

Planning and Rights of Way Panel 19 June 2018
Planning Application Report of the Service Lead – Infrastructure, Planning & Development

Application address: Former Redbridge Sidings, Old Redbridge Road, Southampton			
Proposed development: Change of use of land from open space and landscaping into operational railway use and construction of new railway sidings, with associated works and proposed change of use of Network Rail land to public open space (resubmission 15/00306/FUL) - Amended submission following initial consultation			
Application number	17/02368/FUL	Application type	Minor
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	17.01.2018 - ETA	Ward	Redbridge
Reason for Panel Referral:	Request by Ward Member and subject to five or more letters of objection	Ward Councillors	Cllr McEwing Cllr Pope Cllr Whitbread
Referred to Panel by:	Cllr Pope	Reason:	Loss of open space and trees without appropriate mitigation; in addition to those reasons listed in full objection dated 30.11.17

Applicant: Network Rail Infrastructure Limited	Agent: N/A
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Recommendation Summary	Delegate to Service Lead – Infrastructure, Planning & Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	N/A
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered by the Council's Planning and Rights of Way Panel on 19th June 2018, including the loss of open space, the loss of mature trees and the impacts of the development upon existing residential amenity – particularly as this scheme enables more freight trucks rather than engines - and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. Officers consider that in this instance the loss of the open space is acceptable given that:

- Network Rail have amended their scheme and now propose to provide the Council with 1,043sq.m of land, and sufficient funds to enable its change of use from a carpark to public open space;

- The existing open space to be lost has been reduced from 2,008sq.m (proposed under LPA ref: 15/00306/FUL) to 1,592sq.m and will serve a wider benefit in terms of freight movement and its associated economic and environmental benefits in terms of removing HGVs from the highway network;
- In terms of useable open space the scheme now proposes a net increase of 196sq.m (1,043sq.m proposed less 847 designated open space lost);
- The open space to be lost is currently characterised by mature planting with the more useable parts of the Park to be retained. There will be no change to the waterside access enjoyed by this Park and the number of trees to be felled has been reduced from 118 (proposed under LPA ref: 15/00306/FUL) to 95 (all Category B and C); and
- The proposed tree loss, whilst significant, does not affect existing residential outlook across the railway (as this relationship already exists) and is mitigated by their replacement with 332 trees (increased from 236 previously proposed under LPA ref: 15/00306/FUL) including the reinstatement of a tree belt along the northern boundary of the reconfigured Wharf Park;

The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP11, SDP12, SDP13, SDP16, SDP17, SDP22, NE4, NE6, NE7, HE6, CLT3 and TI2 of the City of Southampton Local Plan Review (2015) and CS6, CS9, CS13, CS14, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (2015) as supported by the NPPF (2012).

Appendix attached			
1	1 st August 2017 Panel Minute	2	S.106 Contribution
3	Development Plan Policies		

Recommendation in Full

1. 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. The provision for approval, in writing by the Council, and subsequent implementation of a fully designed public open space scheme by Network Rail in line with the current submission or financial contributions towards open space, public realm and replacement landscaping (and a commuted maintenance sum where appropriate) within the application site and Wharf Park, including lighting with light scatter diagrams and CCTV (if required), at least 2:1 tree loss commitment (minimum 190 trees) including a replacement tree belt to Wharf Park’s northern boundary, improved signage to the Park(s) and the re-provision of the cycle track, as required by LDF Core Strategy policies CS21 and CS25; with the submission of a phasing plan linking the (re)provision of the open space, and its transfer to the Council, to the delivery of the approved Sidings.
2. In the event that the legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, 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.

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

Background

The planning system gives the applicant, Network Rail, 'permitted development' to undertake development relating to the movement of traffic by rail on their operational land (General Permitted Development Order Part 8 Class A refers). There is a nationwide initiative to remove capacity constraints in the rail freight network and where possible Network Rail are utilises their permitted development allowances. Network Rail's 'Freight Utilisation Strategy' (March 2007) identified the Port of Southampton to various destinations in the West Midlands and West Coast Main Line as a capacity gap requiring further investment. Freight capacity expansion is a necessity for Southampton according to the applicant and their findings as the City currently is a bottleneck for the movement of freight.

In this instance the proposed development is located upon Council owned open space where planning permission is then required as this is not 'operational land' for the purposes of permitted development. Should the Panel support the officer recommendation to approve the Council would then need to advertise its intention to dispose of the land and, if subject to objection, the Council's Cabinet would then decide whether or not to sell the land subject of this planning application.

This application follows the refusal of a similar scheme (LPA ref: 15/00306/FUL), which previously failed to mitigate for the proposed loss of public open space. The revised scheme seeks to address the previous reason for refusal to enable the project to proceed, but is again subject to significant local objection. The previous application was refused by the Planning Panel on 1st August 2017 for the following reason:

Refusal Reason - Loss of Open Space

The proposed change of use results in the loss of public open space to the detriment of the usability of the Park, its access and, with the associated removal of 118 mature trees, its appearance contrary to Policy CS21 of the LDF Core Strategy (Amended 2015), which seeks to retain the quantity of open space in the City.

A copy of the relevant Panel Minute is attached at **Appendix 1**. The key change to the project is that less open space is now needed for the sidings, and Network Rail have offered a piece of compensatory land to the Council, and a financial contribution, to enable its use as replacement open space. This is material change to the scheme. The Panel are reminded that introducing new reasons for refusal to the application could be construed as unreasonable behaviour; whilst noting that the proposed 'pocket park' is new development to that previously considered and requires a full assessment.

1.0 The site and its context

- 1.1 This planning application concerns a linear piece of Council land which runs along the southern boundary of the existing railway line, and associated sidings, at Redbridge Station on the edge of the Council's administrative boundary. The land is currently planted with mature trees and forms part of a wider piece of public open

space, with a total area of 16,600sq.m, which is triangular in nature with extensive views across the River Test to the south with pedestrian access taken from the Redbridge Station bridge link. The operational port forms the site's eastern boundary.

1.2 The land was formerly owned and used for railway sidings but was sold to the Port of Southampton. In 1992 outline planning permission was granted for industrial and storage development to enable disposal by British Rail to the Port of Southampton for its expansion proposals. As part of this decision the Redbridge Wharf Park was transferred to the Council in 2002 with the extension of the footbridge to provide full pedestrian access.

1.3 This application also includes land to the north of the railway line, which is currently used for temporary, secure parking in connection with the City's cruise operation. This piece of land is offered to the Council in lieu of that required for the main works and has an area of 1043 sq.m. This land has been referred to as a 'pocket park'.

1.4 There are a number of designated sites near the proposed development site. European designated sites include the Solent Maritime Special Area of Conservation (SAC) and the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. UK designated sites include the Eling and Bury Marshes Site of Special Scientific Interest (SSSI), the Lower Test SSSI and the River Test SSSI.

