours Monday to Saturday 10.00 to 23.00 hours Sundays and Public Holidays
225 Portswood Road	15/01285/FUL	11:00 to 23:00 Monday to Sunday
253 Portswood Road	14/01981/FUL	07:00 to 00:00 daily
265 Portswood Road	99/01025/VC	Sundays until 00:00 Fridays and Saturdays until 01:00
14 The Broadway	18/01889/FUL	07:00 - 23:00 Monday-Wed 07:00 - 00:00 Thur-Sat 09:00 - 23:00 Sun and public holidays

This page is intentionally left blank



Scale: 1:1,250

©Crown copyright and database rights 2019 Ordnance Survey 100019679

This page is intentionally left blank

Planning and Rights of Way Panel 10th December 2019
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: Part of Former Vosper Thornycroft, Site and Waterfront, Southampton			
Proposed development: Application for variation of condition 3 of planning permission ref 16/01108/FUL to allow industrial building to be used for purposes falling within classes B1 and B2 (not restricted to marine related activities - Major Environmental Impact Assessment Development)			
Application number	19/01378/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	26/12/2016	Ward	Woolston
Reason for Panel Referral:	Five or more letters of objection have been received and a Ward Cllr Panel referral	Ward Councillors	Cllr Blatchford Cllr Hammond Cllr Payne
Referred to Panel by:	Cllr Payne	Reason:	Lack of Information

Applicant: Oceanic Estates (Woolston) Ltd	Agent: Quayside Architects - FAO Mr Neil Holmes
---	---

Recommendation Summary	<ol style="list-style-type: none"> 1. That the Panel confirm the Habitats Regulations Assessment that will be provided at/before the Panel meeting; and 2. Delegate to Service Lead - Infrastructure, Planning & Development to grant planning permission subject to criteria listed in report
-------------------------------	--

Community Infrastructure Levy Liable	No
---	----

Reason for granting Permission

1. The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the proposal in the context of the site allocation for industrial development as set out in the Development Plan, the importance of the additional employment to be created by this development, and the need to see the redevelopment of this vacant site. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise/disturbance (particularly in relation to 24 hour activity) but it is considered that this impact can be mitigated by Section 106 obligations, and planning conditions, and it has been assessed in the context of the site's former historic use for significant manufacturing and the extant permission LPA ref: 16/01108/FUL where these impacts were deemed to be acceptable.

- 1.1 The Council has also taken into account:
- the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017;
 - The Woolston Riverside Planning Brief and Illustrative Master Plan 2004; and,
 - The extant planning permission for this site (08/00389/OUT and 16/01108/FUL refers) which already allows manufacturing to take place on the site.
- 1.2 The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering Environmental Impact Assessment and the protection of important natural habitats have been satisfied. Other material considerations have been considered, as set out in the report to the Planning and Rights of Way Panel (10.12.2019) including objection to the variation from local residents, although the points made are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.
- 1.3 In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2019).
- 1.4 Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP22, NE4, NE5, TI2, HE6 and MSA18 of the City of Southampton Local Plan Review (LPR - as amended 2015) and CS6, CS7, CS12, CS13, CS18, CS19, CS20, CS22, CS23, CS24 and CS25 of the Local Development Framework (LDF) Core Strategy Development Plan Document (as amended 2015) as supported by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and the guidance contained in the National Planning Policy Framework (2019).

Appendix attached			
1	16/01108/FUL Permission	2	16/01108/FUL Panel Minutes
3	Development Plan Policies	4	Marketing Letter – 02.08.2019

Recommendation in Full

- (i) That the Panel confirm the Habitats Regulations Assessment (HRA) – to be provided either before or at the Panel meeting - to enable the planning application to be determined; and,
- (ii) Delegate to the Service Lead - Infrastructure, Planning & Development to grant conditional planning permission subject to the completion of a S.106 Legal Deed of Variation to secure the outstanding matters from the 16/01108/FUL s.106 legal agreement.
- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

- (iv) That the Service Lead – Planning, Infrastructure and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

2.0 THE SITE AND ITS CONTEXT

2.1 This planning application relates to an empty building that forms the first phase in the redevelopment of the northern third of the former Vosper Thornycroft shipbuilding site; known as the Marine Employment Quarter (MEQ). The application site consists of a 2.18 hectare site bounded by Victoria Road to the east, the River Itchen to the west and Keswick Road and Wharf Road to the north. The site is designated in the Local Plan Review (LPR) for employment uses B1 (office) and B2 (general industrial; including manufacturing), to include maritime-based research and development and light industrial uses which require access to the waterfront adjacent to and in the vicinity of the existing deep water quay ('saved' LPR Policy MSA18 refers). Despite the allocation, and 3 permissions for the MEQ, the site has struggled to find a suitable occupier and has been extensively marketed.

3.0 PROPOSAL

3.1 It is understood that this planning application is now speculative – with no end user in mind despite reference to Siva Plastics within the submission – and seeks to vary the full planning permission that led to the first building being constructed on the site of Woolston's MEQ at Centenary Quay (LPA 16/01108/FUL refers). This building sits along the boundary with Keswick Road and provides 3,147sq.m of floorspace. It has a length of 118m metres, a width of 26m and a height 13m.

3.2 The extant permission gave approval for a restricted 24 hour manufacturing operation. A copy of the permission and the relevant Planning & Rights of Way Panel minute are attached to this report at **Appendix 1 & 2**. At the time planning permission was given the applicant had hoped that they would secure a company that manufactures wind turbine blades. This occupier is no longer interested and the restriction on the permission - that any subsequent occupier must be involved in either blade manufacturing or marine-related employment requiring the deep berth - limits interest in the empty building

3.3 This planning application seeks to vary condition 3, which would then allow the building, and its associated yard, to be used for any form of manufacturing, without requiring access to the deep berth. All other planning conditions would, however, remain in force meaning that there would still be controls ahead of occupation. Further approvals from the Council would still be needed following consultation with the relevant Council department. Any occupier would, therefore, be limited to the agreed hours set out in condition 4, servicing would be agreed with the Council prior to the occupation of the building (as required by condition 5), a bespoke 'operational plan' detailing noise mitigation measures would be agreed with the Council prior to any occupation (as required by condition 6), and these conditions apply to subsequent occupations also.

4 RELEVANT PLANNING POLICY

4.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (LPR - as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 3**. The application site is designated '*for a mixed-use development... to include maritime-based research and development and light industrial uses which require access to the waterfront adjacent to and in the vicinity of the existing deep water quay...*'

- 4.2 The application has been advertised as a potential 'departure' from this policy in that the relaxation of condition 3 would mean that any form of manufacturer could occupy the space without reliance upon the waterfront for access/egress
- 4.3 LDF Policy CS7 adds that:
"In order to meet the South East Plan's economic aims, as set out in Policy CS6, there is a strong need to safeguard employment sites. All existing employment sites and allocations will be safeguarded for employment use."
- 4.4 SCC Planning Policy comments:
The existing building was permitted with a condition requiring waterfront access, consistent with the Local Plan policy and the wider objective of supporting an important economic sector for the city and sub region (maritime industry) which has specific site requirements (eg waterside access). However the policy says "including" marine industry which implies some other uses would be acceptable as a part of the overall site provided this doesn't undermine the overall purpose of the site as being a strategic marine employment site. Given the relatively limited extent of this building in terms of the overall site, and unless the economic development team advise it would prejudice the overall site if used for non-marine (eg access arrangements etc); I raise no objection to a non-marine use for this building only. However it's important to state that this is because the overall strategic marine site would not be significantly prejudiced.
5. **RELEVANT PLANNING HISTORY**
- 5.1 The site's physical development has evolved since the First World War and has been used for manufacturing since before the current planning system. The Council's planning history records numerous additions to the site throughout this period although none of this planning history is directly relevant to the current application.
- 5.2 In terms of relevant recent planning history following the closure of the Vosper Thornycroft shipyard this can be summarised as follows:
- 5.2.1 05/00816/OUT – Approved 10.03.2008 (Lapsed)
 Redevelopment of the 12.63 ha site for a mix of uses comprising: 1510 residential units, including 378 units for affordable housing (Class C3); marine employment comprising offices and industrial uses of 39,246 sq.m. (Class B1/B2); retail use of 1,617 sq.m. (Class A1); financial and professional services offices of 100 sq.m. (Class A2); food and drink use of 1,895 sq.m. (Class A3) drinking establishments of 450 sq.m. (Class A4); Leisure/health and fitness use of 1,770 sq.m. (Class D2); community/health centre and library (Class D1); 1,637 vehicle parking spaces; new means of access; servicing and highway works including new road layout, junction improvements, estate roads and landscaping; public open space including a river walk; odour treatment works; combined heat and power (CHP) facilities; creation of new pontoons/quays (Outline application seeking approval for siting of buildings, means of access and consideration of maximum height of buildings), and the re-profiling of the river wall with associated flood defences and site remediation works (Full Application) - description amended to reflect 25% affordable housing.
- 5.2.2 08/00389/OUT – Approved 31.12.2009 (Extant)
 Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge

and quays; new means of access and associated highway/ environmental improvements. (Environmental Impact Assessment Development- 'Hybrid' planning application: outline in part, full details of phase 1 and river edge submitted).

