

Planning and Rights of Way Panel

Tuesday, 23rd February,
2021

at 5.30 pm

PLEASE NOTE TIME OF MEETING

This will be a 'virtual meeting', a link to which will be available on website at least 24hrs before the meeting

VIRTUAL MEETING

This meeting is open to the public

Members

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

Contacts

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Interim Head of Planning and Economic
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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.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Dates of Meetings: Municipal Year 2020/2021

2020	
2 June	15 September
23 June	6 October
14 July	3 November
4 August	24 November
25 August	15 December

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

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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.

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

2021	
12 January	16 March
2 February	20 April
23 February	

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 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 2 February 2021 and to deal with any matters arising.

5 MARLHILL COPSE REFERRED FELLING LICENCE APPLICATION AND ASSOCIATED WOODLAND MANAGEMENT PLAN (Pages 5 - 22)

Report of the Head of City Services seeking permission to part consent and part refuse the referred felling licence and associated Woodland Management Plan for Marlhill Copse.

6 20/00943/CONSUL - SOUTHAMPTON AIRPORT (Pages 23 - 56)

Briefing note from the Head of Planning and Economic Development setting out considerations in regard to further consultation from Eastleigh Borough Council on amendments to planning application Ref F/19/86707 at Southampton Airport for the following works to facilitate airport expansion.

CONSIDERATION OF PLANNING APPLICATIONS

7 PLANNING APPLICATION - 20/00681/FUL - NEWTOWN ROAD (Pages 61 - 86)

Report of the Interim Head of Planning and Economic Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

8 PLANNING APPLICATION - 20/01675/FUL -19 WESSEX LANE

(Pages 87 - 114)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

9 PLANNING APPLICATION - 20/01810/FUL - CHAPEL RIVERSIDE FORMER TOWN DEPOT SITE ALBERT ROAD NORTH

(Pages 115 - 156)

Report of the Interim Head of Planning and Economic Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

Monday, 15 February 2021

Service Director – Legal and Business Operations

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 2 FEBRUARY 2021

Present: Councillors Mitchell (Chair), Coombs (Vice-Chair), L Harris, Savage, Vaughan, Windle (except Agenda item 7) and G Galton

Apologies: Councillors Prior

45. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Prior from the Panel, the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillor G Galton to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 12 January 2021 be approved and signed as a correct record.

47. **TREE WORK APPLICATION BY THE GREGG SCHOOL**

The Panel considered the report of the Head of City Services setting out considerations in relation to application 20/00184/TPO for the felling of 1 x Monterey Pine and 2 x Norway Maples both located within Marlhill Copse.

Upon being put to the vote the Panel unanimously agreed the officer recommendations.

RESOLVED that the Panel

- (i) granted consent to the felling of one Monterey Pine within Marlhill Copse with an attached condition to replant one native tree species.
- (ii) refused consent to the felling of 2 Norway Maple's within Marlhill Copse.

48. **TREE WORK APPLICATIONS AND NOTIFICATIONS FOR SAFETY WORK AT MARLHILL COPSE**

The Panel considered the report of the Head of City Services in relation to applications 20/00303/TPO, 20/00305/TPO and 20/00077/TCA for the felling of 60 individual trees and 8 groups of trees located within Marlhill Copse.

Mike Weeks (agent) was present and with the consent of the Chair, addressed the meeting.

The presenting officer confirmed the numbers of individual trees was 60 and not 61 and that there were 8 groups of trees and not 7 groups of trees, as stated in the report.

In addition it was noted that the report needed updating to state that only those trees classified within the red group in survey would require action at this stage. A number of changes of paragraphs within the report that resulted from this adjustment and it was noted that recommendation 3 of the report could be removed as it would not be required at this stage as it referred to a tree in the yellow group.

Upon being put to the vote the Panel unanimously supported the amended officer recommendations.

RESOLVED that the Panel considered the requests set out applications 20/00303/TPO, 20/00305/TPO and 20/00077/TCA located with Marhill Copse and

- (i) granted consent to the Tree Preservation Order applications for the felling of 60 trees in 8 groups with an attached condition for suitable replacement tree planting scheme,
- (ii) raised no objection to the notification of felling of trees in the Conservation Area; and

49. **PLANNING APPLICATION - 20/01460/FUL - 26 BUTTERFIELD ROAD**

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

Extensions and alterations to existing garage, including a front extension, raising the roof and the insertion of dormer windows to facilitate the formation of a 2-bedroom self-contained dwelling.

Mr M Patel (applicant), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a further 3 objections had been received following the publication of the report. It was noted that the newly received correspondence echoed the objections already submitted in relation to the application. Additionally, the presenting officer noted that the applicant had submitted an updated site plan. It was explained that changes were required to condition numbers 4 and 6 and that the reason for granting approval had been bolstered by referencing the considerations that had taken by the officer with regard to the Basset Neighbourhood Plan, as set out below.

The Panel (*updates / points not covered by the resolution inc amended / additional conditions etc*)

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: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Coombs, Mitchell and Savage

AGAINST: Councillors G Galton, L Harris and Vaughan

Motion was carried on the use of the chair's casting vote.

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated authority to the Head of Planning & Economic 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 either a scheme of measures or a financial contribution 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.
- (iii) That the Head of Planning & Economic Development be delegated authority to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within reasonable timescales.

Amended 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, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review (Amended 2015), policies CS4, CS5, CS13, CS16, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and policies BAS1, BAS4 and BAS5 of the Bassett Neighbourhood Plan (adopted 2016).

Amended Conditions

04. Landscaping 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. proposed hard surfacing materials;
- ii. proposed boundary treatments for the whole site;
- iii. 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. This shall include native and/or ornamental species of recognised value for wildlife;

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 enhance the biodiversity of the site and 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.

06. Cycle storage facilities (Pre-Occupation)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles, and the access to this storage, shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved for the lifetime of the development.

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

NOTE: Councillor Windle withdrew from the meeting for this application with technical issues.

Agenda Item 5

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	Referred felling licence application from the Forestry Commission for trees at Marlhill Copse
DATE OF DECISION:	23 rd February 2021
REPORT OF:	HEAD OF CITY SERVICES

<u>CONTACT DETAILS</u>			
Head of Service	Title	Head of City Services	
	Name:	David Tyrie	Tel: 023 8083 3005
	E-mail	David.Tyrie@southampton.gov.uk	
Author:	Title	City Tree Officer	
	Name:	Gary Claydon-Bone	Tel: 023 8083 3005
	E-mail	Gary.Claydon-Bone@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
NONE	
BRIEF SUMMARY	
To Consider the referred felling licence application and accompanying woodland management plan for trees at Marlhill copse that are protected by a Tree Preservation Order and Conservation Area which have been registered as 20/00340/TPO, 20/00341/TPO and 20/00091/TCA.	
RECOMMENDATIONS:	
	(i) To grant consent to 20% thinning of sycamores and mixed broadleaf trees in compartments 1a, 1b and 1c.
	(ii) To raise no objection to 20% thinning of Goat Willow, Common Alder and mixed broadleaf trees in compartment 2a
	(iii) To raise no objection to 20% thinning of Goat Willow, Common Alder and native broadleaf trees in compartment 2b.
	(iv) To raise no objection to 20% thinning of Common Alder, Goat Willow and Ash trees in compartment 2c.
	(v) To grant consent to felling of Monterey Pine, Corsican Pine in compartment 1a(i) with a condition of suitable replacement trees on a 1 for 1 basis.
	(vi) To refuse consent to the felling of all broadleaf trees in compartment 1a(i)
REASONS FOR REPORT RECOMMENDATIONS	
1	The requested work is in relation to a referred felling licence application which is part of the implementation of a woodland management plan.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	

The Council can grant consent, with or without conditions, or refuse consent to part or all the trees subject of the referred application. In respect to the conservation area notification, the Council could make a tree preservation order to prevent the work from commencing under the notification.

DETAIL (Including consultation carried out)

2 Southampton International Airport Limited (SIAL) applied to the Forestry Commission (FC) for a felling licence at Marlhill Copse.
The FC, under section 15(1)(b) of The Forestry Act 1967, decided to refer it to the council to determine under The Town & Country Planning Act 1990, rather than make the decision itself.

3 The details of the referred felling licence have been placed on-line for members of the public to review and give comments.

By the morning of the 15th of February, the Council had received 116 comments in relation to the three applications.

Comments in support – 32 comments from 32 individual residents.

Comments to object – 74 comments from 35 individual residents. There were 4 duplicated objections from 4 residents against an application that they had already objected to, therefore these comments are not included with the total numbers for objections, however their comments have been considered.

There were 5 comments received in relation to the airport and its proposed expansion, therefore these have not been included in the support or objection numbers.

There was one blank comment letter received.

Support.

The comments from residents who are in support of the work are very keen to see the plan implemented and feel that it will be of benefit to the woodland and are pleased to see a form of management being proposed for the woodland that hasn't received much attention for a number of years.

Objection.

An overview of comments received to object to the implementation of the woodland management plan are listed below.