2.0 Proposal

2.1 As with planning application 15/00306/FUL full planning permission is sought to change the use of land from public open space to operation land for network rail to enable them to increase network capacity by two additional sidings for freight, particularly serving the Port of Southampton. At present the average length of freight trains running from Southampton to the West Midlands and WCML is around 520 metres. The aim of the project is to provide additional sidings to accommodate 775 metre-long trains, and provide for additional manoeuvres to and from the Port of Southampton. This project is just one of 10 such initiatives to improve freight movement across the UK. It is estimated that each additional freight train on the network removes between 43 and 76 HGVs from the highway network, with each tonne transferred reducing carbon emissions by 76%. Currently freight operates across the network on a 24 hour/day operation and the existing sidings form part of that network. This application seeks to extend the existing capacity and improve the logistics of moving freight along the same network as passengers and, if approved, would operate on the same 24 hour/day basis as existing. Network Rail advise that longer sidings allow for longer trains rather than more diesel engines on the network

2.2 Some existing vegetation on the site will be cleared, including significant tree loss, and track formation works will be undertaken to provide for drainage, relocated and new fencing to make ready for the development of operational sidings (formed of ballast, sleepers and rails). Small technical equipment boxes and some signalling equipment will also be installed. In total some 1,592sq.m of designated (847sq.m) and undesignated (745sq.m) open space is required with the removal of 95 trees in total followed by appropriate mitigation and replanting. The existing trees range in height from 6 to 12 metres. The previous application required 2008sq.m of open space to facilitate the development; comprising 1,268sq.m of designated open space and 740sq.m of undesignated open space. The scheme, therefore, represents a reduction in open space loss and a potential net gain in useable (designated) open space.

2.3 A comprehensive tree survey has been carried out on all the trees alongside the railway boundary east of the footbridge and in the balance of Redbridge Wharf Park (west of the footbridge). The survey found that the trees along the railway

boundary are generally ‘spindly’, and have co-dependent crowns which are suppressing each other. In total the report identifies that no ‘A’ category trees will be felled and in total 95 trees will be felled. A variety of species including Field Maple, Silver Birch, Oak, Hornbeam, Alder, Holly, Aspen, Rowan, Hawthorn, Hazel and Blackthorn are earmarked for removal. A 2:1 tree planting scheme is proposed as discussed later in this report and secured through a s.106 legal agreement.

2.4 The current application has been revised following submission with more detail provided. It seeks to address the previous reason for refusal by reinstating a tree belt along Wharf Park’s northern boundary and making provision for new public open space on the opposite side of the railway line. As proposed the scheme represents a net increase in useable public open space with less Council land now required to fulfil the scheme. The following table summarises the changes:

	15/00306/FUL - Refused	17/02368/FUL - Proposed
Open Space Loss	2,008sq.m made up of:	1,592sq.m made up of:
• Designated	1,268sq.m	847sq.m
• Undesignated	740sq.m	745sq.m
Open Space Replacement	-	1043sq.m
Proposed Tree Loss	118	95
Proposed Tree Planting	236	332
Financial Mitigation	£242,458	£428,028
Ongoing Maintenance Sum	-	£29,295

2.5 A breakdown of Network Rail’s proposed financial contribution is attached at **Appendix 2**. These figures do not include lighting and CCTV, which are under negotiation following the comments of Hampshire Constabulary and can be secured through the s.106 delegation (if appropriate)

2.6 In addition to the above Network Rail are also exploring the possibility of undertaking further community-based and maintenance works to support the project, including:

- Painting of a mural celebrating local history (including anti-graffiti coating) located on the grey vertical panels on Redbridge footbridge on Redbridge Wharf Park side. To be delivered by W. Rosie (All About Art Ltd) in collaboration with young people at Redbridge Junior School;
- Infill planting between Railway Cottages and track (subject to relevant residents’ approval for access); and
- Washing, painting and treating the ramps on both sides of the footbridge and replacing the downpipe guttering. Additional work to be carried out by the train operator focussing on re-tred of steps on the station platform staircases and double height hand rails also on the staircases with warm touch covering.

Whilst clearly welcome these extras are not a requirement of the planning system and should not be afforded weight in the determination of the application

3.0 **Relevant Planning Policy**

3.1 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.2 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 3**.

3.3 Policy CS21 (Protecting and Enhancing Open Space) explains that *‘the Council will retain the quantity and improve the quality and accessibility of the city’s diverse and multi – functional open spaces and help deliver new open space both within and beyond the city to meet the needs of all age groups through*

1. *Protecting and enhancing key open spaces including Southampton Common, central, district and local parks;*
2. *Replacing or reconfiguring other open spaces in order to achieve wider community benefits such as improving the quality of open space, or providing a more even distribution across the city;*
3. *Safeguarding and, when opportunities arise, extending the green grid (see Policy 22);*
4. *Seeking developer contributions to provide high quality, accessible open spaces.’*

3.4 The application has been formerly advertised as a departure to Policy CS21 as, if supported, will not retain the quantity of open space in the City

3.5 Furthermore, Policy CS6 (Economic Growth) and Policy CS9 (Port of Southampton) specifically promote rail freight, and Policy CS18 (Transport Policy) supports freight movements to and from the Port. Providing for a growing and sustainable freight transport network is also supported by the NPPF. In particular paragraph 30, which states that *‘encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion’*. Paragraph 31 requires Local Authorities to work with transport providers to provide large scale facilities and the framework lists ‘rail freight interchanges’ as an example.

4.0 Relevant Planning History

4.1 The land was previously used for railway purposes and is affected by a previous s106 legal agreement (associated with LPA reference no: 931276/24941/W), which enabled the land to be used for port related activities and public open space. It was then sold to the Port of Southampton who in turn transferred the retained open space to the Council in 2002 in order to provide public open space with waterside access.

4.2 15/00306/FUL – Refused 03.08.2017

Change of use of land from open space and landscaping into operational railway use and construction of new railway sidings.

Refusal Reason - Loss of Open Space

4.3 The proposed change of use results in the loss of public open space to the detriment of the usability of the Park, its access and, with the associated removal of 118 mature trees, its appearance contrary to Policy CS21 of the LDF Core Strategy (Amended 2015), which seeks to retain the quantity of open space in the City. This refusal is a significant material consideration in this case. The Panel need to decide whether or not the current proposals address the Council’s previous concerns.

5.0 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 (269 letters sent – mainly to residents living between Old Redbridge Road and the railway), placing a press advertisement (01/12/17) and erecting a site notice (01/12/17).

- 5.2 Following criticism from this exercise that no pre-application community engagement had taken place the applicant held a series of events to explain their scheme further and seek residents' comments. This included 2 public exhibitions (20th March and 4th April 2018) whilst the application was 'live'. The original scheme has now been amended/clarified and neighbours were re-notified. An additional site notice was posted following the second submission (22/05/18). The closing date for formal comments was 5th June 2018.
- 5.3 At the time of writing the report **18 representations (17 objection and 1 support)** have been received from surrounding residents; excluding the representations from local amenity groups and ward Cllrs set out more fully below.
- 5.4 The supporter of the scheme comments that the application will enable longer freight trains to operate to and from the port, making more efficient use of the rail infrastructure, boosting the city's economy and potentially removing HGVs from the highway network.
- The following is a summary of the points raised by objectors:
- 5.5
- Objectors suggest that whilst the project seeks to reduce HGV trips all that will happen is, with the current expected growth of the Port, there will be an increase in both HGV and rail freight leading to further air pollution and noise problems in the locality. This impact will be exacerbated by the removal of 95 mature trees. The submission cannot commit to a reduction in HGV traffic – as this is not with the gift of Network Rail - and does not explain the impacts of additional freight on air quality or noise

Response

Network Rail have previously responded to this point by stating that 'the project does not seek to reduce HGVs it is just a benefit and positive output of our project. Due to the increase in the Port Network Rail are assisting in providing more wagons which enables more goods to be carried by the trains and to support the growth in demand of UK trade. There is no additional freight we are just running longer trains. The scheme's aim is to enable freight train lengthening / extra wagons – not to increase the number of trains. We don't hold any specific studies on the impact of the additional freight / additional wagons - from this scheme - on air quality and noise. However there have been some reports which address air quality in general including the Rail Delivery Group's 'Freight Britain' Report (2015) which suggests that in comparison to road, which dominates the market, rail offers significant environmental benefits including:

- Reducing CO2 emissions: rail freight reduces CO2 emissions by up to 76 per cent compared to road; and
- Reducing air pollution: rail freight produces up to 10 times less small particulate matter than road haulage and as much as 15 times less nitrogen oxide for the equivalent mass hauled.'