Description amended following submission following the removal of 33 residential units from the scheme and the introduction of a temporary car park.

5.2.3 08/00629/FUL – Approved 29.11.2012 (Lapsed)

Redevelopment of the site to provide industrial buildings (Class B2) with ancillary office accommodation, storage, access and parking (total floor space of 16,326 square metres) and associated works including new marine structures (Environmental Impact Assessment Development) - Description amended following revised submission for less floor space.

5.2.4 16/01108/FUL – Approved 21.07.2017 (Extant & Built) – VARIATION SOUGHT

Redevelopment of the site to provide industrial building (Class B2 - 24 hour operation) with ancillary office/research and development accommodation, storage, access and parking (total floor space of 3,147 square metres) (Environmental Impact Assessment Development follows permission 08/00629/FUL)

5.2.5 The following table summarises the approved position in relation to this building:

	08/00389/OUT (Extant)	08/00629/FUL (Lapsed)	16/01108/FUL (Built/Unoccupied)
Floorspace	21,237sq.m 3 Buildings	16,326sq.m 2 Buildings	3,147sq.m 1 st Phase
Delivery Hours	As below Conditions 48 & 49	8am-6pm (Mon-Fri) 9am-1pm (Sat) N/A (Sun) Condition 26	7am-7pm (Mon-Sat) 8am-4pm (Sun)
Internal Hours	7-8 (Mon-Sat) 8-1 (Sun)	6am-10:30pm (Mon-Fri) 6am-6pm (Sat-Sun) 24 hour operation with noise mitigation measures Condition 15	24 hours (all days)
External Yard	8am-6pm (Mon-Fri) 8am-1pm (Sat) N/A (Sun)	To be agreed Condition 20	7am-7pm (all days)
Wharf/Cranes	As above Conditions 48 & 49	Not specified	7am-7pm (all days)

5.2.6 17/01570/FUL – Approved 31.10.2019

Re-development of the site to provide an industrial building for the manufacture and testing of prototype wind turbine composite blades (Class B1(b) and B2 - 24

hour operation) with ancillary office accommodation, storage, access and parking, landscaping and fencing; including replacement means of enclosure along Wharf Road (total floor space of 11,616 square metres) (Major Environmental Impact Assessment Development follows permissions 08/00629/FUL and 16/01108/FUL).

6.0 CONSULTATION RESPONSES AND NOTIFICATION REPRESENTATIONS

6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners (some 134 letters sent), placing a press advertisement (23.08.19) and erecting a site notice (20.08.19). Whilst a noise report has been submitted since validation this in itself did not warrant a fresh round of public consultation and refers specifically to Siva Plastics who may no longer be involved.

6.2 At the time of writing the report **6 representations** have been received from surrounding residents, including concerns and Panel referral raised by Ward Cllr Payne, and Cllr Noon representing constituents in Ocean Village. The following is a summary of the relevant planning related points raised:

6.2.1 **Without further necessary information regarding the impact of permitting this class B1 and B2 industrial usage it is very difficult to have a meaningful consultation on this proposal, particularly with regard to noise, late night or 24-hour working and pollution/odour etc.**

Officer Response

The principle of a 24 hour B2 manufacturing use is established, albeit restricted, and the existing planning permission includes planning conditions that restrict hours of working and require further submissions in respect of environmental protection, including noise mitigation, ahead of each occupation. As a speculative development there is little more the applicant can offer at this stage. It is recommended that condition 6 is amended to make specific reference to the need for a bespoke noise mitigation strategy prior to occupation(s).

6.2.2 **Objection raised to the proposed change the designation of the 'industrial' land at Centenary Quay to permit the Siva Group to use the existing building and land for plastic recycling and the production of flexible plastic packaging.**

Officer Response

This application is now speculative – although that could change post decision – and the existing planning conditions with the amendments set out below are robust enough to protect residential, highway and environmental concerns.

6.2.3 **When the wind turbine blade R&D and testing facility was being discussed we were repeatedly told that the site had to be used by "marine industry". Suggestions that it would be more appropriate to re-designate the land to permit the building of more much-needed residential properties – or open space to support the existing - that would be in keeping with the existing nearby houses and apartment blocks were dismissed out of hand. This was despite the fact that such a change of use would also have been consistent with the Council's stated vision of making the eastern Itchen access route into the city a residential corridor. The present proposal to re-designate the land to permit its use for industrial purposes is not only inconsistent with the Council's stated 'vision' but, in my view, an inappropriate location given its proximity to the River Itchen and high-density housing**

Officer Response

The site is allocated for employment uses and there isn't a residential application before the Council to consider. As well as a housing need the Local Plan seeks to protect and promote employment sites and this one is unique in that it has deep berth access and a dual tide. Whilst the current application does not rely on these unique characteristics the scheme would not, by itself, prejudice further

development from coming forward that is dependent on the waterfront. On this basis some relaxation of Policy MSA18 is deemed appropriate as it improves the possibility of bringing a vacant building into use whilst creating local jobs.

- 6.2.4 **Siva Plastic admits that their industry has an inevitable environmental impact but does not state in what way. I would suggest that like most plastic recycling plants material is likely to be blown into the surrounding areas. As this site is on the edge of the River Itchen then any such plastic is likely to end up in the River and then ultimately in the marine food chain and ultimately human consumers. This is of course an issue of major international concern.**

Officer Response

The applicant's planning agent has intimated that Siva Plastics are no longer interested in the site as the Council is likely to resist further expansion of non marine-related employment uses across the full extent of this site. That said, Siva could, of course, change their mind and occupy the building in line with the amended restrictions. On this basis it is also recommended that planning condition 9, relating to external storage, is amended

- 6.2.5 **Another potential environmental impact is from emissions from the manufacturing process which the company states it seeks to minimise. The exact nature and extent of the emissions is not stated despite the potential health implications for the large number of people living near to the proposed factory. The storage of bulk quantities of solvents and other materials on site could also presumably constitute a fire and explosion risk to the adjacent high density residential population.**

Officer Response

It is recommended that planning condition 6 is also amended to secure further details of odour and emissions (see below).

- 6.2.6 **The final impact on those living in the Woolston area would presumably be the high volume of lorries carrying waste plastic for recycling as well as raw materials for manufacturing. There are ongoing concerns within CQ about the vehicle access to the site which is through an established residential area and I would be concerned about the potential for many more vehicle movements (both cars and commercials) than previously allowed for.**

Officer response

Planning permission was granted for a larger employment quarter with 21,237sq.m of floorspace. The vehicular access and impacts from associated trips have been assessed as acceptable for this larger scale of development. On this basis SCC Highways have raised no objection to the current proposals to relax the type of B2 manufacturing that will take place from the existing building (see full comments below).