No reason given for tree felling
Harm to wildlife
Impact on the woodland habitat
Management plan is not sustainable woodland management
Destruction of heritage features

	<p>No evidence provided to show that woodland is unsafe</p> <p>Impact on noise from airport</p> <p>Reason for work is only for airport expansion</p> <p>Felling trees in a climate emergency</p> <p>Impact to the environment</p> <p>Allowing for shallower take off angles of larger aircraft from the airport.</p>
4	<p>The majority of Marlhill Copse is designated as a Site of Importance to Nature Conservation (SINC). All of the trees, with the exception of T1, are within the SINC. The council's Planning Ecologists has been informed of the proposed works within the SINC.</p>
5	<p>Part of the application includes trees within a nationally registered park or garden, therefore Historic England are to be informed of the proposed works. An email was sent to Historic England and the following response was received.</p> <p><i>'This doesn't appear to fall within our remit which can be found in Table 1 and 2. If you have not done so already, I would recommend talking to your Historic Environment Officer who may have comments to make'</i></p>
6	<p>The Council's Historic Environment Officer has been consulted and has provided the following comments. <i>'the loss of a small number of individual trees within this much larger grouping would not adversely harm the overall character or appearance of the conservation area, providing the works can be demonstrated to be necessary as per the advice above, and that any loss of trees would be replaced or better managed'</i></p>
7	<p>The referred felling licence is accompanied with a woodland management plan (WMP), which gives greater detail over the tree felling, restocking, woodland history and composition. As the WMP is so intrinsically linked to the felling licence application, it should be reviewed together.</p> <p>It is important for members to understand that the report covers other forestry operations, however it is only the felling of trees that are within Marlhill Copse that the members are requested to consider.</p>
8	<p>The aim of the management plan is to bring a neglected woodland back into being a native woodland for future benefit to the local area and to enhance the ancient semi-natural woodland by the 20% thinning of Sycamore, Ash, Goat Willow, Alder and other mixed broadleaf species, along with the removal of exotic tree species. The creation of a shrubby woodland interface is proposed which will replace the current vertical face, that borders the properties along the top of the woodland, with native tree planting to form a graduated face. This is an accepted practice and form of management and, given time, will provide benefit to the woodland and encourage wildlife</p>
9	<p>The content of the felling licence application and WMP have been reviewed by tree officers within the council's tree team and assessed on the merits of the request based on woodland management, rather than anything relating to aviation safety.</p>
10	<p>When reviewing the felling licence and the associated information within the WMP, officers have referred to the Forestry commissions UK Forestry</p>

	Standard and Dr George Peterken's The Management of semi-natural woodlands, volume 3 - Lowland mixed broadleaved woods. The UKFS provides a general set of principles for forestry practice in the UK, however many areas of the UK have specific woodland types that are individual to the location and as such, require a more specific type of management. Peterken's management guides should be used to further individualise management proposal based on the specific woodland type.
11	As part of the assessment, officers considered regulation 17(3) within The Town and Country Planning (Tree Preservation)(England) Regulations 2012 and also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, for any tree within the Itchen Valley Conservation area.
12	When assessing the application to fell trees that are within a woodland, officers must apply regulation 17(3) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.
13	This regulation states – <i>'Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area'</i> .
14	The officers have considered the required tests set out within this regulation and have formed the following opinion.
15	<p>Does the application relate to an area of woodland?</p> <p>The TPO is a 'woodland' TPO and the Department for Environment, Food and Rural Affairs (DEFRA describe the location with the following classifications. Priority Habitat Inventory – Deciduous Woodland National Forest Inventory – Broadleaved Ancient Woodland (England) – Ancient and Semi-natural woodland (ASNW) This, added with the definition of 'woodland' within the UK Forestry Standard (UKFS), leads officers to agree that the trees are within a woodland.</p>
16	<p>Does the work accord with good forestry practice?</p> <p>There is no definition in the TPO Regulations of what "the practice of good forestry" means. However, the UKFS is a guidance document prepared by the Forestry Commission which sets out the Government's approach to sustainable forestry. It is referred to the within the national planning guidance on TPOs ("the PPG") and it is therefore relevant when assessing what is good forestry practice. The term 'Forestry' is described in the UKFS as 'The science and art of planting, managing and caring for forests'.</p> <p>The UKFS states that the standard's requirements are divided into legal requirements and good forestry practice requirements. The Requirements are categorised into different elements of sustainable forest management, each supported by Guidelines for managers. It makes it clear that they should be interpreted and applied flexibly: "Some aspects of forest management lend themselves to 'yes or no' compliance, but most do not, and so the UKFS has</p>

	not attempted to condense all the complexities of forest management into an over-simplistic format. The UKFS has therefore been written to be interpreted with a degree of flexibility and applied with an appropriate level of professional expertise.”
17	To assist with the assessment as to whether the work accords with good forestry practice, officers have reviewed the UKFS and Dr George Peterkens publication ‘The Management of semi-natural woodlands, volume 3 - Lowland mixed broadleaved woods’ Each forestry operation that has been applied for will be detailed separately with the officers opinion.
18	<p>The work listed below is for silvicultural thinning of the woodland. The term ‘silviculture’ relates to the science of the establishment, composition, health and quality of woodlands for the needs of the land owner, therefore not solely to produce timber.</p> <p>20% silvicultural thinning of sycamores and mixed broadleaf trees in compartments 1a, 1b and 1c.</p> <p>20% silvicultural thinning of Goat Willow, Common Alder and mixed broadleaf trees in compartment 2a</p> <p>20% silvicultural thinning of Goat Willow, Common Alder and native broadleaf trees in compartment 2b.</p> <p>20% silvicultural thinning of Common Alder, Goat Willow and Ash trees in compartment 2c.</p>
19	The UKFS describes thinning as ‘ <i>The removal of a proportion of trees in a forest after canopy closure, usually to promote growth and greater value in the remaining trees</i> ’
20	Officers accept that silvicultural thinning within a woodland is a recognised form of management that woodland owners carry this out as part of woodland management scheme.
21	It is the officer’s opinion that the 20% silvicultural thinning of the woodland would be of benefit to the health and quality of the woodland and for the promotion of better-quality trees.
22	The other aspect of work requested is the regeneration felling of Monterey Pine, Corsican Pine and Mixed Broadleaved trees in compartment 1a(i)
23	This work would involve the removal of all the trees within compartment 1(a)(i) followed by a scheme of replanting native trees to form a rising woodland edge to replace the sharp face that abuts the residential properties.
24	As with the thinning operations, the local authority must assess if this work accords with the practice of good forestry. Officers have therefore reviewed the UKFS and found information regarding sustainable forestry that comments on the value of woodland edges.
25	It states that ‘ <i>Forest edges that grade into open ground and, where possible, contain mixtures of native trees and shrubs are far more beneficial to biodiversity than abrupt edges. They provide, for example, bird nesting and feeding areas and sources of nectar for pollinators and other insects. Many birds nest in edge habitats, and some, such as black grouse, depend on the</i>

	<i>maintenance of a diverse edge structure. Butterflies require nectar sources and food plants associated with edges and open areas'</i>
26	Officers note that the statement above relates to <i>'forest edges that grade into open ground'</i> and therefore have considered if this is appropriate in this location as it is not grading into <i>'open ground'</i> within the woodland itself. The UKFS gives further information regarding forest edges and guides that <i>'Their value as habitats is greatly increased if they can be linked together <u>and if the forest edges next to them are managed as part of this network</u>'</i> . It is the officers opinion that grading the edge of the woodland can provide a valuable habitat, however the grading of the woodland edge would not be as high as grading in addition to an internal grading, however the UKFS does tend to agree that forest edge grading, nevertheless, does provide a level of valuable habitat over a sharp interface.
27	Further sections within the UKFS add support to the validity of a graded forest edge over a sharp face. It states that <i>'Diverse and graded forest edges, together with species mixtures, can help in creating visual diversity'</i> and to <i>'Pay particular attention to the diversity of external and internal forest edges: vary the tree density and consider adding additional tree and shrub species'</i> .
28	Taking this information in to account, it is the officers opinion that there is a value in graded woodland edges and it is also the officers opinion that if the felling of the trees in this location is undertaken for this purpose creating a diverse mixed species woodland edge, then it is the officers opinion that it does accord with the practice of good forestry.
29	<p>Although it can be seen that the work fits with the practice of good forestry, there is a concern over the impact that this may have to the woodland in the neighbouring compartment 1(a) due to the effects that the wind may have on the trees that are currently sheltered by compartment 1(a)(i).</p> <p>Section 5.7 of the WMP recommends to not over-thin the hanger top, however the requested work in this area goes beyond thinning.</p> <p>Over thinning a woodland may cause issues with an increased potential of trees failing due to the sudden change of the wind dynamics through the woodland. Whilst it appears that section 5.7 was written with thinning in mind, it is the officers opinion that the complete felling of compartment 1(a)(i) has a potential to impact the trees in the adjoining compartments as they suddenly become the woodland face and will be subject to greater stresses of wind, whereas they are currently sheltered and internal trees. However, this could be said to be a result of any felling or natural occurrence that leads to a tree failure, therefore a balanced perspective must be given.</p> <p>It is the officers opinion that the recommendation in section 5.7 does raise a concern over the potential harm that could result from the change in wind exposure to compartment 1(a), however this may not actually occur, therefore the advice from the officer is more cautionary than actual.</p> <p>In balance, there is a clear benefit of felling and the creation of a graded woodland edge over a perceived threat from wind damage. It is the officers</p>