In response to the possible noise impacts it should be noted that the existing railway network operates a significant freight operation from Southampton Docks and this project will facilitate longer trains rather than more of them. Colleagues in Environmental Health have not raised an objection to the possible intensification of use created by permitting this change of use. The Panel will note that this concern, including air quality and noise impacts, did not form a reason for refusal previously and should not be introduced as a concern with this second application for a similar development.

- 5.6
- The new sidings (both during construction and at the operational phase) will bring additional light and noise pollution

Response

In relation to the principal works to create the sidings the nearest affected residents live on the opposite side of the railway line (at 11 Railway Cottages) some 21

metres from the existing boundary fence to Redbridge Wharf Park. A Construction and Environmental Management Plan (CEMP) can be secured to confirm that directional or shielded lighting would be used during construction and once the site is operational. Clearly some additional lighting will be required although the site already abuts, in part, the Redbridge Station and some lighting is already in place. A planning condition is proposed to secure details of the lighting with scatter diagrams to ensure that any additional light spill is carefully considered and the impacts mitigated.

Network Rail previously commented that 'there may be noise and light pollution in a localised area during the construction phase. This will be minimised through a Construction Environmental Management Plan. Following the project being completed there won't be noticeable increases in noise and light pollution. The number of trains running from Redbridge will not increase in the short term, but the train length will increase. Any effect will be localised to the houses adjacent to the operational railway at Redbridge. As a result of the project there will be an overall positive benefit on the noise and light pollution for the city of Southampton. More freight can be transported by rail rather than road subsequently leading to the reduction of congestion as a result of road movements'.

Again, without an objection from the Council's Environmental Health Officer it is considered that the proposals can be supported given the existing relationship between the residential property and the existing railway line. Longer trains will not result in more diesel engines and on that basis the noise and air quality concerns, whilst noted, should not significantly change. The Panel will note that this concern did not form a reason for refusal previously and should not be introduced as a concern with this second application for a similar development

5.7

- The new 'pocket park' will result in additional noise, disturbance and anti-social behaviour

Response

In trying to address the previous reason for refusal the applicants are proposing to introduce public open space in close proximity to existing residential property. These properties currently back onto a secure compound and the proposed change needs further examination. Residents' concerns are noted but the comments of Hampshire Constabulary are also relevant, and raise no objection to the 'pocket park' subject to appropriate lighting and CCTV. At the time of writing negotiations are ongoing as to whether these measures will form part of the proposal and an update will be given at the Panel meeting. The scheme has been designed to improve fencing along the boundary of the immediate neighbour, and planting can be used to deter some anti-social behaviour. Ultimately, the planning system can be used to design out crime but persistent offenders are a matter for the police.

5.8

- The existing footbridge is poorly maintained with solid panelling and should be redesigned to provide better access to the Park.

Response

Network Rail previously commented that 'the panelling cannot be removed as it prevents damage to ABPs property. There have been previous instances of members of the public throwing items into ABPs land, causing damage to the cars'. Network Rail suggest that it would cost £80,000 to give the existing bridge a deep clean. In response to this last point officers would suggest that requiring Network Rail to clean the bridge through the planning process does not meet the tests of the relevant s.106 regulations that govern how and when mitigation and financial contributions should be secured. The maintenance of the bridge is an ongoing requirement of Network Rail and the train operators.

- 5.9
- Local residents complain that the application was submitted ahead of any real public engagement.

Response

Noted. Officers suggested proper pre-application engagement and Network Rail have now carried out a fresh round of consultation that has resulted in changes to the scheme and additional information.

5.10 **Ward Cllr Pope – Panel Referral & Objection**

Overall, as per the previous application, the "new" proposal has NOT listened to the concerns of local residents. Network Rail makes many claims in their application which are false. This includes listening to the concerns of residents - because they clearly have not. They don't appear to have learned from having the previous application refused.

- As per the previous application, the proposal to remove open space is unacceptable.
- As per the previous application the proposal to remove park land is unacceptable.
- As per the previous application, the development will result in too many mature trees being lost.
- As suggested in the proposal, and as per the previous application, planting trees outside the local area is totally unacceptable. Plus the trees would not be mature, as the current ones are.
- As per the previous application, this proposal will have an intolerable impact on residents of light, noise and dust pollution.
- As per the previous application, the proposed screening for residents is inadequate.
- As per the previous application, the extra pollution from shunting diesel trains will create further air pollution in an area that already suffers high levels from the docks and major roads.
- The replacement open space is totally unsuitable. Is it some kind of sick joke on Redbridge residents? The land is currently used for car storage and will be useless as public open space. Worst of all, it will create a nuisance for nearby residents. It is separate from the park and will just become a problem.
- It is unclear whether operations will be twenty-four hours. This would be unacceptable for residents' amenity.
- Network Rail claims to have looked for suitable land. They said this at one of the site meetings. Their claim is untrue. The Redbridge Bridges is nearby. It is suitable. It needs work. It needs to be developed. CoSS and SCAPPS both agreed their support to develop that area, and to open it up. Network Rail have ignored it, again. And so has the Parks and Open Spaces Manager, who I understand agreed this new proposal. Residents want that area developed - not to be given a godforsaken car lot previously operated by an irresponsible and nuisance company next to a railway line as a false mitigation for losing their beloved park land.

5.11 **Ward Cllr McEwing - Objection**

I object to this planning application as no consultation has taken place with local councillors or the local community.

- Out of character
- Loss of trees and other important landscape
- Disturbance such as noise, lighting and odour

5.12 **Ward Cllr Whitbread – Objection**

I wish to place on record my formal objection to this planning application. I'm extremely disappointed that Network Rail have failed to engage with Councillors, residents and other key stakeholders in shaping their resubmission to Southampton City Councils planning department. The proposals set out by Network Rail fail to

adequately offset the loss of public open space. The suggested replacement of land is completely inappropriate given how disconnected it is from the park and given its current use as a car storage. I'm also concerned about the close proximity to residential dwellings and potential for antisocial behaviour. I'm deeply concerned about the number of trees planned to be removed. The proposed screening is inadequate and will have a detrimental impact on residents' visual amenity. The increase in air pollution from diesel trains in a part of the city already severely polluted is unacceptable

5.13 **Redbridge Residents Association – Objection**

At a recent Committee meeting it was confirmed no one had been consulted on the plans submitted, we see little change from the previous application! Green Space is being removed with no provision made for the same within the Redbridge Area, a concrete slab is being offered, this provides little or no compensation to the Residents of Redbridge and any use of that slabbed area will impact on neighbouring properties. Network Rail must consider the affect removal of the trees will have on an existing over polluted area and must compensate Residents of REDBRIDGE with additional planting and adequate Green Space.