- 6.2.7 **Cllr Payne (Woolston) – Panel Referral - Having requested more details from the applicants about the operation of the site and its new tenant, these have not been forthcoming and I am therefore concerned there could be noise disturbance and excessive numbers of traffic movements (including HGVs) relating to this application. Local feedback has also been largely negative towards the building already taking shape on the site, with the design being regarded as bland by some, and ugly by others. If suitable reassurances regarding the operation of the site can be provided then I might soften my stance, but as it stands, I have to remain vigilant as the local councillor.**

- 6.2.8 **Cllr Noon (Bargate) - There is some concern from residents of Ocean Village with regard to noise and environmental pollution.**

- 6.2.9 **City of Southampton Society – No objection**

Regrettably we concede that as no marine related company wishes to take on the site, the time has come to waive condition 3 of planning application 16/01108/FUL. Having said that, it is imperative that the following conditions are fully enforced to protect the rights of neighbours:-

- 4 - Operational Hours
- 5 - Operational Deliveries and Servicing
- 6 - Operational Environment Protection Plan
- 7 - External Ventilation and Extraction Details
- 8 - Access
- 9 - Parking, Servicing and External Storage
- 10 - Electric Car Charging Points
- 11 - Cycle Parking
- 14 - External Lighting Scheme
- 30 - Refuse and Recycling
- 35 - Pontoon Jetties

In addition as work is still continuing on site (there was pile driving on Friday, 30 August and Monday, 1 September), Condition 13 relating to Landscaping, Lighting and Means of Enclosure still applies.

Officer Response

All conditions are to be imposed again as part of this recommendation

CONSULTATION RESPONSES

6.2.10 SCC Highways – No objection

There is a long planning history regarding this site (red line) and the wider site (blue line) with various consented schemes. The 2008 and 2016 approved schemes are what's being referred to the most. Regardless of previous and current applications having different red lines, the material impact from a highways point of view on this application is the change of B1/B2 use being outside the 'marine related activities'. There are no robust data I can find including the TRICS database which can provide the difference in trip generation between general B1/B2 and marine related B1/B2 uses. Trip generation figures tend to depend on the end-user rather than the land use – this would apply to the site with or without the current condition being varied. Furthermore, the Transport Assessments for the 2008 and 2016 application considered general B1/B2 uses and was not relevant to Marine related activities. Therefore impact from these unrestricted uses were considered from a transport's point of view. Therefore, the proposed variation of condition is considered to be acceptable as there will be no increase in floor space and is simply a relaxation of specific uses within the same use class.

6.2.11 SCC Environmental Health – No objection

Following a perusal of the Noise Report from Hoare Lea, dated 1 October 2019, our concerns concerning noise nuisance have been addressed. We are now supportive of this planning application provided that all of the noise control measures recommended in this report and the existing noise related planning conditions, tailored for the new business use are strictly adhered to.

6.2.12 SCC Archaeology – No objection

6.2.13 SCC Contaminated Land – No objection subject to previous conditions being re-imposed

6.2.14 SCC Employment & Skills - An Employment and Skills Plan obligation would still be required via the S106 agreement.

6.2.15 SCC Ecologist – No objection

I have no objection to the principle of allowing a wider range of industrial uses however, these uses will not have been assessed through the Habitats Regulations Assessment process and there could be potential for adverse impacts on the nearby European sites. For example, controls will be required on the

storage of raw materials and waste to ensure that the designated sites are not polluted.

Officer Response

The Habitats Regulations Assessment will form part of the officer update at the Panel meeting, and condition 9 is amended to include the concerns by the ecologist and neighbours to raw materials entering the River Itchen.

- 6.2.16 **SCC Heritage** - The proposed `variation of use` for the new building would not result in any additional adverse heritage impacts any more so than the existing arrangement.
- 6.2.17 **Hampshire Fire & Rescue** – Building Regulations
The recommendations (received 22/10/19) are advisory only and do not form part of any current legal requirement of this Authority:
- 6.2.18 **Highways England** - Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. In the case of this development proposal, our interest is in the M3, M27 and M271. Having examined the above application we do not offer any objections to this proposal.
- 6.2.19 **Southampton Airport** – No objection
The application for variation of condition 3 of planning permission ref 19/01378/FUL has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore, have no objection to this proposal.
- 6.2.20 **Natural England** – Habitats Regulations Update
Thank you for consulting Natural England on the above application. Natural England recommends that your authority carries out a Habitats Regulations Assessment to ensure any potential significant effects on European protected sites are considered.
- 6.2.21 **Southern Water** – No objection
- 6.2.22 **Historic England** – No comment
On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

7 **PLANNING CONSIDERATION KEY ISSUES**

- 7.1 Given that there are no changes proposed to the building itself, the likely traffic impacts from this amount of B2 floorspace, and all existing planning conditions will be repeated (thereby protecting existing residential amenity and the environment) the key issues for consideration in the determination of this planning application are:
1. The principle of development; and
 2. Economic Development – including the impacts of releasing the building to non-marine related B2 use; and
 3. Environmental Impact and Other Matters

7.2 Principle of Development

The Planning Panel should treat this request as speculative despite the application making reference to some interest from Siva Plastics, who currently operate from Hazel Road in Woolston.

- 7.2.1 National and local planning policy is supportive in principle of development proposals that bring economic development and employment opportunities; NPPF

(2019) paragraphs 8, 15 and 38 are directly relevant as supported by Chapter 6 (Building a strong, competitive economy). The NPPF confirms that economic growth can secure higher social and environmental standards, and that the Government is committed to securing economic growth in order to create jobs and prosperity.

7.2.3 In permitting application 16/01108/FUL the Council has accepted the principle of a B2 manufacturing use, with 24 hour activity limited to working within the building. This permission met the requirements of the Local Plan Review policy MSA18 in that it was restricted to either a wind turbine blade operator – where blades left the site by barge – or a marine related employment use that required the deep water berth.

7.2.4 As Policy MSA18 states that the development should only ‘include’ maritime-based uses it follows that providing the site can still include such uses, following the removal of this building from the restrictive condition, then some alternative employment uses can be considered acceptable in principle. There is scope for further marine related development following a grant of permission for this application. This conclusion is shared by the Planning Policy team and their response forms a significant material consideration in the determination of this planning application.

7.3 Economic Development Considerations

7.3.1 The Lambert Smith Hampton Marketing report dated 2nd August 2019, as appended to this report at **Appendix 4**, details the efforts that the landowner has made to find a policy compliant business. With over 15 unsuccessful years evidenced officers agree it is now appropriate to relax the requirements for the site, in part, to enable occupation to occur. The restrictions on a marine related employer will be retained for the wider site.

7.3.2 Policy CS6 of the Core Strategy, which identifies the need for 97,000sq.m of industry/warehousing over the plan period, is relevant as a material planning consideration. In terms of the need for local employment opportunities, the 2011 Census for the Woolston Ward suggests 25.6% of residents have no qualifications (compared to 21% for the City as a whole), with 33.7% of households having no adults in employment (compared with 32.8% for the City). It confirms that 72% of residents in the ward are economically active (compared with 68.4% for Southampton) with 5.8% registered as unemployed. The economic development benefits associated with this development are potentially, therefore, considerable and a large number of new technical jobs could be created. The recommendation includes the need to secure targeted local training and employment initiatives (in accordance with LDF Policy CS24). On this basis, and following the SCC Planning Policy comments, officers are minded to recommend approval.

7.4 Environmental Impact, Mitigation & Other Matters

7.4.1 The Environmental Statement (ES), and addendums, accompanying the application(s) have been the subject of full public consultation with the relevant national organisations, and other third parties, and is taken into account in assessing the application and preparing this report. Overall, the development would not have an adverse environmental effect subject to the imposition of appropriate conditions. The ES includes sections on air quality, noise and vibration. The air quality assessment identified that the application site lies outside an Air Quality Management Area. The assessment previously concluded that although the effect of the proposed development during the construction could be minor/moderate adverse, this will be offset through agreed construction traffic routes with SCC, although this is now less relevant as the building is in situ. There

will be no significant effect in compliance with Local Plan Policy SDP15. The noise assessment concludes that any potential noise effects from the development can be suitably controlled and, subject to the changes proposed above, this is considered to be accurate.