	opinion that the longer term view and associated and benefits outweigh the potential of tree failure, due to wind exposure.
30	The officers are aware that there is a strong desire from some members of the public to retain the large Monterey and Corsican Pines that form part of the boundary of Marlhill Copse to the neighbouring properties. Although it can be seen from above that their removal, as part of the creation of a rising woodland edge profile, can be regarded as good forestry practice, officers felt that it is appropriate to separate these trees, due to their prominence, and consider separately.
31	To aid in forming an opinion, officers have referred to Dr George Peterken's The Management of semi-natural woodlands, volume 3 - Lowland mixed broadleaved woods. This document has been used as it best describes the woodland in accordance with the DEFRA classifications and is also referenced as a 'Lowland mixed deciduous woodland' in section 4.4 of the WMP.
32	In addition to this, officers accept that the classification of ancient and semi natural woodland exists on the oldest part of Marlhill Copse and this should be kept in mind when considering the application.
33	<p>Before further information is given, it is important for members to understand that there are different classifications for trees, and these are described below.</p> <p>Native tree. A native tree is one that colonised the land when the glaciers melted after the last Ice Age and before the UK was disconnected from mainland Europe.</p> <p>Naturalised Tree. A naturalised tree is one that has been introduced into the UK and readily self-seeds and is able to maintain its population.</p> <p>Exotic Tree. An exotic tree species is one that has recently been introduced into the UK. These trees do not readily self-seed to enable them to colonise freely. They were brought to the UK, mainly during the period of 'seed hunters' and during the Victorian era which popularised many of the exotics that we see today.</p> <p>It is the officers opinion that the Monterey and Corsican Pine are classified fall within the classification of an 'exotic tree' species and any management proposals will be considered, having regard to this.</p> <p>Invasive non-native or exotic. This classification can include trees and shrubs and there are national guidelines regarding the transportation, planting and spreading of these species. For the purpose of the WMP, it mainly concerns Rhododendron ponticum. Further details regarding the control of invasive exotic species can be found in section 6 objective 4 of the WMP.</p>
34	Officers accept that the pines, which are within compartment 1(a)(i) do not form part of the ASNW and sit just outside of the ASNW boundary, however they are within the DEFRA classification as a Priority Habitat of a Deciduous Woodland and also on the National Forest Inventory as being broadleaved,

	therefore officers must accept that the pines do not form any part of the DEFRA land classification as the pines are neither deciduous or broadleaved.
35	Peterken has given information as to an appropriate way of management of exotic species that are within a lowland semi-natural mixed broadleaved woodland and wrote that <i>‘Several non-native tree species have colonised or have been planted into mixed broadleaved woodland, including beech (which is native in other forest types), several conifers and well established denizens such as sycamore, chestnut and Norway maple. <u>Chestnut and beech may be retained as part of the mixture on the ground they occupy, i.e. their spread should not be extended by planting. Others should be eradicated if they occupy less than 10% of the wood. If they are more widely and abundantly established, they should be controlled during thinning as minority constituents of the mixture. Mature sycamore stands often contain much ash advance regeneration, which should be retained for restocking. Non-native tree species should not be planted in ancient semi-natural woods where they are not already present</u></i>
36	The Peterken document is clear in its approach for the management of coniferous trees within this classification of woodland. It can be seen that this document identifies that an appropriate form of management, of exotic conifers within this type of woodland, is to eradicate them, if they form less than 10% of the wood. The area of woodland that the Monterey and Corsican pine occupy has been detailed in section 4.4 of the WMP and is shown to be 6.1%
37	It is therefore the officer’s opinion that the felling of the pines, which are classed as conifers, and occupying less than 10% of the wood, is regarded as an appropriate form of management and as such must accord with the practice of good forestry.
38	The officers have gone on to consider the remaining elements of regulation 17(3) of the TPO regulations and whether the felling of the trees would fail to secure (a) the maintenance of the special character of the woodland or (b) the woodland character of the area.
39	The special Character – The officer has considered what the special character of the area is and agrees that in a large section of the copse, it conforms with the description as detailed by DEFRA as being a broadleaved ancient and semi-natural woodland with the areas falling outside of this being predominantly a mixed native and naturalised broadleaved woodland. It is accepted that the pines form part of the woodland boundary, however for the purpose of assessing the special character, officers have considered the DEFRA characterisation and agree with the classification given. The WMP covers the ASNW and the mixed native and naturalised broadleaved woodland, therefore both are appropriate for the assessment of the special character.
40	Considering if the work would fail to secure the maintenance of the special character of the woodland or the woodland character of the area, the officers have formed the following opinion.
41	Does the work fail to secure the maintenance of the special character of the area?

	<p>The trees subject of the WMP are either protected by the tree preservation order or conservation area with some trees growing within the boundary of the ANSW with others growing outside of this classification area. The woodland has a varied age classification of mixed broadleaved trees, therefore is in line with the special character classifications.</p> <p>The removal of 20% of the poorer stems of mixed broadleaved trees will leave a large remaining number of trees that make up the special character classification and as such, the thinning would not fail to secure the maintenance of the special character. The conifers do not feature in any of the DEFRA land classifications, therefore their felling cannot be included in the assessment of the special character and conversely cannot fail to secure it.</p> <p>It is therefore the officers opinion that the implementation of the felling aspect of the WMP would not fail to secure the maintenance of the special character of the area.</p> <p>The final test to consider is if the felling of the trees would remove the woodland character of the area.</p>
42	<p>Does the proposed felling remove the woodland character of the area?</p> <p>It is the officers opinion that the 20% silvicultural thinning of the woodland would not remove the woodland character of the area as 80% of the better-quality trees would still remain. The visual aspect of the area being a woodland would still be maintained from both internal and external to the site.</p> <p>The felling of compartment 1(a)(i) will have the biggest impact to the woodland character as 0.24ha (2400m²) of mixed broadleaf and coniferous trees are proposed to be removed to introduce a graded woodland edge by the restocking of equal percentages of Wild Cherry, Field Maple, Hazel, Holly and Hawthorn, all of which are native trees.</p>
43	<p>The work in this compartment can be reviewed as two separate works when assessing the woodland character of the area as it involves coniferous trees and broadleaf. Completing all the work would have the biggest impact, however is the pines were felled and the broadleaved trees kept, or vice versa, then this would lessen the impact as some trees would remain.</p>
44	<p>If all the work is completed, it would result in a part of the woodland being lost on the southern aspect of the internal tarmacked path. This would give a section, of approximately 177 metres of the internal path, an impression that the path runs along the boundary of the woodland rather than being inclusive of the wood, as is current. This impression would be due to the loss of the trees on the southern aspect within compartment 1(a)(i). The felling runs to an approximate 330 metres adjacent to the footpath, however the trees within the rear gardens of the properties in Moat Hill will lessen the impact as these are not included within the felling licence application. If either the pines or broadleaved trees are kept, this would then clearly retain some of the woodland character of the area. Given that the woodland classification is that of a broadleaved woodland, it is the officers opinion to retain the broadleaf trees, to retain its character, over the pines that do not form the DEFRA character assessment of the woodland.</p>

45	It can be considered that the loss of the woodland character of the area is transitory from within the site as externally, the woodland character of the area will be that of the trees in the ASNW that lie to the north of the path and would become the face of the woodland, albeit it further back from the boundary. This loss would be lessened over time whilst the proposed newly planted graded interface grows.
46	<p>The WMP in section 6 on gives details on the assessment of the work in relation to the two tests. The opinion formed is that the special character of the woodland and the woodland character of the area should be maintained and states that <i>'While the removal of trees would have some impact to the skyline views from around the copse, especially the works in compartment 1(a)(i), the long-term impact will be negligible'</i>.</p> <p>It gives further detail and gives an opinion that <i>'there may be a temporary impact to the character of parts of the woodland'</i> and goes on to say that <i>'the objectives will enhance the woodland and will have a positive impact on the wider community and environment as well as the character of the woodland'</i>.</p> <p>It is the officers opinion that this view is of one of the future character of the woodland to the area and officers can see the overall benefit and long term view. However, when assessing the woodland character to the area for the purposes of regulation 17(3), officers must consider how the work would impact the current woodland character of the area, rather than rely on an assessment of the character in the future having regard to any conditions securing replanting.</p>
47	It is the officers opinion that the work can be demonstrated to be in-line with the practice of good forestry and that there is a benefit to the work for the future of the woodland by converting the steep face of the woodland and converting it to a graded bank of mixed native broadleaved trees. However, it is the officers opinion that completing all of the work in compartment 1(a)(i) would result in the loss of the woodland character to the area, even though it could be argued that it is transitory and will lessen over a period of time.
48	It is the officers opinion that there needs to be a balanced approach to the decision over the impact the work will have to the woodland character of the area and can see that there needs to be a consideration to the immediate impact weighed against the future gain.
49	The decision over the impact to the woodland character of the area is a very finely balanced and subjective view.
50	It is the officers opinion that the work to fell all of the broadleaved trees in compartment 1(a)(i) would remove the woodland character internally to the site, although not from a view externally. Therefore, given the concerns over the impact that the felling would have to the internal amenity and woodland character of that immediate area, it is the officers opinion that this limb of the test in regulation 17(3) is not met and that, this element, when considering the amenity value of the trees, should not be approved.
51	Officers advise members to consider all different parts of the application and consider the test on the thinning and regeneration felling rather than applying a decision to the application in its entirety, something which the PPG