5.14 **Consultation Responses**

5.15 **SCC Highways – No objection**

The application is to increase rail/freight capacity which will have minimal direct impact on the highway. The previous application was also for a similar proposal which did not have a highway related reason for refusal. However, a “purchasing plan” has been submitted which shows areas which are public highway (not maintained at public's expense) shaded in green. Clarification will be needed what is happening to these areas (namely sections of Tate Road and Stratton Road). If there is any purchase of land or development, then the public's right to pass and repass will need to be retained via other means such as legal agreements and further information will be needed to know what is proposed in these areas

5.16 **SCC Parks & Open Spaces Manager – No objection**

The offer of replacement open space, following the loss to Wharf Park, is an improvement on the previous proposals, and the replacement tree planting is also welcomed. Our preference is that the applicant undertakes the proposed works to the new park and then hand it over to the Council to maintain. We would, equally accept the financial contribution on offer and implement a similar scheme to that shown on the amended plans (probably following further neighbour consultation) although there is a risk of additional cost with this option. Whilst the use of gates to limit the potential for anti-social behaviour is noted the Council does not have the resources to ensure that these gates are locked and unlocked on a daily basis and further discussion on this point would be needed.

5.17 **SCC Tree Team – No objection**

118 Trees originally marked for removal has been downgraded to 95 with some of the groups that were to be removed totally now only partial removals. Meaning more mature cover being retained throughout the construction process. A total of 332 new trees being planted, 111 standards and 221 whips plus an additional 200 hedge mix trees. This is welcome to the area and once established will add to the overall canopy cover of the area and provide valuable wildlife habitat. Species choice is native in the majority and the range of ages is beneficial to overall site. In the long term this proposal will bring more canopy cover to the area, re-establishing the screening and creating additional parkland with associated tree cover, whilst potentially lowering the amount of traffic entering the City via the A33. For the reasons above I support the proposal.

5.18 **Hampshire Constabulary – Objection if lighting/CCTV to pocket park not provided.**

Whilst the station approach and adjoining streets do suffer from an amount of crime and anti-social behaviour (ASB) it is not considered to be exceptional. However the introduction of a new recreation space could attract such issues and it does have the potential to affect the amenity of the adjoining dwellings in Pat Bear Close and Tate Road and these must be protected as much as possible from potential noise and ASB.

- 5.19 Opening up the existing secured car park will increase the vulnerability of the northern boundary and in particular Tate Mews and 13 Pat Bear Close and I am not convinced that the proposed tree planting here will address these issues. I recommend that the existing chain link fence sitting atop the northern retaining wall is replaced with either an acoustic or solid timber fence or alternatively a robust hedge.
- 5.20 The area surrounding the space currently looks 'unloved' and on my inspection I found it to be untidy, overgrown and with areas of fly tipping/rubbish. This lack of care and maintenance is considered to lead to a 'broken window' syndrome whereby it becomes less and less attractive and open to further abuse and degradation. The danger is that the new open space will follow this pattern if not managed properly.
- 5.21 The applicant states they have taken into account crime prevention advice and the need for the space and routes to be overlooked by surrounding buildings and activity but looking at the surrounding area I doubt this will happen on a regular basis. There are very few surveillance opportunities from adjacent buildings and little signs of activity when the station isn't being used. The inclusion of CCTV cameras at either end of the open space is also recommended. Managed by Network Rail they would be beneficial both in monitoring the space and the existing station and bridge.
- 5.22 I cannot see a lighting scheme for the space, and whilst the existing column lighting may be appropriate in the immediate area of the station and bridge, there is a distinct lack on the routes leading to the open space, particularly at the Tate Road entrance where a large Leylandii is situated (it is not clear to me if this is to be removed). I recommend that a lighting survey is carried out with a view to installing appropriate lighting (not bollards) to achieve BS 5489: 2013 with a uniformity of no less than 0.25. The open space will not only attract people to use it but will also create a new through route and the existing lighting is extremely poor in parts, particularly at the Tait Road end. It is essential that the routes and the open space are safe areas. 'Manual For Streets' agrees that "adequate lighting helps reduce crime and the fear of crime, and can encourage increased pedestrian activity". If appropriate lighting is not to be installed then I will be forced to withdraw Police support for this application.
- 5.23 Officer Response
The comments from the Police align with their objection to other developments within the City's parks; including the recently completed playground on the Common where the Panel accepted the new scheme without CCTV or additional lighting despite the concerns raised by the Police (LPA ref: 16/01883/R3CFL). A clear rationale for additional lighting and CCTV to prevent antisocial behaviour is, however, given. Whilst the applicants are willing to provide both further commitment and detail has yet to be agreed. Additional lighting may result in amenity issues for the nearest neighbours whilst encouraging antisocial behaviour later into the evening. The scheme for the 'pocket park' includes provision for improved fencing, as requested, but not lighting and the recommendation is made on that basis. A verbal update will, however, be given at the meeting once Network Rail decide how they wish to proceed. The recommendation above

enables lighting and CCTV issues to be provided through the s.106 process without the need for additional planning conditions.

5.25 **SCC Environmental Health (Pollution & Safety) – No objection**

Following a careful consideration of the associated documents and in particular the Planning Statement the Environmental Health Service have no objections to the proposed development but would ask for a construction management plan, to include the hours of work and good practices to minimise nuisances (as detailed already in the planning statement and to be expanded upon as necessary) to be submitted and agreed with the LPA prior to the commencement of work should the application be granted.

5.26 **SCC Ecology – Holding objection**

I would like to lodge an objection to this planning application. The ecology survey submitted in support of this planning application is out of date and will need to be updated.

5.27 There is potential for indirect impacts on European sites, including the Solent and Southampton Water SPA, and as such a Habitats Regulations Assessment (HRA) will be required. Mitigation measures in respect of construction phase impacts will need to be set out in a Construction Environmental Management Plan (CEMP). This document will be required before the planning application can be determined. The need for such a document was identified previously.

5.28 The proposed development will result in a number of ecological impacts including loss of habitat and potentially disturbance of protected species however, no ecological mitigation plan has been provided.

5.29 The application site comprises a small area of public open space supporting amenity grassland, two blocks of trees, a linear belt of scrub and planted trees and areas of hard standing. The site lies approximately 100m to the north east of a section of the Solent Maritime Special Area of Conservation, Solent and Southampton Water Special Protection Area (SPA) and Ramsar site which are classed as European designated sites. The Eling & Bury Marshes Site of Special Scientific Interest (SSSI) and Lower Test Valley SSSI lie approximately 100m to the south-west and 185 m to the north-west respectively. Adjacent to the site is an area of inter-tidal mudflats which forms part of the Redbridge Wharf Site of Importance for Nature Conservation (SINC). Further mudflats within the channel of the River Test are designated as the Redbridge Mud Flats SINC.

5.30 The application site is physically separated from the statutorily designated sites by the River Test and as such there is a negligible risk of direct impacts arising from the proposed development. A section of the Redbridge Wharf SINC lies adjacent to the application site however, this is below the level of the development and again will not be directly impacted. The other SINC, the Redbridge Mud Flats is located within the river channel and as such is too distant to be affected.