- 7.4.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The application site is located to the north of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC) and the application has raised no objection from the Council's Ecologist or Natural England, subject to the attached planning conditions and the completion of an Habitats Regulations Assessment.
- 7.4.3 The Panel's attention is, therefore, drawn to the need for a Habitats Regulation Assessment (HRA), which is necessary as part of this determination process before the Council, as the 'competent authority' under the Habitats Regulations, can give approval to the project. At the time of writing the HRA is still being prepared and will be available prior to the Panel meeting. The previous permissions (for more development floorspace) were also supported by an HRA that concluded that the impacts were acceptable
- 7.4.4 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted 'Developer Contributions' Supplementary Planning Document. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application as summarised within the above recommendation. LDF Policy CS25 seeks to ensure that all new development mitigates against its direct impacts and this scheme is no different. The proposed uses do not attract the Community Infrastructure Levy (CIL), but the negotiations with the applicants, and relevant consultees, previously resulted in the need for a s.106 legal agreement to be completed before planning permission could be granted. Providing the application addresses the areas of mitigation, set out above, with a s.106 Deed of Variation then the scheme will have complied with the requirements of Policy CS25.
- 7.4.5 Finally, at the time of writing, there are 2 outstanding matters which both parties are keen to resolve. Firstly, the applicant has not complied with the requirements of the first s.106 legal agreement meaning that payments are outstanding and a construction phase training and employment plan wasn't agreed. Secondly a palisade fence, in breach of the agreed landscaping condition that sought a more attractive outlook for neighbours, has been erected along Keswick Road. The applicant has been asked for an update on both matters and further detail will be provided at the Panel meeting.

8. **SUMMARY**

- 8.1 Planning permission is sought to vary the type of manufacturing that can take place from the first completed building at the MEQ in Woolston. The site has been extensively marketed for marine related employment uses, without success, and a

different approach should now be considered. The land is identified in the Council's Local Plan for employment development. The economic development and employment opportunities weigh in support of the proposal. It is inevitable that there will be an impact on local residents in terms of noise, outlook and additional traffic, but the applicants have mitigated as far as practicable against these unneighbourly effects and on balance, and subject to safeguards in the Section 106 agreement and conditions, it is considered that the issues of transport, neighbour impact and environmental issues can be satisfactorily addressed once an occupier is known.

8.2 This report sets out the issues that should form the basis to the consideration of this planning application. It is the opinion of officers that the current scheme is acceptable and will improve the chances of securing far reaching regeneration benefits and tangible job creation, without prejudicing the future development of the site for marine related employment activity that can take advantage of the deep berth

8.3 This current planning application has been assessed in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Safeguards are built into the recommendations to ensure that planning conditions and obligations, in a S.106 legal agreement, address those aspects of the development that may otherwise cause harm. Taking all of these matters into account the development proposals are acceptable and planning permission should be granted subject to the matters set out in the recommendations.

9 **CONCLUSION**

It is recommended that planning permission be granted subject to the approval of a Habitats Regulations Assessment – with an update to be given before or at the Panel meeting on this – and a Section 106 agreement with planning conditions.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1 a-d, 2 b, d, f, 3 f, g, k, u, vv, 6 a, b, 7 a

SH2 for 10.12.2019 PROW Panel

PLANNING CONDITIONS to include:

With the exception of the conditions amended below all conditions imposed on planning permission 16/01108/FUL, as set out at **Appendix 1**, will be restated:

3.Restricted Use (Performance) – AMENDED BY 19/01378/FUL

The maximum floorspace of the development hereby approved shall be 3,147 square metres (gross external), and the building shall not be sub-divided into separate units without the first written approval of the Local Planning Authority. Furthermore, this permission does not allow for the installation of additional mezzanine floorspace (other than those shown) within the buildings to serve the development.

The approved development shall be used for B2 (General Industrial) employment activity as defined by ~~boat building, fitting out and fabrication, the manufacturing of wind turbine blades and/or another marine related all of which shall require ongoing access to the deep river berth in this location, and the River Itchen itself, and for no other purpose (including any other purpose in Class B2 of the Schedule to~~ the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) **and shall not be used for B1 (business/office) and/or B8 (storage and distribution) (a 'permitted change') without the prior written consent of the Local Planning Authority upon submission of a planning application without the prior written approval of the Local Planning Authority.**

Any office space provided to serve the development shall be ancillary to the uses specified and shall not be let, leased or sold separately.

Reason:

In the interest of the amenities of neighbouring occupiers, to ensure that the site is retained for employment generating uses, to ensure that the office space provided is integral to the principal uses due to the edge of centre location and in the interests of highway impacts that have been determined as established by the approved Environmental Impact Assessment.

6.Noise & Operational Environmental Protection Plan – AMENDED BY 19/01378/FUL
~~The development shall be implemented in accordance with the recommendations contained within the amended 24Acoustics Noise Impact Assessment (7th March 2017) except where superseded by conditions attached to this permission particularly in respect of hours of operation, deliveries and servicing as set out above.~~

Prior to the occupation of the building by the first, and then by any subsequent operator, a detailed 'Noise & Operational Environmental Protection Plan' - to include a bespoke scheme of management measures to protect residential amenity; including details of reversing alarms of fork lift trucks and lorries, yard surface material and maintenance, equipment maintenance, acoustic barrier maintenance, site facilities including attenuation of external plant, vehicle management arrangements, staff management arrangements and a 'Night

Time Management Plan' (detailing measures between 2300 and 0700 hours to mitigate noise; including car parking management in connection with shift change), details of how the operational development will prevent or minimise the impacts from noise (from plant, machinery and staff), vibration and dust for all operations, as well as provide details of how these measures will be monitored at the site boundary to ensure that emissions are minimised beyond the site - shall have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the first and any subsequent occupation by a new user of the building and shall be maintained as agreed thereafter. Prior to the use of the site for manufacturing involving solvents **or plastics** an **'Emissions and Odour Mitigation Plan'** shall be submitted to and agreed in writing with the Local Planning Authority. The development shall proceed only in accordance with these agreed details.

Reason:

To limit noise, **odour** and disturbance and to protect the amenities of neighbours, particularly given the 24 hour nature of the proposed operation as established by the approved Environmental Impact Assessment.

9.Parking, Servicing & External Storage – AMENDED BY 19/01378/FUL

The parking spaces shown on the approved drawings, and associated access, shall be marked out on site and provided in accordance with the plans hereby approved before the building first comes into use, and shall thereafter be retained as approved for the parking by staff and visitors only. Vehicles shall only be parked within designated bays.

These parking areas shall not be used for external storage of any kind, and any external storage ~~within the service yard hereby approved~~ shall only be provided once locations and heights have been agreed in writing with the Local Planning Authority **with a management plan for ensuring that materials and products are safely stored and retained on site. The development shall operate as agreed.**

Reason:

To define the permission and to prevent obstruction to traffic in neighbouring roads and in the interests of highway safety **and wider environmental protection, including nearby protected sites**, as established by the approved Environmental Impact Assessment.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP20	Water Quality & Drainage
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT10	Public Waterfront & Hards
TI2	Vehicular Access
MSA18	Woolston Riverside

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

This page is intentionally left blank



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Quayside Architects - FAO Mr Neil Holmes
141 Burgess Road
Southampton
SO16 7AA

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: **Redevelopment of the site to provide industrial building (Class B2 - 24 hour operation) with ancillary office/research and development accommodation, storage, access and parking (total floor space of 3,147 square metres) (Environmental Impact Assessment Development follows permission 08/00629/FUL)**

Site Address: **Part of Former Vosper Thornycroft, Site and Waterfront, Southampton**

Application No: **16/01108/FUL**

Subject to the following conditions.

1.Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no 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).

2.Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in the schedule attached below, unless otherwise superseded by these conditions.

Reason:

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

3.Restricted Use (Performance)

The maximum floorspace of the development hereby approved shall be 3,147 square metres (gross external), and the building shall not be sub-divided into separate units without the first written approval of the Local Planning Authority. Furthermore, this permission does not allow for the installation of additional mezzanine floorspace (other than those shown) within the buildings to serve the development.

The approved development shall be used for boat building, fitting out and fabrication, the manufacturing of wind turbine blades and/or another marine related B2 employment activity; all of which shall require ongoing access to the deep river berth in this location, and the River Itchen itself, and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

Any office space provided to serve the development shall be ancillary to the uses specified and shall not be let, leased or sold separately.