	envisages and is accepted in practice. The woodland has different areas of work and will have a greater or lesser impact to the local area.
52	Conservation Area. The trees that are in compartments 2a, 2b and 2c are within the Itchen Valley conservation area and require the council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990.
53	To be able to assess the impact, first there must be a consideration as to what the character of the conservation area is. The Itchen Valley Conservation Area strategy document of 1993 was used to supply the details of the character of Marlhill Copse. This can be found in sections 17.2 and 17.3 of the document.
54	Section 17.2 – <i>‘Marlhill Copse itself originally formed part of the Townhill Park Estate and is shown on the 1st Edition Ordnance Survey Plan dated 1871, as a woodland block running along the Itchen Escarpment. The size of the trees suggest that they were planted around 1800 and the woodland is now a fine example of mature Oak trees grown as standards. During the 1920's and 30's these were thinned, and the glades were planted up with many unusual trees and shrubs, in particular Rhododendrons, Magnolia and Nothofagus, some of which remain today’.</i>
55	Historically the copse was not the same size as it is today as the 1871 map shows that it did not extend as far to the north as present day. The description of the trees in section 17.2 is in relation to woodland that existed on the 1871 map and not that of the current extended copse that now incorporates the some of the trees that are subject of the felling licence and management proposals. 17.2 gives detail over the trees within the copse that form a feature of the conservation area. The silvicultural thinning of the self-sown trees and other mixed broadleaved are likely to be too young to be trees that were present at the time of the conservation area assessment and have grown due to lack of more recent form of management.
56	As the trees subject of the application and notification were either not within the woodland, as shown on the 1871 map, or are regarded as being one of the unusual notable species of the conservation area assessment, it is the officers view that they cannot be included in the character assessment of the conservation area.
57	Section 17.3 – <i>‘The Copse itself lies on an escarpment and its mature trees form a very important element in the landscape of this part of the City, providing a very effective transition in visual terms between the City and its surrounding countryside’.</i>
58	Officers have assessed the loss of the trees and the impact that this would have on the ‘effective transition in visual terms between the City and its surrounding’ and the impact on the character and appearance of the wider conservation area
59	It is the officers’ opinion that the loss of the trees would not remove the visual transition between the woodland and the surrounding area as the trees within compartment 1a would then form the visual transition, if 1(a)(i) were to be completely felled. It may be arguable that the visual transition may have been lessened by the felling, however it is the officers opinion that a transition

	<p>between woodland and urban area would still exist, therefore is not regarded as a loss in transition between the city and countryside. This is a subjective test; therefore, members should form their own opinion over the loss of transition in visual terms to determine if this is acceptable</p>
60	<p>The biggest impact will be from the felling of all conifer, which include the Monterey and Corsican pines, along with all mixed broadleaf trees that occupy 2,400m² (0.24ha) of woodland identified as 1(a)(i) on the plan (SEE APPENDIX 1)</p> <p>To make an assessment of all of the works within the conservation area, the local authority must consider the impact that the proposed works will have on the transition effective transition in visual terms between the City and its surrounding' and the impact on the character and appearance of the wider conservation area. In this instance, it is the officers opinion that the, even if felling occurs, there will remain an effective transition.</p> <p>Accordingly, officers consider that the proposed works (for all elements) will preserve the character and appearance of the conservation area.</p>
61	<p>Compensation.</p> <p>The Council can be liable for compensation in the event it refuses an application to consent. However, under Regulation 24(3) of The Town and Country Planning (Tree Preservation) (England) Regulations 2012, compensation is limited where the works are “forestry operations” in a woodland area. Regulation 24(3) states as follows:</p> <p><i>(3) Where the authority refuse consent under these Regulations for the felling in the course of forestry operations of any part of a woodland area—</i></p> <p><i>(a) they shall not be required to pay compensation to any person other than the owner of the land;</i></p> <p><i>(b) they shall not be required to pay compensation if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is subject to an appeal to the Secretary of State, the date of the final determination of the appeal; and</i></p> <p><i>(c) such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.”</i></p> <p>There is no definition of forestry operations for the purposes of the TPO Regs or in the Town and Country Planning Act 1990. Given the broad dictionary definition of forestry (as used in the UKFS), it is the officers’ view that these are forestry operations in a woodland area and therefore any compensation is limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.</p>

	<p>If these works are not considered forestry operations, then there is a risk of exposure to liability for a greater level of compensation as Regulation 24(1) states:</p> <p><i>(1) If, on a claim under this regulation, a person establishes that loss or damage has been caused or incurred in consequence of—</i></p> <p><i>(a) the refusal of any consent required under these Regulations;</i></p> <p><i>(b) the grant of any such consent subject to conditions; or</i></p> <p><i>(c) the refusal of any consent, agreement or approval required under such a condition, that person shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.</i></p> <p><i>(2) No claim, other than a claim made under paragraph (3), may be made under this regulation—</i></p> <p><i>(a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or</i></p> <p><i>(b) if the amount in respect of which the claim would otherwise have been made is less than £500.</i></p>
62	<p>Conclusion:</p> <p>Officers have considered all elements of the proposal and feel that some parts are clearly in accordance with the practice of good forestry and that the work does not fail to secure the maintenance of the special character or remove the woodland character of the area, therefore it is the officers opinion that these elements meet the test in regulation 17(3) of the TPO regulations, and having paid special attention to the conservation area test, to the desirability of preserving or enhancing the character or appearance of the conservation area.</p> <p>However, the biggest impact to the local area is undoubtedly the felling of the Pine trees along the boundary and the felling of compartment 1(a)(1) to create a graded interface of mixed native trees of differing mature height. The guidance within the UKFS gives details over the benefit that this will give, even if it is just the boundary. The loss of all of these trees will certainly remove a section of the woodland character of the area, however this may be considered to be greater internally within the woodland than from the local street and as such they preserve the character of the conservation area. It is important to have in mind that the opinion of the officers is a subjective view and is based on all of the work within compartment 1(a)(i) being completed. It is important for members to also have in mind all the aspects of the work being applied for and to consider each on its own merits whilst weighing it up against the long and short term implications and benefits that the creation of the graded woodland have.</p> <p>Officers agree that the work to thin the woodland in the TPO and conservation area is a practice of good forestry and that it would not harm the special character or the woodland character of the area, and therefore support this work.</p>

	<p>In relation to the work to fell trees in compartment 1(a)(i), this has been a difficult decision as it is very finely balanced. It is the officers opinion that the loss of the woodland character of a section of the woodland has to be given due weight for the assessment for reg 17(3)</p> <p>The assessment for felling of the broadleaf trees within compartment 1(a)(i) has been undertaken in relation to the impact the work will have now and not what can be achieved by the application of a replanting condition for future amenity. The officer accepts that the felling of the pines can be attributed to the practice of good forestry and that it would not result in the loss of the special character of the woodland or the woodland character of the area. The felling of the broadleaf trees, in conjunction with the pines, in the officers opinion, would result in a loss of woodland character of the area, albeit from within the woodland itself.</p> <p>It is therefore, for this reason only, why it is felt that the felling of the broadleaf trees in compartment 1(a)(i) should be refused</p> <p>If members feel that on balance, the loss of the section of woodland can be accepted and wish to see the graded woodland edge created, then they can still approve the application. The tests set out in regulation 17(3) give the local authority the option to refuse an application if it feels that the work would fail to secure the maintenance of the special character or the woodland character to the area. If either of these are not impacted, then the local authority must grant consent, however not meeting one of the two tests does not mandate refusal, but simply gives the option.</p> <p>Officers have not given any weight to the protected flight surfaces for aviation or to the proposal for SIAL to increase the length of the runway when reviewing the documents as it has not been supported by any supporting information. The referred felling licence and woodland management plan have been assessed purely based on the practice of good forestry whilst using current best practice guidance. Any benefit that SIAL may receive from the granting of consent is coincidental and is not the reason that lead to the officers opinion.</p>
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
	NONE
<u>Property/Other</u>	
	NONE
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
	The statutory duties in connection with determining the application are set out in the body of the report.

	The Council may impose conditions in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012
<u>Other Legal Implications:</u>	
	NONE
RISK MANAGEMENT IMPLICATIONS	
POLICY FRAMEWORK IMPLICATIONS	

KEY DECISION?	Yes/No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Compartment Plan
2.	