5.31 The habitats on the site are not of high intrinsic ecological value they do, however, provide habitat for a range of breeding birds and are a stopping off point for passage migrants. The key areas of habitat in this respect are the trees and scrub alongside the railway line and the block of woodland along the eastern boundary. Much of the habitat along the railway line will be lost which will result in adverse impacts on breeding and migrating birds. Suitable mitigation will be required to minimise these impacts. Replacement planting should be of native species and comprise a mixture of scrub and trees species

5.32 There is also suitable habitat for slow worms and foraging bats. The removal of some of this habitat will result in a general reduction in foraging capacity and poses a risk of injury or death to reptiles which is an offence under the Wildlife and

Countryside Act 1981 (as amended). Appropriate mitigation to avoid physical injury to reptiles and replace lost foraging habitat will be therefore required

- 5.33 The trees on the site appear to be unsuitable for supporting bat roosts there is therefore a negligible risk of direct impact upon bat roosts.
- 5.34 Although there is a negligible risk of direct impacts upon European sites there is some potential for indirect impacts. These include disturbance from sudden loud noises, visual disturbance by people wearing high visibility clothing, illumination of the water and contamination of the water from spillages of chemicals.
- 5.35 A number of appropriate mitigation measures designed to avoid adverse impacts are mentioned in the ecology survey report however, this is insufficient. In order for the Local Planning Authority (LPA) to conclude that there will be no likely significant effects these measures will need to be included in a Construction Environmental Management Plan which must be submitted prior to determination of the planning application.
- 5.36 An additional issue, recreational disturbance, has not been considered. The application site includes part of a small public open space which is clearly used for dog walking. Research undertaken as part of the Solent Disturbance and Mitigation Project established that dog walking is a key source of disturbance to overwintering wildfowl and that existing levels of recreational activity are leading to significant adverse impacts on a number of species. Although the loss of open space is less than in the earlier version of the scheme it is important that access to the park is maintained during the construction phase to ensure that recreational activity is not displaced into the Lower Test Marshes Nature Reserve which contains sections of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site and is located 1.2km to the north west of the application site.
- 5.37 **Conclusion**
The proposed development has the potential to result in indirect impacts upon European designated sites and direct impacts on habitats and species on the application site. Details of suitable mitigation measures will need to be provided to the LPA before consent can be granted. An HRA will be required.
- 5.38 **Officer Response:**
Following the receipt of the amended Ecological Mitigation Plan and the AECOM Ecological Appraisal (April 2018) the Council's Ecologist has been re-consulted. A verbal update will be given at the Panel meeting but it is anticipated that, providing a Habitats Regulations Assessment is prepared (and approved by the Panel), that no objection will be made on ecological grounds.
- 5.39 **SCC Heritage – No objection**
The site lies within Local Area of Archaeological Potential 1 (Redbridge). This includes both the existing open space and landscaping, and the current Network Rail land. A brief analysis of the historic maps shows that the whole area was given over to rail tracks, sidings and wharfage, prior to the formation of the open space. While archaeological deposits may survive in the area, the extent of 19th century industrial activity is likely to have compromised any surviving remains, to the extent that archaeological evaluation would not be suitable. I would therefore recommend that an archaeological Watching Brief is commissioned for the duration of any groundworks, and that if the application is granted, conditions are placed on any decision notice.
- 5.40 **SCC Contaminated Land**
I have no concerns regarding the change of use of open space to railway land. I am happy with the assessment made and agree with the recommendation to

undertake environmental watching brief combined with some shallow soil validation sampling. On the basis that the applicant is happy to undertake these recommendations I would be happy for groundworks to commence. Discharge in full can only be recommended once the findings of the watching brief additional sampling have been submitted for approval. A condition is recommended.

5.41 **Environment Agency** – No objection subject to conditions

5.42 **Southern Water** – No objection

There is a public water distribution main crossing the site that should be fully understood before the layout of the proposed development is finalised. An informative is recommended.

5.43 **Natural England** – No objection

The application site is in close proximity to the following protected sites:

- Solent & Southampton Water Special Protection Area (SPA) and RAMSAR
- Solent & Dorset Coast proposed SPA
- Solent Maritime Special Area of Conservation (SAC)
- Eling and Bury Marshes Site of Special Scientific Interest (SSSI)
- Lower Test Valley SSSI

5.44 In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

5.45 The application is supported by a Supplementary Planning Statement (Network Rail, May 2018) which includes an Ecological Appraisal and Habitats Regulations Assessment (AECOM, April 2018) as an appendix. The report includes an updated Ecology Report and Habitat Survey, Construction Environmental Management Plan and Habitat Regulations Assessment. The HRA identifies the proposals may have an impact on protected sites via poor water quality. Section 5.1 of the Ecological Appraisal outlines a Construction Environmental Management Plan (CEMP) which includes measures to offset construction impacts on protected sites and species. Section 5.3 outlines that 'an interceptor system to trap pollutants and ensure that there is no decrease in the quality of water discharged into the River Test' will be installed for the operational phase of the development. Details of the system have not been provided.

5.46 It is Natural England's advice that the measures outlined have the potential to fully mitigate any adverse effects on the integrity of the designated sites. In determining the application your authority will however need to be satisfied that the 'interceptor system' proposed is of an appropriate design and sufficient measures are secured to ensure its ongoing maintenance so as to ensure any risk of contamination of the designated sites is avoided.

5.47 Your authority should also be aware that recent case law ('Sweetman II') outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to 'screen out' impacts at the stage of considering Likely Significant Effects (LSE) rather avoidance/mitigation measures should be considered through an Appropriate Assessment. Therefore where impacts are identified as having a LSE, the HRA will need to move on to the Appropriate Assessment stage where avoidance/mitigation measures can be fully assessed.

5.48 As the competent authority you should therefore consider what measures, in your view, are an integral part of the project (i.e. would be required irrespective of the European Sites) and what measures have been included in order to avoid or reduce effects on a European site. If the CEMP and oil interceptor are considered as mitigating measures designed specifically to avoid a likely significant effect on a

European Site then in light of the above ruling Natural England advises that an Appropriate Assessment should be undertaken to assess the implications of the proposal for the European site(s). Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

5.49 Issues relating to biodiversity and greenspace

Natural England welcomes the provision of new greenspace and recommends that any permission includes a condition to prepare a Biodiversity Mitigation and Enhancement Plan (BMEP) for the new areas of the green infrastructure. The BMEP should be approved by your local authority ecologist, or equivalent party.

5.50 **City of Southampton Society** – Objection removed

The Society is well aware of the serious air pollution in Redbridge, partly caused by so many large lorries entering and leaving the Docks. This project by Network Rail plans to remove at least 35 lorries per day when the new longer freight trains operate. To that end, we fully support Network Rail's intentions. Also, now that replacement land has been offered in mitigation for that which will be lost in Redbridge Wharf Park, this removes the main objection CoSS had had to the previous planning application (15/00306/FUL).

5.51 After careful consideration the Society notes that most of our concerns regarding this planning application have now been met. In fact, only the park entrance pinch point remains unresolved. Network Rail claim that new fencing will slightly improve/increase the space, but this is debatable. However, after four years of negotiating, the Society has decided not to seek any further amendments to this Planning Application.