Reason:

In the interest of the amenities of neighbouring occupiers, to ensure that the site is retained for employment generating uses, to ensure that the office space provided is integral to the principal uses due to the edge of centre location and in the interests of highway impacts that have been determined as established by the approved Environmental Impact Assessment.

4.Operational Hours (Performance)

The restricted B2 use hereby approved (and defined above) shall not operate outside of the following hours:

- o Internal Working within the Building:
Permitted 24 hours per day (7 days)
- o External Working - 'Yard Work Zone' (as defined in the submission):
Monday - Sunday (7 days) - 7am to 7pm
- o External Working - Wharf and Cranes outside of the 'Yard Work Zone'
Monday - Sunday (7 days) - 7am to 7pm

In the event that the development is occupied by a business involved principally in the manufacture of wind turbine blades, for which a case has been made within the submitted documents, the following extension to operational hours shall apply to the following areas only:

- o External Working - 'Yard Work Zone' (as defined in the submission):
Monday - Sunday (7 days) - 7pm to 11pm
- o External Working - Wharf and Cranes outside of the 'Yard Work Zone'
Monday - Sunday (7 days) - 7pm to 11pm for 1 day per calendar week - non consecutive

The Yard Work Zone as shown in the 24Acoustics Noise Impact Assessment (7th March 2017) shall be clearly marked out on site prior to the first use of the building and shall thereafter be retained for the lifetime of the development. For these extended hours the Yard Work Zone shall only be used for those activities and processes that shall have been agreed in writing with the Local Planning Authority prior to first use of the site for the approved use. At no time shall the external yard be used for manufacturing activities and processes other than those agreed.

Reason:

In the interest of the amenities of neighbouring occupiers as established by the approved Environmental Impact Assessment and the amended 24Acoustics Noise Impact Assessment (7th March 2017), with bespoke details provided for a wind turbine blades manufacturer, following input from the Council's Environmental Health Officer.

5.Operational Deliveries & Servicing (Performance)

Prior to the first use of the building hereby approved, and then by any subsequent operator, the applicant shall submit a "Deliveries & Servicing Management Plan" to the Local Planning

Authority for approval in writing. The operation of the site shall proceed in accordance with the agreed details.

Deliveries and servicing of the site shall not take place outside of the following hours:

Monday to Saturday - 7am to 7pm

Sundays and recognised Public Holidays - 9am to 4pm

Reason:

In the interest of the amenities of neighbouring occupiers as established by the approved Environmental Impact Assessment following input from the Council's Environmental Health Officer.

6.Operational Environmental Protection Plan

The development shall be implemented in accordance with the recommendations contained within the amended 24Acoustics Noise Impact Assessment (7th March 2017) except where superseded by conditions attached to this permission particularly in respect of hours of operation, deliveries and servicing as set out above.

Prior to the occupation of the building by the first, and then by any subsequent operator, a detailed 'Operational Environmental Protection Plan' - to include a bespoke scheme of management measures to protect residential amenity; including details of reversing alarms of fork lift trucks and lorries, yard surface material and maintenance, equipment maintenance, acoustic barrier maintenance, site facilities including attenuation of external plant, vehicle management arrangements, staff management arrangements and a 'Night Time Management Plan' (detailing measures between 2300 and 0700 hours to mitigate noise; including car parking management in connection with shift change), details of how the operational development will prevent or minimise the impacts from noise (from plant, machinery and staff), vibration and dust for all operations, as well as provide details of how these measures will be monitored at the site boundary to ensure that emissions are minimised beyond the site - shall have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the first and any subsequent occupation by a new user of the building and shall be maintained as agreed thereafter.

Prior to the use of the site for manufacturing involving solvents an odour mitigation plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall proceed only in accordance with these agreed details.

Reason:

To limit noise and disturbance and to protect the amenities of neighbours, particularly given the 24 hour nature of the proposed operation as established by the approved Environmental Impact Assessment.

7.External Ventilation & Extraction Details

Details of suitable ventilation, extraction and filtration equipment for both buildings, if required, shall be submitted to and approved in writing by the Local Planning Authority prior to the first, and then by any subsequent, occupation of the building to which the details relate. The equipment shall be installed and maintained in accordance with the agreed information and made ready for use prior to the first, and any subsequent use, of the building to which the details relate.

Reason:

To ensure that adequate provision is made for the ventilation of the commercial use which does not impinge on the residential amenity of neighbouring residents or the external design of the building hereby approved.

8. Access

The approved access from Keel Road, as shown on the detailed plans are hereby approved, shall be the principal access point for staff, visitors and deliveries/servicing vehicles and shall be implemented and made ready for its intended use prior to the first use of the development unless otherwise agreed in writing with the Local Planning Authority. Access onto Keswick Road shall be for exceptional and unusual long/wide loads, on an infrequent basis, and emergencies only as set out in the planning submission and this entrance shall not be used for regular access associated with the approved use.

Any existing 'redundant' access points serving the site that are no longer required to serve the approved development shall be closed off, re-kerbed at the highway and made good prior to the first occupation of the development.

Reason:

To ensure that the development, and users of it, is served by an appropriate access in the interests of highway safety.

9. Parking, Servicing & External Storage (Pre-Occupation)

The parking spaces shown on the approved drawings, and associated access, shall be marked out on site and provided in accordance with the plans hereby approved before the building first comes into use, and shall thereafter be retained as approved for the parking by staff and visitors only. Vehicles shall only be parked within designated bays.

These parking areas shall not be used for external storage of any kind, and any external storage within the service yard hereby approved shall only be provided once locations and heights have been agreed in writing with the Local Planning Authority.

Reason:

To define the permission and to prevent obstruction to traffic in neighbouring roads and in the interests of highway safety as established by the approved Environmental Impact Assessment.

10. Electric Car Charging Points (Pre-Occupation Condition)

No building shall be occupied until a minimum of 1 electric car charging point has been provided to serve it. The approved measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of sustainability and air quality.

11. Cycle parking (Performance Condition)

Before the occupation of each building the cycle storage, changing, washing and shower facilities for members of staff shall be provided and made available for use in accordance with revised details that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development hereby approved. The storage shall thereafter be retained as approved.

Reason:

To encourage cycling as an alternative form of transport.

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

Notwithstanding the information shown on the approved drawings and application form (with the exception of site clearance, demolition, enabling and preparation works) no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the approved building. 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. Development shall be implemented only in accordance with the agreed details.

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.

Note to Applicant:

As part of its duty in signing off this condition the Local Planning Authority will request that a sample panel of the cladding system is constructed on site so that the reflectivity and glare of the materials can be properly assessed ahead of its use across the development.

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

Notwithstanding the submitted details, before the commencement of any site works (with the exception of site clearance, demolition, enabling and preparation works) a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure including retaining wall details; 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 along Keswick Road as they affect the site. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

The position and height of acoustic barriers (comprising bunds and fencing) and other means of enclosure along the site's Keswick Road and Victoria Road boundaries, and the railings shown on the pedestrian entrance link bridge, shall be erected prior to the first use of the development in accordance with further details that shall have been agreed in writing with the Local Planning Authority before their erection. The boundary treatment shall thereafter be retained as approved.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to the first use 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.

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.

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.

14.External Lighting Scheme (Pre-Occupation)

Prior to the development hereby approved first coming into occupation or the erection of any external lighting to serve the use (whichever is sooner), external lighting shall be

implemented in accordance with a scheme - notwithstanding the information already provided in the DfL Lighting Impact Assessment (August 2016) - to be submitted to and approved in writing by the Local Planning Authority. The details shall include light scatter diagrams with relevant contours. The scheme shall include details of lighting design and hours of operation and must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The lighting scheme shall be thereafter retained as approved.

Reason:

In the interest of residential amenity, to minimise the impact on protected species and to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare, and as required by the applicant's DfL Lighting Impact Assessment (August 2016) and as established by the approved Environmental Impact Assessment.

15. Tree Retention and Safeguarding

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

Reason:

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

16. No storage under tree canopy (Performance - Construction & Operational)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained along the site's boundary with Keswick Road. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas unless agreed in writing with the Local Planning Authority in advance of such works

Reason:

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

17. Ecological Enhancement Statement (Pre-Commencement)

Prior to development commencing (with the exception of site clearance, demolition, enabling and preparation works) the developer shall submit a programme of habitat and species enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before the first use of the building hereby approved takes place. The agreed scheme shall be retained as approved.