Documents In Members' Rooms

1.	
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes/No
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	Yes/No
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Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	

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Marhill Copse

SU 4495 1545

Key

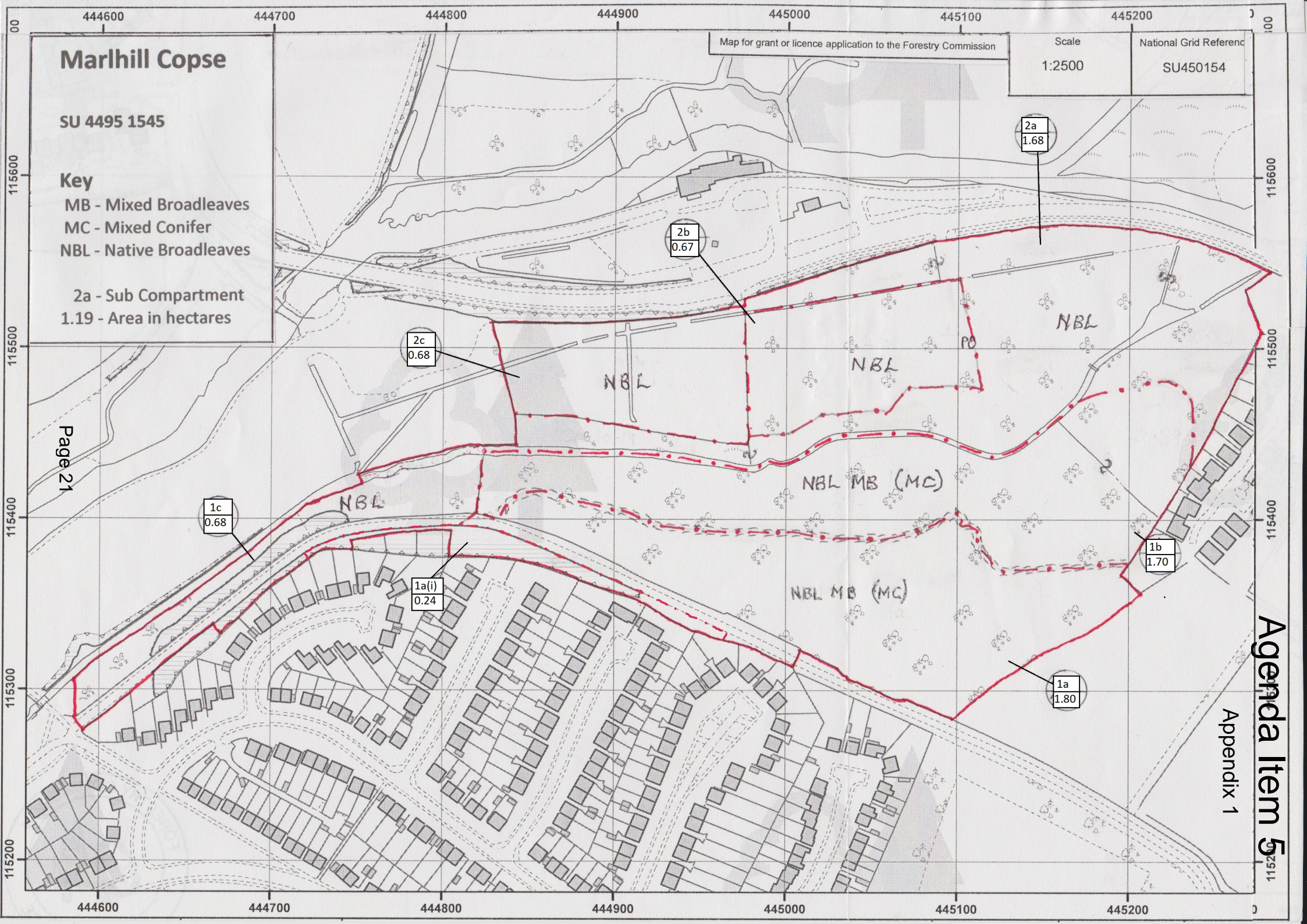
- MB - Mixed Broadleaves
- MC - Mixed Conifer
- NBL - Native Broadleaves

2a - Sub Compartment
1.19 - Area in hectares

Map for grant or licence application to the Forestry Commission

Scale
1:2500

National Grid Reference
SU450154



Page 21

Agenda Item 5
Appendix 1

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Agenda Item 6

Planning and Rights of Way Panel 23rd February 2021 Briefing note from the Head of Planning & Economic Development

Application address: Southampton International Airport, Eastleigh.			
Further consultation from Eastleigh Borough Council on amendments to planning application Ref F/19/86707 at Southampton Airport for the following works to facilitate airport expansion:			
Construction of a 164 metre runway extension at the northern end of the existing runway, associated blast screen to the north of the proposed runway extension, removal of existing bund and the reconfiguration and extension of existing long stay car parking to the east and west of Mitchell Way to provide additional long stay spaces.			
This latest round of further consultation is a rationalisation of the revised baseline figures of 1mppa following the collapse of Flybe and capped future growth forecast of 3mppa (36,737 ATMs) by 2033 which are now considered the most likely growth scenario. These baseline and capped growth figures were within the sensitivity test previously consulted upon and considered by the Planning and Rights of Way Panel on 01 December 2020. Additional economic information is also provided in relation to the baseline and future viability of the airport without the runway extension.			
Application number	20/00943/CONSUL	Application type	Consultation
Case officer	Andrew Gregory	Public speaking time	5 minutes
EBC consultation Expiry for SCC	05 March 2021	Ward	N/A Eastleigh Borough
Reason for Panel Referral:	Request by Panel - 28.01.20 Minutes	Ward Councillors (Swaythling and Bitterne Park Wards)	Cllr Fuller Cllr Harwood Cllr White Cllr Mintoff Cllr Bunday Cllr Fielker

Applicant: Southampton International Airport Ltd	Agent: Savills
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Recommendation Summary	See recommendation in Full below
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Appendix attached	
1	Previous report to Panel dated 01 December 2020 and associated minutes
2	Consultation response letter to Eastleigh Borough Council dated 03 December 2020

Background & Reason for Panel Decision

At the consideration of the first round of consultation on this Airport planning application by the Planning and Rights of Way Panel on 28 January 2020, officers requested delegation to respond to any subsequent consultation on application ref F/19/86707, subject to agreement from the Chair of the Planning and Rights of Way Panel. However, the Panel determined that all future consultations on this application be brought before the Planning and Rights of Way Panel for a decision. The target date for a response to this additional submission, as imposed by Eastleigh Borough Council, is 5th March 2021.

This briefing note sets out the details of this latest (third) round of consultation on the airport planning application and officers recommend the following to the Planning and Rights of Way Panel:

Recommendation in Full

That the Panel consider the amendments set out in the amended documentation in regard to Eastleigh's planning application for the airport and:

either

- (i) Agrees with officers that the changes to the documents are not significant enough to merit revisiting its decision to OBJECT to the application, and to give officer delegation to respond to Eastleigh Borough Council maintaining the Council's objection with no change to the previous response dated 03 December 2020;

or

- (ii) Confirms that the changes set out the amended documents are significant enough to merit revisiting the previous Panel decision, and instruct officers to take the necessary steps to request an extension of time from Eastleigh Borough Council and provide a full report for further debate on the application at a future Panel meeting.

1.0 Latest consultation

The proposed changes which are the subject of this current consultation are not extensively different to the matters considered as part of the previous round of consultation considered by the Planning and Rights of Way Panel on 01 December 2020. However, the latest consultation does include some additional information on economic issues, and a change in the status of the previous sensitivity test such that it is now considered the most likely scenario. It is, therefore, important, that the Council confirms to Eastleigh that it has taken account of the additional submission and whether or not the changes warrant a fresh review of all matters and the Council's previous objections. All information that has been submitted has been made available for inspection. The changes are summarised and set out in bold below:

- 1.1 Southampton Airport's updated business plan estimates that the airport breaks even with 1.2 million passengers per annum. At the break-even point, the airport is not able to fund any capital expenditure to replace ageing key operational assets. The breakeven point of 1.2mppa is slightly above the 'without Proposed Development' revised scenario of 1 mppa. Therefore,**

without the Proposed Development, the airport would be likely to be loss making.

Officer comments

Officers previously reported that the revised baseline of 1mppa and indicated this scenario without the runway extension would put the future viability of the airport at significant risk (see paragraphs 2.3 and 5.17 of panel report attached as Appendix 1). This additional information from the airport indicates that that the 'no runway extension' scenario would be loss making.

- 1.2 Once the Proposed Development is operational, the number of passengers is expected to grow from approximately 1mppa to 3mppa by 2033 under the 'ESA2 controlled growth scenario' (a cap on road transport movements and aircraft noise constraining operations to approximately 3mppa). The increased capacity and services of the airport are expected to have a substantially positive effect on airport users under the future growth scenario and a major beneficial impact.**

Officer comments

These figures were previously reported to panel as part of the consideration last time.

- 1.3 Under the controlled growth scenario the airport is expected to generate 927 net additional jobs on site, and 1,971 net additional jobs overall, of which approximately 1,557 are expected to be in Solent LEP, by 2037 constituting a major beneficial effect on highly sensitive employees in the Solent LEP area.**

Officer comments

Officers previously reported the figures of 927 net additional jobs and 1,557 in the LEP area so there's no change in terms of consideration of the employment benefits. A further update will be provided at the Panel meeting following a review of the latest consultation details by the Council's Economic Development Manager.