5.52 **Southampton Common & Parks Protection Society** – Objection removed

SCAPPS is satisfied that the replacement public open space is part of the application (appendix 8 of the Planning Statement, amending the plan defining the application site). The additional submission provides a satisfactory indication of intended layout & landscape planting of the replacement public open space; SCAPPS is satisfied that conditions & section 106 agreement can safeguard laying out of the replacement public open space as shown in the Landscape Masterplan & expanding on specification in sections 3 & 5 of the Planning Statement. SCAPPS asks that conditions or section 106 agreement specify work to be undertaken by Network Rail & work to be undertaken by City Council. SCAPPS accepts that the Landscape Masterplan now submitted shows replacement planting to provide satisfactory visual screening. SCAPPS asks for conditions & section 106 agreement securing what is shown, & securing the proposed arrangements for management & maintenance of the new planting. This remains a concern. SCAPPS welcomes the proposals in the additional submission for environmental improvements in the station forecourt & northern approach to the footbridge. SCAPPS hopes Network Rail & train operating company will honour the undertakings given about cleaning/repainting the footbridge. Both will help make more attractive the only access route to the Park. Appendix 7 to the newly submitted Planning Statement shows how the current proposal requires less land-take than the previous (2015) application. The Landscape Masterplan indicates planting less oppressive than previously proposed. It is however only indicative & SCAPPS asks for careful consideration of this extremely sensitive part of the landscaping plan to prevent the inevitable further narrowing of the approach path becoming a deterrent to Park use.

5.53 **Hampshire Chamber of Commerce** - Support

The track enhancement scheme will address rail freight constraints from the Port of Southampton to the Midlands and the North of England. It will assist the Port in growing the modal share of containers carried by rail, by allowing current container trains of circa 520m long to be increased to 775m long; this in turn will provide additional rail carrying capacity through the provision of longer trains, without

impacting upon current rail performance and scarce railway paths on the rail network. Furthermore, this will lead to more efficient use of the rail network.

The transfer of more containers from road to rail, as this scheme will help to deliver, will also ensure the lowering of noxious emissions, in line with several policies both in place and under consideration by Southampton City Council.

5.54 **Three Rivers Community Rail Partnership – Support**

The additional rail siding capacity will provide for longer container trains, up from 520m to 775m long, which will allow for additional containers to be carried by rail without the need to take up valuable railway paths. The additional capacity to carry more containers by rail supports Government Policy, in matching Government aspirations to improve rail freight in line with the Department for Transport, Strategic Rail Freight Network proposals. Additional rail borne containers will reduce road borne containers, will reduce lorry movements to and from the Container Port, in turn reducing carbon emissions across the City, further in line with Government directions; supporting the City Council's recently launched 'Clean Air Network'. The proposals put back rail sidings and rail provision removed in the past. Should the City Council grant planning approval the proposals will support low carbon transport, reduce road transport, provide direct benefits to the local economy and provide direct benefits to the local community.

6.0 **Planning Consideration Key Issues**

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

1. Principle of Development & Loss of Open Space
2. Impact on Residential Amenity
3. Tree Loss
4. Highways Impact
5. Mitigation Strategy & Ecological Impacts

6.2 Principle of Development

6.2.1 This planning application seeks to expand capacity on the rail network for freight but requires Council owned land in order to do so. The land is currently protected by the Development Plan and totals some 1,592sq.m of designated (847sq.m) and undesignated (745sq.m) open space.

6.2.2

LDF Policy CS21 stipulates that *'the Council will retain the quantity and improve the quality and accessibility of the city's diverse and multi – functional open spaces and help deliver new open space both within and beyond the city to meet the needs of all age groups through*

5. *Protecting and enhancing key open spaces including Southampton Common, central, district and local parks;*
6. *Replacing or reconfiguring other open spaces in order to achieve wider community benefits such as improving the quality of open space, or providing a more even distribution across the city;*
7. *Safeguarding and, when opportunities arise, extending the green grid (see Policy 22);*
- 6.2.3 8. *Seeking developer contributions to provide high quality, accessible open spaces.'*

Despite the provision of 'pocket park' the loss of 1,592sq.m (549sq.m net when the 'pocket park' is included) of open space represents a departure from this policy, and

6.2.4 local amenity groups including SCAPPS and the City of Southampton Society were initially opposed to any further loss of this open space. In order to support a departure the Panel need to decide whether or not other material considerations outweigh the loss of this open space. In making a similar assessment officers have also had regard to LDF Policy CS6 which explains how the Council will contribute to the objectives of increased economic/employment growth by *'providing appropriate support to the Port of Southampton'*. LDF Policy CS9 adds that *'the Council will facilitate growth by... supporting an increase in transhipments (ship to ship), rail freight to/from the port and appropriate road improvements...'*. LDF Policy CS18 confirms that *'in relation to strategic transport the Council will work with adjoining authorities and through Transport for South Hampshire to support Southampton's role as an international gateway and regional transport hub by supporting freight movements to and from the Port of Southampton, with a presumption in favour of rail freight and 'transhipment' (ship to ship)'*. Weight should also be afforded to these policy aims.

As such a balance needs to be considered between the protectionist open space policy and those policies that support economic growth, port related activity and the modal shift of freight from road to rail. Officers consider that in this instance the loss of the open space, and the subsequent departure to Policy CS21, is acceptable given that:

- Network Rail have amended their scheme and now propose to provide the Council with 1,043sq.m of their land, and sufficient funds to enable its change of use from a carpark to public open space – **Appendix 2** refers;
- The existing open space to be lost has been reduced from 2,008sq.m (proposed under LPA ref: 15/00306/FUL) to 1,592sq.m and will serve a wider benefit in terms of freight movement and its associated economic and environmental benefits in terms of removing HGVs from the highway network;
- In terms of useable open space the scheme now proposes a net increase of 196sq.m (1,043sq.m proposed less 847 designated open space lost);
- The open space to be lost is currently characterised by mature planting with the more useable parts of the Park to be retained. There will be no change to the waterside access enjoyed by this Park and the number of trees to be felled has been reduced from 118 (proposed under LPA ref: 15/00306/FUL) to 95 (all Category B and C); and
- The proposed tree loss, whilst significant, does not affect existing residential outlook across the railway (as this relationship already exists) and is mitigated by their replacement with 332 trees (increased from 236 previously proposed under LPA ref: 15/00306/FUL) including the reinstatement of a tree belt along the northern boundary of the reconfigured Wharf Park.

6.2.5 It is considered that this mitigation is sufficient to warrant the loss of open space in this instance, despite the significant objection received to doing so and, as such, the previous reason for refusal has been addressed.

6.2.6 Whilst it is considered that the principle of development can be supported the direct impacts of the proposals still require further assessment before the grant of planning permission could be entertained:

6.3

Impact on Residential Amenity

6.3.1

The residential amenity impacts of this development need to be assessed in two parts; with the physical works to Wharf Park to create the Sidings separated from the creation of a new public 'pocket park' to the north.

6.3.2

Adopted Local Plan Review Policy SDP1(i) states that *'planning permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens'*. Policy SDP15 adds that *'planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards'*. Policy SDP16 states that *'proposals for noise generating development will not be permitted if it would cause an unacceptable level of noise impact'*. This is the policy framework against which this planning application's impacts upon existing residential amenity should be primarily assessed.