Reason:

To enhance habitat for protected species under the Wildlife and Countryside Act 1981 (as amended) and in the interests of preserving and enhancing biodiversity as established by the approved Environmental Impact Assessment.

18. BREEAM Standards [Pre-Commencement Condition]

Before the development commences (with the exception of site clearance, demolition, enabling and preparation works) written documentary evidence demonstrating that the development will achieve at minimum 'Very Good' overall, including Excellent level against

the mandatory credits, against the BREEAM Standard, 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).

19.BREEAM Standards [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 Very Good overall, including Excellent level against the mandatory credits, against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM 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).

20.Zero or Low Carbon Energy Sources (Pre-Commencement Condition)

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO2 emissions of at least 15% shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent (with the exception of site clearance, demolition, enabling and preparation works). Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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).

21.Finished Floor Levels

The development hereby permitted shall ensure that the building's finished floor levels are set no lower than 5.50m Above Ordnance Datum (AOD).

Reason:

To reduce the risk of flooding to the proposed development and future occupants. This condition is in line with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and has been requested by the Environment Agency.

Note to Applicant - Environment Agency:

The proposed development is located within an area of flood zone 1 and is considered to have a low probability (< 1 in 1000, 0.1%) of tidal flooding in any year. The proposed finished floor level of 5.50mAOD will ensure that the development remains safe and free of inundation over its full lifetime. The main access to the building from Victoria Road is set at a higher level and will provide safe access and exit if flooding of the lower lying areas of the site does occur.

22.Surface/Foul Water Drainage (Pre-commencement)

No development approved by this permission shall commence (with the exception of site clearance, demolition, enabling and preparation works) until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the

Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason:

To ensure satisfactory drainage provision for the area.

Note to Applicant - Southern Water:

You are advised to take note of Southern Water's full response (dated 27th October 2016) to the planning application which details the restrictions on development and requirements for further approvals. The applicant is also advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

23.Sustainable Drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the LPA prior to the commencement of development (with the exception of site clearance, demolition, enabling and preparation works).

Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

Reason:

To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015) and as established by the approved Environmental Impact Assessment.

24. Land Contamination remediation - Added Post Planning Panel

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 of remediation detailing the remedial actions to be taken and how they will be implemented shall be submitted to and approved by the Local Planning Authority. On completion of the remedial works set out above 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.

25. Use of uncontaminated soils and fill (Performance)

Only 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.

26. Unsuspected Contamination (Performance)

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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

27. Construction Environmental Management Plan (CEMP)

Notwithstanding the information already submitted the applicant shall submit a Construction Environmental Management Plan to the Local Planning Authority for approval in writing prior to the commencement of development. The CEMP shall ensure and demonstrate that there are no adverse effects on the integrity of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC). The plan should include:

- a. details of mitigation including measures to avoid disturbance to waterfowl and migratory salmon, including timetabling works to avoid sensitive periods for such species. Potential measures to mitigate the impacts should include:
 - o Turning off all plant when not in use
 - o Use of mufflers and other noise reducing equipment
 - o Timing of works to avoid sensitive periods for salmon and waterfowl
 - o Screening of construction works.
 - o Piling methodologies and a mitigation plan to prevent disturbance to salmon if percussive piling is to be employed with 75m m of the river edge.
 - o Pollution control measures, including proposals for monitoring during and post construction, and details of emergency remediation measures if acceptable biological limits are breached.
 - o Design the building to minimise collision risk
 - o Careful positioning of lighting
 - o Design of lighting to minimise light spill
- b. parking of vehicles of site personnel, operatives and visitors;
- c. loading and unloading of plant and materials;
- d. storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e. treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- f. measures to be used for the suppression of dust and dirt throughout the course of construction;
- g. details of construction vehicles wheel cleaning;
- h. details of any cranes required to facilitate construction;
- i. external lighting;
- j. height of external storage areas;

- k. Control and disposal of putrescible waste to prevent attraction of birds; and,
- l. details of how noise emanating from the site during construction will be mitigated with contact details of the site manager for residents wishing to raise issues during the construction phase

Works shall be implemented in accordance with the agreed details.

Reason:

To ensure that the natural conservation interests of the site and surrounds are adequately safeguarded, and in the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area, Southampton Airport and highway safety and as established by the approved Environmental Impact Assessment.

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

All works relating to the demolition, clearance and construction of the development (including deliveries) hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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.

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery.

Reason:

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

29. Piling

A piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority prior to any piling taking place in the construction of this development. The development shall be carried out in accordance with the agreed details.

No percussive piling or works with heavy machinery (ie. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) shall be undertaken during the bird overwintering period (ie. October to March inclusive).

Reason:

To satisfy the requirements of the Council's Environmental Health Department, Natural England and the Environment Agency, and to ensure that an appropriate form of piling is undertaken for each phase in the interests of protecting residential amenity and the habitat of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC), whilst ensuring that any piling methods used do not cause pollution, harm or nuisance and as established by the approved Environmental Impact Assessment.

30. Refuse & Recycling (Pre-Commencement)

Prior to the first use of the building, and then by any subsequent operator, further details of storage for refuse and recycling, together with the access to it and the ongoing management, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the first, and any subsequent, occupation of the building and shall thereafter be retained as approved.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

31.No other windows or doors other than approved in specific location

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including rooflights), doors or openings other than those expressly authorised by this permission shall be constructed in the northern elevation of the building.

Reason:

To protect the amenities of the adjoining properties.

32.Telecommunications PD Restriction

Notwithstanding the provisions of Schedule 2 Part 16 the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no telecommunication equipment shall be erected or carried out to any building hereby permitted without the prior written approval of the Local Planning Authority.

Reason:

In the interests of visual amenity.

33.Submission of a Bird Hazard Management Plan - Airport

Development shall not commence (with the exception of site clearance, demolition, enabling and preparation works) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The BHMP shall be in accordance with AOA Advice Note 8 and shall include details of:

- o monitoring of any standing water within the site temporary or permanent
- o management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached * See next page for information *
- o reinstatement of grass areas
- o maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
- o which waste materials can be brought on to the site/what if any exceptions e.g. green waste
- o monitoring of waste imports (although this may be covered by the site licence)
- o physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
- o signs deterring people from feeding the birds.

The BHMP shall be implemented as approved on 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 LPA.

Reason:

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

Note to Applicant:

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 SIAL Airside Operations staff. In some instances it may be necessary to contact SIAL Airside 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 where applicable from Natural England before the removal of nests and eggs.

34. Security

A 'Security Management Plan', including the location and design of any external CCTV, for the development shall be submitted to and agreed in writing with the Local Planning Authority prior to its first occupation. The agreed scheme shall be implemented as agreed.

Reason:

In the interests of security for the site.

35. Pontoon Jetties

Details of all and any pontoons jetties or pier structures associated with this proposal shall be submitted to and approved in writing by the Local Planning Authority prior to any works relating to them being enacted. Such pontoons, jetties, and or pier structures shall project no further into the River Itchen than is needed in order to comply with the requirement that no berthing (either permanent or temporary) shall be permitted to the west of the outer berthing limit without the berth operator or berth user requesting and receiving the prior written permission of the Local Planning Authority (after consultation with the Harbour Master).