- 1.4 The current Noise Action Plan for Southampton Airport details the area, population and number of households potentially exposed to aviation noise from existing airport operations. There are approximately 3,800 households between the Lowest Observed Adverse Effect Level (LOAEL) and Significant Adverse Effect Level (SOAEL) values for aviation noise (54 dB and 63 dB respectively). There are fewer than 50 households potentially experiencing current aviation noise levels above the SOAEL. In the ESA2 reduced baseline of 1mppa, which represents approximately half of number of passengers that were transported in 2016, the number of households falling between the LOAEL and SOAEL falls to approximately 1,650.**

Officer comments

The existing 3,800 household figure was previously reported and this has now been reduced to 1,650 households based on the reduced 1mppa baseline (of the 1,650 households, 50 households are subject to an existing noise level of 60db LAeq 16hrdB(A). The revised baseline provides an improved existing noise environment for Southampton and its citizens.

- 1.5 Operation of the Proposed Development would result in an adverse effect of moderate significance from aircraft noise. The airport will implement a Noise Insulation Policy to mitigate noise for residential properties, and other noise sensitive buildings such as schools and hospitals, within the 60 dB LAeq, 16 hr noise contour. Aviation noise will also be mitigated and minimised through the measures set out in the Noise Action Plan**

Officer comments

This was reported and considered by the Planning and Rights of Way Panel previously.

- 1.6 During the Operation phase the Proposed Development is assessed to result in emissions of approximately 370,000 tCO₂e per annum based on the ESA2 forecasts. The emissions during operation are considered moderate adverse and significant.**

Officer comments

This was reported and considered by the Planning and Rights of Way Panel previously.

2.0 Other Matters

2.1 The Airports National Policy Statement

- 2.1.1 The Airports National Policy Statement (ANNPS) is now again a material consideration following the Supreme Court's decision to overrule the Court of Appeal in relation to Heathrow Airport third runway. This ruling found that the Government has taken proper account of climate change commitments made under the 2016 Paris Agreement. This court decision to reinstate the ANNPS is not alone considered to give the economic benefits of the airport greater weight over the socio-environmental impacts, particularly in relation to noise impact on Southampton and its Citizens, having regard to the previous decision made by the Planning and Rights of Way Panel on 01 December 2020.

2.2 Committee of Climate Change

On 09 December 2020 the Climate Change Committee (the CCC) who advise the government on climate change, published the Sixth Carbon Budget, required under the Climate Change Act, to provide the Government with advice on the volume of greenhouse gases the UK can emit. In respect of aviation, one of its policy recommendations is that there should be no net expansion of UK airport expansion unless the sector is on track to sufficiently outperform its net emissions trajectory and can accommodate the additional demand. The CCC have modelled for a scenario allowing 25% airport growth increasing passenger numbers to 365 million by 2050, however it is understood that if all planned airport expansions go ahead, passenger numbers would increase to 532 million by 2050. The government have not yet indicated whether they will be accepting or rejecting these recommendations.

3.0 Consultation Responses and Notification Representations

- 3.1 Southampton Council has not undertaken its own public consultation to allow the public to provide comments to inform the Council's further consultation response for this round of consultation. Given the limited changes to the submission it is considered burdensome on third parties to have to engage in a further consultation by Southampton City Council. Southampton citizens are entitled to respond directly to Eastleigh Borough Council if they wish to provide further written comments on this latest round of consultation which closes on 05 March 2021. All parties invited to the previous Planning and Rights of Way Panel meeting on 01 December 2020, including the applicant, have been invited to the

meeting on 23 February 2021. Furthermore if the Panel wish to reopen the consideration of the planning merits and wish for this item to be brought back to panel for full debate, then all parties will again be invited.

3.2 Consultation Responses

Only those specialist consultee comments that relate to the changes have been consulted; namely, the Economic Development Manager and Environmental Health.

3.3 Environmental Health: Maintain objection

The addendum does not change the position for environmental health, i.e. there are a significant number of homes within Southampton which will be adversely impacted by the increased noise level and the noise insulation scheme will not fully mitigate the impact. Although economic benefits are a consideration, the focus for the environmental health service is on the noise impact to Southampton residents. An update regarding any changes in relation to Air Quality will be provided at the meeting on the 23 February 2021.

3.4 SCC Economic Development Manager:

An update will be provided in relation to a review of the new economic information at the meeting on the 23 February 2021.

4.0 Summary & Conclusion

4.1 The Council has objected to the airport application on 2 previous occasions. The airport application has, however, not yet been determined by Eastleigh Borough Council. Instead, the applicant has made a further submission, and Eastleigh are currently out to re-consultation with all interested parties, including Southampton City Council.

4.2 There is a strong direction from the Planning Panel that it wishes to object to the application and that any further information should be considered by the Panel, rather than by officers under delegation. On this basis the Panel is asked to consider the above report and decide whether the limited changes made are sufficient to change the decision it made on in December 2020. At this stage officers advise that the information has largely already been presented and that the previous objection can be maintained, but if the Panel wishes to explore the latest submission in more detail it can reach a decision to seek an extension from Eastleigh to the 5th March target date for a revised response and instruct officers to prepare a full report to an upcoming meeting of the Planning Panel.

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)

AG for 23/02/2021 PROW Panel

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Agenda Item 6

Appendix 1

Planning and Rights of Way Panel 01 December 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: Southampton International Airport, Eastleigh,			
Further consultation from Eastleigh Borough Council on amendments to planning application Ref F/19/86707 at Southampton Airport for the following works to facilitate airport expansion: Construction of a 164 metre runway extension at the northern end of the existing runway, associated blast screen to the north of the proposed runway extension, removal of existing bund and the reconfiguration and extension of existing long stay car parking to the east and west of Mitchell Way to provide additional long stay spaces. This latest round of consultation relates to the proposed introduction of noise controls and restriction on the amount of vehicular traffic entering the airport based on a reduced growth forecast capped at 3 million passengers per annum by 2033.			
Application number	20/00943/CONSUL	Application type	Consultation
Case officer	Andrew Gregory	Public speaking time	15 minutes
EBC consultation Expiry for SCC	03 December 2020	Ward	N/A Eastleigh Borough
Reason for Panel Referral:	At the Full Council meeting on 20 November 2019 it was decided that the final decision on this consultation response would be made by the Planning and Rights of Way Panel.	Ward Councillors (Swaythling and Bitterne Park Wards)	Cllr Fuller Cllr Harwood Cllr White Cllr Mintoff Cllr Bunday Cllr Fielker

Applicant: Southampton International Airport Ltd	Agent: Savills
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Recommendation Summary	This report sets out the finely balanced economic benefits and environmental disbenefits of the proposed airport expansion and policy and other material considerations for the decision maker. The Planning Rights of Way Panel is required to reach a decision to either MAINTAIN THEIR OBJECTION or SUPPORT the planning application following the amendments as set out in this report.
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Appendix attached	
1	Previous report to Panel dated 28 January 2020
2	Minutes associated with Previous Panel decision on 28 January 2020
3	Consultation Response letter to Eastleigh Borough Council dated 03 February 2020
4	Peer Review of Noise Impact Assessment by 24 Acoustics dated 10 November 2020

Recommendation in Full

Instruct the Head of Planning & Economic Development to:

1. Prepare a consultation response based on the decision of the Planning and Rights of Way Panel and submit the response on behalf of Southampton City Council to Eastleigh Borough Council by 3rd December 2020, ahead of them determining their planning application ref F/19/86707.
The response shall include this report including Appendices and the redacted comments of residents received by Southampton City Council
2. To request involvement in the drafting of planning obligations and conditions which mitigate against the impacts on Southampton and its citizens, in the event that Eastleigh Borough Council resolve to approve the application at their Local Area Committee meeting 17 December 2020.

Background

Details on the background of this planning application and Southampton City Council's role as consultee rather than decision maker is set out within pages 2 and 3 of the previous report to the Planning and Rights of Way Panel meeting on 28 January 2020, attached to this report as **Appendix 1**.

Southampton City Council responded to the original consultation from Eastleigh Borough Council on 3 February 2020 (following the decision of the Planning and Rights of Way Panel on 28 January 2020) and raised objection to the planning application on the grounds that: Firstly, the proposal fails to satisfy the requirements of environmental and social impacts to residents of Southampton, particularly in respect of noise; and Secondly, the economic benefits do not outweigh the adverse environmental and social impacts and the applications submission suffered from a lack of information. A copy of the consultation response letter is attached as **Appendix 2**.

1 The site and its context

- 1.1 Details of the site and its context are set out within paragraphs 1.1-1.3 of the previous report to the Planning and Rights of Way Panel meeting on 28 January 2020, attached to this report as **Appendix 1**.