6.3.3

i) Wharf Park

Wharf Park was originally used as railway sidings before it was set out as public open space. Whilst the site is removed from its residential neighbours by the railway itself, the closest residents are located approximately 21 metres from the networks existing boundary fencing. The railway predated the purchase of these properties by these neighbours. The application does not seek to facilitate more trains on the network, although this may be possible, but allows for longer trains and improved logistics to operate on the wider network thereby removing Southampton as a bottleneck. As such there will not be a significant expansion of diesel engines using the sidings. The existing sidings operate on a 24 hour basis, along with the wider network, and the additional sidings are proposed to operate on the same basis so some growth may be possible. Residents have objected to increased lighting, noise and air quality issues and these concerns are material to the Panel's deliberations. Given the existing network and sidings at Redbridge Station, its significant existing operations on a 24 hour basis, and the intention simply to improve wider network capacity and increase train length (rather than increasing the number of freight trains and diesel engines sitting idle) the localised impacts on residential amenity are, on balance, considered to be off-set, providing a condition is imposed to control light spill, due to the potentially wider benefits of removing HGVs from the highway network. It is estimated that each additional freight train on the network removes between 43 and 76 HGVs from the highway network, with each tonne transferred reducing carbon emissions by 76%. Rail freight produces up to 10 times less small particulate matter than road haulage and as much as 15 times less nitrogen oxide for the equivalent mass hauled. These benefits are relevant to the Panel's deliberations.

6.3.4

6.3.5

ii) 'Pocket Park' linking Station Road and Tate Road

The applicants have offered to change their existing hardstanding between Station Road and Tate Road into public open space. Currently this land is fenced off, provides no public access and is used for secured car parking. The change would provide full public access and improved pedestrian linkages from Tate Road to the Station. This open space offer has the support of the Council's Parks & Open Spaces Manager and satisfies the requirements of both LDF Policy CS21 and the previous reason for refusal in that the open space loss at Wharf Park is replaced. However, the opening up of this land to public access has attracted objection from nearby residents who are concerned about the possibility of increased noise, disturbance and anti-social behaviour.

6.3.6

Local Plan Review saved Policy SDP10 states that *'development will only be permitted where it provides... safe and secure public routes which seek to minimise both actual and perceived opportunities for criminal activity and satisfactory lighting'*.

6.3.7

The scheme as designed includes improved fencing and planting to affected boundaries. The addition of lighting has been omitted at this stage as it, in itself, could lead to additional nuisance to nearby neighbours and carries an upfront and ongoing maintenance cost. Hampshire Constabulary are supportive of the application providing suitable lighting and CCTV is installed to discourage such activity, and the applicant has offered to erect lockable gates to enable the park to be closed and has agreed 'in principle' to further measures; albeit their expectation is that the Council will be responsible for their daily management. These requirements all come with an additional cost and at the time of writing further negotiation is needed between the applicant and the Council's Parks & Open Spaces Manager to understand whether the requirements of the Police can be fully met. A verbal update will be given at the Panel meeting.

6.4

6.4.1

iii) Other Matters

Network Rail accept the need for a condition limiting the hours of construction although officers consider that some flexibility (as necessary to Network Rail) can be supported. The Panel should refer to the relevant planning condition, which enables overnight working on no more than 9 occasions so that the approved works do not disrupt the ongoing safety and operation of the existing rail network. Officers accept that this is not ideal, but note that Network Rail could undertake works to their existing network (and closer to existing residents) without the need for planning permission should the need arise. Finally, the Panel will note that the Council's Environmental Health Team have not objected to this application, but should complaints be received following the works they would be duty bound to investigate any statutory nuisance arising.

6.4.2

6.4.3 Tree Loss

The planning application proposes the removal of 95 existing trees, principally along Wharf Park's existing northern boundary. These trees provide a screen from the park to the railway, but offer no screening of the railway from the existing residents on the opposite (northern) side of the tracks. The loss of these trees will not affect this existing outlook across the railway from these neighbours, but will clearly change the wider setting of the Station and the Park itself. These trees offer a significant green screen along the Parks' boundary and are an attractive component of the area. It is also acknowledged that these trees are providing certain air quality mitigation and improvements to the locality.

6.5

6.5.1

- Without the loss of 95 trees the change of use to Wharf Park cannot occur. The Council's Tree Officer agrees with the findings of the applicant's arboricultural report that none of the trees identified for removal are of the highest category (A) with only Category B trees (ie. of moderate quality or value capable of making a significant contribution to the area for 20 or more years) and Category C trees (ie. of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15cms in diameter which should be considered for re-planting where they impinge significantly on the proposed development) affected. The Tree Officer has confirmed that providing this tree loss is properly mitigated and that every tree felled is replaced by 2 trees then the loss can be supported.

Tree loss formed part of the previous reason for refusal. Network Rail have now proposed to replace the tree belt along the Wharf Park northern boundary. In

addition tree planting is proposed on the new 'pocket park'. In total the applicants have offered to plant a minimum of 332 new trees on the application site, which represents a significant improvement to the earlier scheme and satisfies the previous reason for refusal. The precise detail can be resolved through the s.106 process although plans have been submitted with the revised planning application.

Highways Impact

The proposed development has only a limited impact upon the highway network. The works themselves affect existing open space and Network Rail anticipate that the construction phase can be managed using the existing rail network. A condition is recommended to secure further details of how the sidings will be constructed and a Construction Management Plan will secure details of where site operatives will park during the build to avoid overspill into local roads. On this basis the Council's Highways Officer has raised no objection to the application. Issues with regards to rights of access can be resolved should permission be granted and the land transfer between applicant and the Council occur.

6.6 Mitigation Strategy & Ecological Impacts

6.6.1 The relevant regulations - The Community Infrastructure Levy Regulations 2010 - stipulate that *a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*

(a) *necessary to make the development acceptable in planning terms;*

(b) *directly related to the development; and*

6.6.2 (c) *fairly and reasonably related in scale and kind to the development.*

6.6.3 Network Rail have prepared and costed a scheme for the enhancement of Redbridge Wharf Park, which includes replacement tree planting. In addition to this Network Rail have also offered to provide land and monies towards additional open space (ie. the 'pocket park'). A commuted sum is included to enable ongoing maintenance of the new/reconfigured parks. **Appendix 2** provides the full details and have been negotiated with the Council's Parks & Open Spaces Manager.

Finally, the Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. A Phase 1 Habitat survey has been completed and has found that construction and operational impacts will not affect habitat values, but recommends appropriate management measures through the Construction Environment Management Plan (secured with the recommended condition). It is anticipated that a Habitats Regulations Assessment is needed to support this recommendation and a verbal update will be given at the Panel meeting.

7.0 Summary

- 7.1 The Panel are being asked to consider the benefits of improving the Redbridge sidings to enable longer freight trains to service the Port of Southampton and remove a capacity bottleneck, against the negative impacts of using existing public open space, felling 95 mature trees and the associated impacts of the works upon existing residential amenity in terms of noise, antisocial behaviour, air quality and light spill.
- 7.2 A similar application was rejected by the Panel last year due to the net loss in public open space and significant tree loss without appropriate mitigation. The current application seeks to address these concerns by replacing tree loss within Wharf Park and providing additional open space close to Wharf Park. Matters such as noise, air quality and highway impacts were not previously cited as a concern and should not be introduced in respect of this resubmission.
- 7.3

Officers consider that in this instance the loss of the open space, and the subsequent departure to Policy CS21, is acceptable given that:

- Network Rail have amended their scheme and now propose to provide the Council with 1,043sq.m of land, and sufficient funds to enable its change of use from a carpark to public open space – **Appendix 2** refers;
- The existing open space to be lost has been reduced from 2,008sq.m (proposed under LPA ref: 15/00306/FUL) to 1,592sq.m and will serve a wider benefit in terms of freight movement and its associated economic and environmental benefits in terms of removing HGVs from the highway network;
- In terms of useable open space the scheme now proposes a net increase of 196sq.m (1,043sq.m proposed less 847 designated open space lost);
- The open space to be lost is currently characterised by mature planting with the more useable parts of the Park to be retained. There will be no change to the waterside access enjoyed by this Park and the number of trees to be felled has been reduced from 118 (proposed under LPA ref: 15/00306/FUL) to 95 (all Category B and C); and
- The proposed tree loss, whilst significant, does not affect existing residential outlook across the railway (as this relationship already exists) and is mitigated by their replacement with 332 trees (increased from 236 previously proposed under LPA ref: 15/00306/FUL) including the reinstatement of a tree belt along the northern boundary of the reconfigured Wharf Park.