The outer berthing limit is taken as the line formed by the following co-ordinated points:

Point 1 shall be taken as East (OSGB) 443341 North (OSGB) 110840
 Point 2 shall be taken as East (OSGB) 443380 North (OSGB) 110912
 Point 3 shall be taken as East (OSGB) 443395 North (OSGB) 110965
 Point 4 shall be taken as East (OSGB) 443409 North (OSGB) 111011
 Point 5 shall be taken as East (OSGB) 443417 North (OSGB) 111040
 Point 6 shall be taken as East (OSGB) 443441 North (OSGB) 111122

Reason:

In the interests of safe navigation of the River Itchen and to ensure compliance with previous advice taken in respect of LPA ref: 08/00629/FUL.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the proposal in the context of the site allocation for industrial development as set out in the Development Plan, the importance of the additional employment to be created by this development, and the need to see the redevelopment of this vacant site. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise/disturbance (particularly in relation to 24 hour activity) but it is considered that this impact can be mitigated by Section 106 obligations, and planning conditions, and it has been assessed in the context of the site's former historic use for significant manufacturing. The Council has also taken into account:

- o the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011;
- o The Woolston Riverside Planning Brief and Illustrative Master Plan 2004; and,

- o The extant planning permission for this site (08/00389/OUT refers) which would allow manufacturing to take place on the site following the submission of Reserved Matters.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering Environmental Impact Assessment and the protection of important natural habitats have been satisfied. Other material considerations have been considered, as set out in the report to the Planning and Rights of Way Panel (04.04.17) including a considerable objection to the proposals from local residents, although the points made are not judged to have sufficient weight to justify a refusal of the application; particularly given the proposed reduction in operational hours permitted and the scheme of mitigation that can be secured. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.

In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP22, NE4, NE5, TI2, HE6 and MSA18 of the City of Southampton Local Plan Review (LPR - as amended 2015) and CS6, CS7, CS12, CS13, CS18, CS19, CS20, CS22, CS23, CS24 and CS25 of the Local Development Framework (LDF) Core Strategy Development Plan Document (as amended 2015) as supported by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and the guidance contained in the National Planning Policy Framework (2012).



Samuel Fox
Planning & Development Manager

21 July 2017

If you have any further enquiries please contact:
Stephen Harrison

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings:

Drawing No:	Version:	Description:	Status:
992 CQ-BD06	c	Floor Plan	Approved
992 CQ-BD05	b	Floor Plan	Approved
992 CQ-BD01	a	Location Plan	Approved
992 CQ-BD07	c	General Plan	Approved
992 CQ-BD02	c	Site Plan	Approved

992 CQ-BD08	b	Elevational Plan	Approved
992 CQ-BD04	d	Elevational Plan	Approved
992 CQ-BD03	b	Floor Plan	Approved
		Environmental statement	Approved
		Design and Access Statement	Approved

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
9. The applicant is recommended to retain this form with the title deeds of the property.
10. In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.
11. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012)

Please address any correspondence in connection with this form quoting the application number to: **Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, Southampton, SO14 7LY.**

This page is intentionally left blank

Application 19/01378/FUL

APPENDIX 2

Meeting of Planning and Rights of Way Panel, Tuesday, 4th April, 2017 6.00 pm (Item 87.)

Planning Application - 16/01108/FUL - Part of Former Vosper Thornycroft Site and Waterfront Southampton

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

Minutes:

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site to provide industrial building (Class B2 - 24 hour operation) with ancillary office/research and development accommodation, storage, access and parking (total floor space of 3,147 square metres) (Environmental Impact Assessment Development follows permission 08/00629/FUL).

Dr Ian White, Simon Reynier and Rosie Johnson (local residents objecting), Councillors Bogle and Fitzhenry (City Councillors objecting) Harry Hutchinson, Robert Sanders and Paul Hayden (applicant), Simon Read (architect), and Councillor Payne (Ward Councillor objecting) were present and with the consent of the Chair, addressed the meeting.

Officers agreed to adjust the delegation set out as recommendation (iv) below to ensure that any adjustment to the operating times would return to Panel for consideration. The Panel were concerned around the range of activities that could be undertaken within the area known as the "Yard Work Zone" and requested that this and the hours that work could be undertaken be conditioned as set below. The Panel also requested that the permitted hours of external working for the wharf and cranes area outside of the 'Yard Work Zone' be amended to prevent the 1 day a week set out within the conditions becoming 2 consecutive days over 2 weeks. In addition the Panel requested an amendment to the condition relating to cycle parking.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Coombs, Claisse, L Harris and Hecks

AGAINST: Councillor Barnes-Andrews

ABSTAINED: Councillor Mintoff

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Either a s.278 Agreement to undertake agreed works within the highway or a financial contribution and other highway obligations, including Traffic Regulation Orders (where necessary) towards site specific transport improvements in the vicinity of the site in line with policies SDP4 and TI2 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) linked to those works agreed under 08/00629/FUL with additional works to Wharf Road to accommodate larger vehicles;
 - b. 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;
 - c. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - d. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
 - e. Submission and implementation of a Construction Traffic Management Plan;
 - f. Submission and implementation of an Operational Phase Lorry Routing Agreement to limit HGV traffic within residential streets; and
 - g. Submission and implementation of a Staff Travel Plan
- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

- (iv) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. This delegation does not extend to amending the hours of operation agreed by the Planning and Rights of Way Panel as listed in the report considered and approved

AMENDED CONDITIONS

4. OPERATIONAL HOURS (Performance)

The restricted B2 use hereby approved (and defined above) shall not operate outside of the following hours:

- Internal Working within the Building:
Permitted 24 hours per day (7 days)
- External Working – ‘Yard Work Zone’ (as defined in the submission):
Monday – Sunday (7 days) – 7am to 7pm
- External Working – Wharf and Cranes outside of the ‘Yard Work Zone’
Monday – Sunday (7 days) – 7am to 7pm

In the event that the development is occupied by a business involved principally in the manufacture of wind turbine blades, for which a case has been made within the submitted documents, the following extension to operational hours shall apply to the following areas only:

- External Working – ‘Yard Work Zone’ (as defined in the submission):
Monday – Sunday (7 days) – 7pm to 11pm
- External Working – Wharf and Cranes outside of the ‘Yard Work Zone’
Monday – Sunday (7 days) – 7pm to 11pm for 1 day per calendar week – non consecutive

The Yard Work Zone as shown in the 24Acoustics Noise Impact Assessment (7th March 2017) shall be clearly marked out on site prior to the first use of the building and shall thereafter be retained for the lifetime of the development. For these extended hours the Yard Work Zone shall only be used for those activities and processes that shall have been agreed in writing with the Local Planning Authority prior to first use of the site for the approved use. At no time shall the external yard be used for manufacturing activities and processes other than those agreed.

REASON: In the interest of the amenities of neighbouring occupiers as established by the approved Environmental Impact Assessment and the amended 24Acoustics Noise Impact Assessment (7th March 2017), with bespoke details provided for a wind turbine blades manufacturer, following input from the Council’s Environmental Health Officer.

11. CYCLE PARKING (Performance Condition)

Before the occupation of each building the cycle storage, changing, washing and shower facilities for members of staff shall be provided and made available for use in accordance with revised details that shall have been agreed in writing with the Local

Planning Authority prior to the first occupation of the development hereby approved.
The storage shall thereafter be retained as approved.

REASON: To encourage cycling as an alternative form of transport

Application 19/01378/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP20	Water Quality & Drainage
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT10	Public Waterfront & Hards
TI2	Vehicular Access
MSA18	Woolston Riverside

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

2nd August, 2019

T +44 (0)2380 330041

F +44 (0)2380 330060

www.lsh.co.uk

Harry Hutchinson
Oceanic Estates Ltd
Oceanic House
Cracknore Hard
Marchwood
Southampton
SO40 4ZD

Lambert Smith Hampton
3rd Floor Enterprise House
Ocean Way
Southampton
Hampshire
SO14 3XB

Dear Harry,

Marketing Report – Centenary Quay, Woolston, Southampton

Lambert Smith Hampton have been asked to produce a report to accompany a planning application which will request the relaxation of the requirement which restricts use of the site to B2 Marine related employment, so that B2 and B1 employment can take place on site.

Our report is to give an overview of the history of the marketing of the site for marine employment which dates back to when Vosper Thornycroft closed in 2003. The site forms part of a larger site that was occupied by Vosper Thornycroft for a great number of years, the site was sold to SEEDA in 2003.

SEEDA then applied for a scheme that was predominantly residential redevelopment but it retained an employment element at the North of the site. This employment site was branded the Marine Employment Quarter or MEQ.

SEEDA used Deloitte's to market this site and find a development partner. At first they selected Dean and Dyball as the development partner, and the site was marketed for Marine Employment B2 use.