2 Proposal

- 2.1 The physical works proposed to extend the runway remain unchanged from the original consultation, however the car parking design has been amended with a reduction in new car parking space from 600 to 470 spaces with the total airport parking capacity reduced from 928 down to 797 car parking spaces (inclusive of disabled spaces).
- 2.2 However the key change relates to a reduction in operational development with forecasted airport growth reduced from 5 million passengers per annum by 2037 to 3 million passengers per annum by 2033 and it would be capped at this level.

It would thereafter remain at that capped level and further planning approval would be required to vary the cap. The proposed reduction in passenger numbers would see a reduction in the number of flights when compared to the 2016 baseline because the extended runway would serve larger jet aircraft which can accommodate greater passenger numbers.

2.3 The collapse of Flybe, which accounted for 90% of flights from Southampton Airport, is a significant material change in circumstances for the airport since the previous consultation response to this planning application was made by Southampton City Council. The Airport have indicated that without the runway extension there would be some backfilling of Flybe routes by other carriers but the routes and number of flights would be reduced with a forecasted reduction in passenger numbers from the 2017 baseline of 2 million passengers per annum to 1 million passengers per annum. The runway extension is needed to facilitate larger jet aircraft (such as Airbus A320 and Boeing 737) to attract low-cost carriers and to access the short haul holiday destination market. Without the runway extension which restricts the size/type of aircraft and limits the fuel load and passenger numbers on jet aircraft, the airport have indicated that the future viability of the airport is at significant risk even with 1 million passengers. The COVID-19 pandemic has adversely impacted the aviation industry globally and has compounded problems for Southampton Airport, however the adverse impacts arising from the pandemic have not been included in the sensitivity tests and the consideration of this application is based on a baseline pre-COVID and growth forecasts which take into account the collapse of Flybe but not the short-term impacts of the pandemic.

2.4 Table 1 below provides a comparison between the previous growth forecast of up to 5 million passengers per annum by 2037 (150% growth on 2017 baseline) and the reduced growth capped at 3 million passengers per annum up to 2033 (50% growth compared to the 2017 baseline). The reduced growth forecast would result in a significant reduction in forecasted flights arriving and departing - Air Transport Movements (ATMs) with in fact a 6.5% reduction in the number of flights by 2033 this is because the larger jet aircraft can accommodate more passengers.

	Air Transport Movements (ATMs)				
	2017	2020	2027	2033	2037
Original growth forecast up to 5 million passengers per annum (150% growth)	39,300		53,100 (35% increase over 2017)		57,800 (47% increase over 2017)
Current revised growth forecast of 3 million passengers per annum (50% growth)	39,300	21,366	31,963 (19% decrease from 2017)	36,737 (6.5% decrease from 2017)	

- 2.5 The Airport propose to cap the growth up to 3 million passengers per annum by 2033 by introducing a noise contour cap (envelope) with noise levels restricted based on noise modelling for 3million passengers per annum (“ppa”). The airport also propose to increase the offer of financial compensation for acoustic insulation to households subject to noise impact of 63db LAeq, 16h or more, from £3,000 as originally offered, to £5,000.
- 2.6 The airport also propose to introduce restrictions to the number of vehicles entering the airport to address capacity issues on the highway network; The number of vehicle movements being proposed for the cap, based on the modal split occurring at the time of the planning application, is approximately aligned with the point at which the number of passengers will reach 3million passengers per annum.
- 2.7 As a consequence of this reduced growth forecast, the assessment of the impacts in terms of socio economic, air quality, transportation, ecology, noise and climate change have been revised.

3 Relevant Planning Policy

- 3.1 Since the Council’s previous consultation response to Eastleigh Borough Council was made, there has been a material change in national policy. The Airports National Policy Statement 2018 (ANPS) has been quashed by the Court of Appeal and can no longer be afforded any weight. The Courts took the decision that the ANPS was unlawful because it failed to take into account the Government’s commitment to the Paris Agreement on climate change as policy. It should however be noted that the Government has legislated for the UK to reach net-zero greenhouse gas emissions by 2050, to include aviation emissions. This exceeds the target set by the Paris Agreement which committed the UK to 80% reduction in carbon emissions relative to the levels in 1990, to be achieved by 2050
- 3.2 All other policy documents and other material considerations as set out within section 03 of the previous report to the Planning and Rights of Way Panel meeting on 28 January 2020, remain relevant.
- 3.3 The key assessment criteria in relation to the Aviation Policy Framework (2013) and the mutually supportive economic, social and environmental objectives of the National Planning Policy Framework (2019) is to ensure the airport expansion maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise.
- 3.4 In addition, regard needs to be had to the Government Policy Paper ‘*Beyond the horizon The future of UK aviation: Making best use of existing runways*’ (2018) which provides useful Government policy guidance on making the best use of existing runways at airports beyond Heathrow. Paragraphs 1.9-1.11 of this policy document indicates that climate change matters in relation to airport growth proposal should be considered at the national level. This policy paper is supported by background evidence from the Department for Transport providing capacity forecasts for airports nationally ‘*DfT UK Aviation Forecasts*’ (2017)

which indicate that inputs for Southampton were based on 3 million passengers per annum to 2030 and 7 million passengers per annum by 2040.

4 Consultation Responses and Notification Representations

4.1 Southampton Council has again undertaken its own public consultation to allow the public to provide comments to inform the Council's further consultation response. The extent of the public consultation included sending notification letters on 20 July 2020 and 29 October 2020 to 464 addresses, including residents to the south of the runway that would be most affected by the forecasted change in noise environment and additional persons who provided representations to Southampton City Council as part of the original consultation. Notification was also given to those that attended the Full Council meeting on 20 November 2019 and registered with contact details. Southampton also posted 4 site notices in Swaything Ward on 23 July and 23 October.

4.2 In response to SCC's own consultation carried out on 2020 July 2020 and 29 October 2020 a total of **122 objections** have been received which are summarised as follows:

- Revised documents still offer no evidence that the harms to local residents (notably from noise) are outweighed by the economic benefits (which continue to be overstated, especially to the local area), and the impact on the environment (including climate change, for which the mitigation measures presented make no significant difference) is too high.
- The proposed noise cap is extremely unlikely to have any material impact on the affected communities for the simple reason that it will only apply "unless and until the airspace at the airport is updated.
- The number of households to be offered money for insulation is a tiny fraction of those impacted and there is no mitigation for the impacts on public open spaces. The flight path over densely populated areas makes Southampton the worst airport in the country to expand in terms of the noise impacts per passenger flying out of the airport.
- An extended runway is not needed for the airport's economic survival. Claims have been made in the press that the airport's survival is at risk without it. However the decision regarding this application should be made only on the documents submitted and these offer no evidence for such a claim. Other airlines have rapidly taken over the most important routes, even in the face of Covid-19. Indeed, the Sensitivity Test (2.6) suggests that the disruption following the collapse of FlyBe and the Covid-19 crisis are temporary issues.
- The application overestimates the number of local jobs because it ignores the fact that indirect jobs arise from non-wage spend by the airport and businesses using it - and the proportion of that spend which is local to the Solent area is much lower.
- Given the promised 'hard cap' on road traffic, intended to restrict passenger numbers to 3 million, the extension will only allow a fairly small increase by 2037 over the no-expansion baseline of 2.26 million (which was 3.37 million as recently as 2017) (ES Addendum Appendix 6.1),

further weakening the economic case, especially given the enormous health consequences that would follow.

- No account at all is taken of financial harms resulting from the proposed development, including losses at other airports in the region should more passengers switch to Southampton. There is now significant extra capacity at other airports within the region, and with parts of Southampton's "inner catchment area" being closer to these airports it is not at all clear that the demand is there for the promised increase in travel from Southampton.
- The economic costs in terms of house price reduction and increased health service spending for communities under the flight paths have not been considered.
- "Regional connectivity" does not require the runway extension. The economic assessment explicitly does not consider the impact of expansion at Heathrow, let alone Gatwick, Bournemouth or Bristol. The needs of Channel Islands residents visiting Southampton Hospitals are already met by the smaller aircraft currently using Southampton Airport. SIA is sustainable as a small regional airport, but with its flight path over a densely populated area is in the wrong place to expand, especially with the much more sensitively located Bournemouth airport not far away.
- The development will lead to a massive increase in carbon emissions, at a time when we need urgent action to reduce these to avoid catastrophic climate change. The airport's "carbon neutrality" affects only 0.36% (ES Addendum p1.51) of its emissions. "Carbon neutral" aviation is impossible on the timescales over which carbon reduction is needed. Electric planes are unlikely ever to be large enough to require the extended runway. Use at scale of biofuels and alternatives such as hydrogen are decades away owing to the long development and testing timescales required. "Offsetting" aviation emissions is highly dubious as few of the claimed developments are genuinely "additional". Reducing the need for people to drive to more distant airports offsets a scant few percent of the emissions arising from the extra flights. In addition, since 42% of passengers would not fly if they had to travel to a more distant airport, it can be claimed that the emissions resulting from their flights are directly attributable to the runway extension. The fact is that permitting the proposed development, would mean EBC, which paints itself as a "leader" in tackling climate change, would be permitting an increase emissions on its doorstep of 500000t per year to 2036.
- No indication of what actions will be taken to reduce them should the vehicle "caps" be exceeded, nor any explanation of why the additional car parking spaces are required since the number of passengers assumed in the "capped" value with development is similar to that in the absence of the proposed development.