7.4 It is considered that the application has addressed the previous reason for refusal and can be supported.

8.0 Conclusion

8.1 It is recommended that the Panel delegate this application to the Service Lead – Infrastructure, Planning and Development to grant conditional planning permission following the completion of the s.106 legal agreement as set out above.

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

1 a/b/c/d, 2 b/d/f, 4 f/g/k and 6 a/b

SH2 for 19/06/18 PROW Panel

PLANNING CONDITIONS to include:

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.Open Space – Continuous Public Use

The Redbridge Wharf Park shall be kept open for public use, with full access, throughout the construction phase.

Reason:

To ensure that the existing users of the Park are not affected during the construction phase.

3.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.

4.Vegetation retention and protection (Pre-Commencement)

No development, including site works of any description, shall take place on the site unless and until all the existing trees, bushes, shrubs, and hedgerows to be retained on the site have been protected by a fence to be approved in writing by the Local Planning Authority erected around each area of vegetation at a radius from the stem or stems at a distance calculated in line with BS5837:2012 Trees in relation to design, demolition & construction or such other distance as may be agreed in writing by the Local Planning Authority. Within the area so fenced off the existing ground levels shall be neither raised nor lowered and no materials, temporary buildings, plant machinery, rubble or surplus soil shall be placed or

stored thereon without the prior written approval of the Local Planning Authority. No excavations or other operations including vehicle or pedestrian movements will take place within the fenced off area until and unless explicit written permission is agreed in advance.

Reason:

To ensure the retention and maintenance of vegetation which is an important feature of the area.

5. 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

6. Natural England – Piling

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

Reason:

To protect the Special Protection Area and its supporting habitat

7. Ecological Mitigation Plan & Construction Environment Management Plan (CEMP)

The development shall be carried out in accordance with the recommendations of the AECOM Ecological Appraisal (April 2018). Notwithstanding the AECOM Appraisal prior to the commencement of development a revised Construction and Environmental Management Plan (CEMP) and Biodiversity Mitigation and Enhancement Plan (BMEP) as required by Natural England shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP and BMEP shall include details of how the mitigation required by the Habitats Regulations Assessment will be secured and detail how lighting will be designed (at both the construction and development phases) to mitigate direct impacts. The development will proceed in accordance with the agreed CEMP and BMEP

Reason:

To protect the Special Protection Area and its supporting habitat and to ensure that the construction phase adequately mitigates its direct impacts upon local ecology

8. 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 construction;
- (f) details of construction vehicles wheel cleaning;
- (g) details of how noise emanating from the site during construction will be mitigated; and

(h) a method statement for how the sidings will be delivered and laid including a scheme of measures to reduce impacts upon existing residential neighbours, particularly during night time working;

(i) construction lighting with scatter diagrams and means for shielding light spill

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.

9.Archaeological watching brief investigation [Pre-Commencement Condition]

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

Reason:

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

10.Archaeological watching brief work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed

11.Validation of Land Remediation

On completion of recommendations made in section 7 of AECOM' Phase 1 Land Contamination Report (watching brief and validation sampling) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the operational use of any stage of the development.

Reason:

To ensure all land contamination risks associated with the site are remediated to an appropriate standard.

12.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.

13.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:

15/00306/FUL PLANNING PANEL MINUTE

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.

Change of use of land from open space and landscaping into operational railway use and construction of new railway sidings.

Graham Linecar (Southampton Commons and Parks Protection Society) Denise Wyatt and John Davies (local residents objecting), Alec Samuels (City of Southampton Society) Santana Deen (applicant), and Councillors McEwing and Pope (Ward Councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel Members noted that the development was contrary to the Local Plan and that the Panel had to protect the wellbeing and the amenities of residents within the City.

The Panel 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 lost.

A further motion to refuse to delegate approval to the Service Lead: Planning, Infrastructure and Development for the reasons set out below was then proposed by Councillor Barnes-Andrews and seconded by Councillor Claisse.

RECORDED VOTE to refuse planning permission
FOR: Councillors Barnes-Andrews, Claisse, Murphy, and
Wilkinson
AGAINST: Councillors Coombs and Hecks
ABSTAINED: Councillor Denness

RESOLVED to refuse planning permission for the reasons set out below:

REFUSAL REASON – LOSS OF OPEN SPACE

The proposed change of use results in the loss of public open space to the detriment of the usability of the Park, its access and, with the associated removal of 118 mature trees, its appearance contrary to Policy CS21 of the LDF Core Strategy (Amended 2015), which seeks to retain the quantity of open space in the City.

PROPOSED NETWORK RAIL FINANCIAL CONTRIBUTION

Open Space - Green Space

Quantity	Unit	£ Rate	Total
Excavate & Dispose Existing Material	510 m3	55	28,050
Break-out Existing Surface	1020 m2	15	15,300
Environmental watching brief / soil samples			4,800
Fill to make up Levels	255 m3	40	10,200
Subsoil	153 m3	35	5,355
Topsoil	153 m3	55	8,415
Turf/Grass	190 m2	5	950
Planting Shrubs & Ground Cover	710 m2	55	39,050
Trees	32 nr	250	8,000
Footpath Surfacing Incl Edgings	110 m2	140	15,400
Hedgerows	50 m	20	1,000
Fencing to neighbours	30 m	45	1,350
			137,870

Open Space Station Square

Excavate & Dispose	300 m3	55	16,500
Break-out Existing Surface	600 m2	15	9,000
Fill to make up Levels	150 m3	40	6,000
Hardscape / Paving	400 m2	60	24,000
Planting Beds	70 m2	55	3,850
Street Furniture Prov Sum			10,000
Gravel Areas	200 m2	15	3,000
Trees	9 nr	250	2,250
Retaining Walls	10 m	220	2,200
			76,800

Wharf Park

Site Clearance			
Existing Landscape & Disposal	158.75 m3	35	5,556
Topsoil	95.25 m3	55	5,239
Turf/Grass	1472 m2	5	7,360
Felling Trees	95 nr	400	38,000
Tree Planting	70 nr	250	17,500
Gravel Area	200 m2	15	3,000
Footpath Surfacing	60 m2	140	8,400
New Whip Planting Along Boundary	221 Nr	15	3,315
Signage (Prov sum)			20,000
			108,370

SUB TOTAL

323,040

Prelims – 15%

48,456

OH+P - 7.5%

24,228

Contingency - 10%

32,304

TOTAL

428,028

Outline Commuted Sum - Maintenance Costs

Total commuted sum @ yrs 10

29295

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS9	Port of Southampton
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
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
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
NE6	Protection / Improvement of Character
NE7	Rail Corridor
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
TI2	Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)