Then the development partnership with Dean and Dyball came to an end before any buildings were developed as no tenant interest had led to any commitment on site. In 2008 Dean and Dyball were sold to Balfour Beatty.

Following this, SEEDA had interest from the pleasure boat building company, Palmer and Johnson, a new planning application was submitted for this interest but Palmer and Johnson built one boat at the Hythe Marine Park site then, when the vessel was completed, the company went into receivership around 2009.

SEEDA continued to market the site for Marine employment use, attending boat shows, holding seminars and talks with marine employers etc.

SEEDA then became HCA and the site was marketed with Savills to find a new development partner, Oceanic Estates was selected through this process.

Jeremy Herring from the HCA has provided the abbreviated synopsis shown below:-

2003: SEEDA acquired the site from Vosper Thorneycroft

2005: SEEDA went through a full OJEU compliant procurement process to select developers for the residential led element and for the employment element (Marine Employment Quarter). Through this process SEEDA selected a well-known developer to deliver the MEQ. Contracts were not completed and negotiations ceased in 2007.

2007: SEEDA entered into direct negotiations for the sale of the site to American super yacht manufacturer, Palmer Johnson. However, in 2009 it became apparent that the economic climate meant Palmer Johnson was unable to proceed.

2010 SEEDA was approached by a consortium including developer.

2011 The consortium dropped out but the developer continued with an employment scheme until it finally withdrew in September 2013.

2014 The HCA, now Homes England, undertook another full OJEU compliant procurement process and contracted with Oceanic Estates in December 2015. Longstop dates were extended to enable Oceanic to pursue specific parties for occupation of the site.

There have been several interested owner occupiers who have enquired about the site. HCA pursued these directly prior to contracting with Oceanic Estates but nothing came of them as the parties decided not to proceed at Centenary Quay.

Oceanic Estates have to date submitted two planning applications. The first was for the building that is now nearing completion, which was originally designed for the construction of wind turbine blades for a company called Blade Dynamics. Blade Dynamics were then bought by GE Renewables, and Oceanic Estates were asked to secure planning for a large blade testing facility, this building was a large structure some 40m in height. Shortly after the resolution to grant consent was made GE Renewables pulled out of the discussions with Oceanic Estates to focus on an alternative test facility in Holland.

Following this, Oceanic Estates with Lambert Smith Hampton have marketed the property for marine employment uses and have had various discussions with boat manufacturers. There have been detailed discussions with three parties, none of which have resulted in a letting. We have undertaken extensive mailing to marine occupiers with a list of some 1,500 companies having been directly mailed. The property has been listed online, not only on our website but also via the following portals/methods:

- Lambert Smith Hampton website
- Rightmove
- EG Property Link
- CoStar
- Invest in Southampton
- LinkedIn marketing campaign
- Email to c.130 local commercial agents
- CPR South Coast Central magazine
- Zoopla
- EACH (Estate Agents Clearing House)
- Boxpod
- Invest in Hampshire
- LSH industrial applicants emailed
- Marketing boards on cladding around site

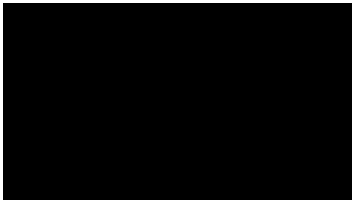
Most recently all companies that exhibited at the sea work exhibition have been sent details and two mailing lists for marine occupiers have been mailed, also various companies have been phoned to enquire if the property is of interest. But as yet there is no interest from Marine related B2 users.

Lambert Smith Hampton are one of the most established commercial agency practices in Southampton with over 15 years trading in Southampton. Lambert Smith Hampton have let more industrial space in and around Southampton than any other agent, having been named EGI Most Active Agent in Hampshire for 13 consecutive years. We have used all available resources to let this property to a marine employer, without success.

The site has received significant exposure to the market since 2003 but the pool of potential tenants is a small one when compared with standard B2 use. This would explain why SEEDA and ourselves have not been successful in attracting a marine related employer to the site.

Kind Regards

Yours sincerely



Adrian Whitfield
Director

DD: [REDACTED]
[REDACTED]
[REDACTED]

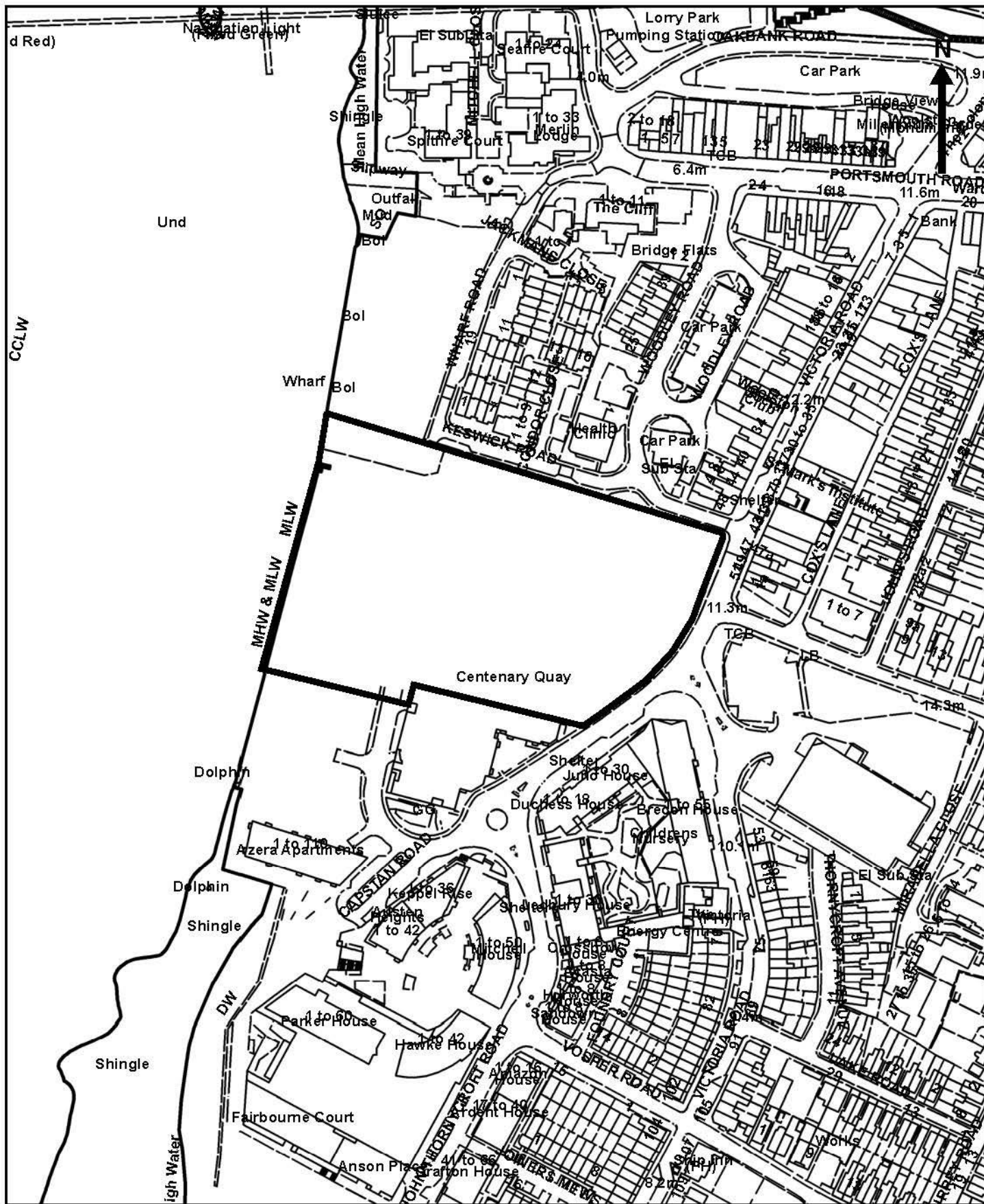
Encl.

CC P Bascombe, Oceanic Estates

This page is intentionally left blank

Agenda Item 7 19/01378/FUL

Appendix 5



Scale: 1:2,500

©Crown copyright and database rights 2019 Ordnance Survey 100019679

This page is intentionally left blank