4.4 Consultation Responses

Only those specialist consultee comments that relate to the changes are set out below and where no revised comment is offered the comments within Appendix 1 should be used.

4.5 **SCC Highways: No objection**

Passengers Numbers

It is suggested that the current buildings and runway can only accommodate 3 million passengers per annum(mppa) and therefore the runway extension itself will not be able to provide more than that. It is not clear however how this maximum capacity is derived – is this based on the maximum number of people that can physically fit in the airport and projected through number of flights throughout the day then multiplied by number of days in a year? Without knowing this, there is a question to whether current building can technically accommodate more than 3mppa if flights are more frequent and times of flights change/expand. Because of this and the fact the assessments are based on 3mppa, a condition to secure maximum passenger numbers would address this issue and the level of uncertainty.

The Transport Assessment (TA) has included multi modal travel survey data collected over previous years which suggest that there is a consistent trend in the increase of sustainable modes to and from the Airport. This is anticipated to continue although there will be a time where this will reach a saturation point along and for trends to continue along with the increase in passengers and flights, improvements and investment to sustainable transport needs to be delivered.

Car Park

The airport's long-term car parking will increase by 470 spaces as part of the expansion. Although it could be argued that more parking can normally attract more trips, with an airport use, car trips would still arrive with or without on site parking due to its nature – for example passenger drop off or pick up, taxis or buses. Trips associated to the overall expansion is considered through the passenger numbers – which is a lot more than then parking provided.

Due to the nature of the use and the length of stay associated with the expanded long-stay car park, the trips would be lower than a more traditional car park. The additional trips associated with the car park expansion is considered acceptable when you spread the trips across not only the day but throughout week(s). It is also important to provide sufficient parking to meet demand to avoid circulatory trips around the local network if demand is not met and also to help support the economic needs of the airport.

The layout is considered acceptable as well as the access but it is noted that this is outside of Southampton City Council's boundary and therefore this would need to satisfy the local highway authority – in this case Hampshire County Council.

SRTM/Highway trips and Impact Assessment

The TA states that the airport currently (pre-Covid-19) accommodated approximately 2mppa. The TA then breaks this down in terms of highway trips as depending on the specific car travel of the passenger, the number of trips can differ between a single trip (airport taxi's, long stay car parking) or double trips (drop off's, non-airport taxi's etc.) within the assessed hour. It is suggested therefore that the airport currently generated trips that are equivalent to 2.6mppa which is in line with the forecasts set out within the Solent Sub-Regional Transport Model (SRTM).

This is considered logical but a concern was raised that if the number of actual passengers do increase to 3mppa, could the same exercise not be applied which would give an even higher level of highway trips. The response was that the same exercise could not be carried out the same way due to the multi-modal assumptions and the increasing reduction in car travel modes generating 'double trips'. Although this is somewhat agreeable to a degree, it is still considered that the same could still apply and that highway trips would exceed the 3mppa albeit not directly on a pro-rata basis.

Regardless of how the highway trips align with the forecast as set out in the SRTM, an assessment of local junctions in Southampton was requested and carried out to show real world impact as a result of the increase in trips. The additional information helps to answer comments made previously about the modelling of the junctions in Southampton and the impact of the city's highway network.

The modelling of the Wessex Lane/Wide Lane/A335 Stoneham Way junction indicates that the junction currently operate beyond its capacity regardless of the airport expansion and therefore the impact from the development is considered minimal. However, it is considered that because the junction is already exceeding capacity, any additional impact would exacerbate the current problems and is considered to be significant and severe. Furthermore, the modelling output shows that the Wessex Lane junction will increase queue lengths significantly and therefore could have a significant impact form the A27 Mansbridge Road/Wide Lane roundabout.

Lastly, the trip assessments conducted so far is based on current and assumed peak airport movements. It is suggested that the peak hour trips relating to airport (10:00am-11:00am & 13:00pm-14:00pm) is outside the standard transport network peaks (08:00am-09:00am & 17:00pm-18:00pm). However, there are no clear assurances that this would not change if there are a change in flight patterns as a result of different operator's/airport's needs.

Mitigation

Due to the significant impact on the local junctions mainly Wessex Lane/Wide Lane/Stoneham Way junction as well Mansbridge Road/Wide Lane roundabout, measures will be required to mitigate the impacts on traffic flow, highway safety as well improving the environment for pedestrians and cyclists to encourage sustainable travel.

Details to be agreed as part of the S106 agreement process. The Transport team will be happy to work with the developer to agree on the design and measures.

Summary

Overall, more information could be provided to allow for a more extensive assessment of the junctions. However, with the information provided, the proposed development will have a significant impact on Southampton's public highway and local junctions (Wessex Lane/Stoneham Way/Wide Lane junction; and Wide Lane/Mansbridge Roundabout).

The proposal can only be supported subject to suitable mitigation measures being delivered to secure:

- Maximum passenger cap at 3mppa method to be agreed with SCC, HCC and Highways England
- Operational management plan (or similar) to ensure that airport peak trips would not coincide with network peak hours
- Airport Surface Access Strategy (securing on-going review and further measures if or when needed) including a Staff Travel Plan & Passenger Travel Plan
- Improvements to Wessex Lane/Wide Lane junction and Mansbridge Road roundabout including pedestrian and cycle facilities

4.6 **SCC Economic Development Manager: No objection**

The Economic Impact of Southampton Airport (Steer Davies Gleave - Oct 2017) describes the economic value of the airports as £161m supporting nearly 950 jobs directly at the airport (on site) and 1,300 in the supply-chain. The annual economic value of airport operations was £64m with 25% generated by the operator and 75% generated by businesses located on site.

'Airport Users' is one section to consider in terms of the connectivity arguments, wider economic benefit and particularly for the cruise industry. We discussed C-19 impacts however both industries are planning new business models for a post COVID return commercial viability. Section 3.9 makes this point and in terms of Southampton's economy the cruise industry has provided to date significant economic benefit, albeit with environmental impacts.

The number of passengers is projected to increase from 1mppa to 2.3mppa by 2027 and 3.3mppa by 2037 according to revised forecasts, however passengers will be capped at 3.0mppa. (This raises the question of how the airport proposes to cap passenger numbers and if this is a realistic proposal or a desirable one economically and commercially.)

In section 3.4 (Methodology) an estimate is used for the number of jobs supported by the operation of the airport for the alternative scenarios being considered here based on direct job ratio per one million passengers. Southampton Airport currently has a ratio of 630 jobs per million passengers, however for the forecast a lower ratio is used. After a sensitivity test the estimated forecast ratio for Southampton, based on conservative reduction of its current job ratio by 25% in 2027, is for 470 jobs per million passengers. This has the convenient effect of creating a lower base for the jobs forecast. I am not sure the 25% reduction is really properly justified in sections 3.5 and 3.6. A reduction range of 1% > 25% is described and Savills have taken the upper end of this range to establish the 470 jobs per million passengers baseline and Southampton's current jobs ratio is already lower than other regional airports. The reduction is in effect based on predictions about future airport operations and the benefits of efficient airport expansions.

Table 3.2 gives details on net additional jobs. The new baseline position is now 475 jobs in 2027 down from nearly 950 jobs in 2017. My suspicion is that the current jobs total will be lower, perhaps closer to 400. If so then this offers the airport a lower base from which to describe a recovery position to 2027. In terms of our understanding the importance of the prospects for a recovery it might be

helpful to assess if the current employment levels accurately reflect the 2027 estimated jobs ratio. At least then we can also accurately represent the picture in terms of airport closure if the runway is not approved, in terms of safeguarding jobs and the short-term commercial strategy.

Net additional jobs with a runway extension to 2027 are forecast at 609 (2.35 m passengers) and to 2037 we are back up to 2017 levels 927 (3m passengers). The analysis also goes on to consider additionality in terms of leakage, displacement and a multiplier effect. With additionality jobs increase from 609 (direct) net additional in 2027 to 1,022 and to 2037 from 927 (direct) to 1,557.

Jobs forecasts aside, members should also consider the short-term viability of the site, survival prospects and the actual number of real-time jobs (& families) to be safeguarded through to 2027. The owners AGS Airports have described a future capital investment commitment of £15m if a permission is granted and so the safeguarding case has already been made. An effective Employment & Skills Plan should be secured to ensure that local people benefit from the investment.

In summary then the information provided is limited to jobs growth both with or without a runway extension. The real question is can the airport remain viable with between 1 and 2 million passengers without a runway extension. It is unlikely on the basis that the Fly-Be (regional carrier) operation will not be replicated again and that the market position of the airport needs to shift, accommodating other airlines / aircraft.

In terms of COVID impact and on current performance the airport is openly reporting on massively reduced passenger numbers. Between March and August 2020 the total number of passenger has dropped by 715,464 with just 145,116 passengers overall, a 83% decrease from the year before with 860,580 passengers during the same period. In April during the previous national lockdown passenger numbers dropped by 99% to 1,172 when compared to 147,209 in April 2019. My assumption is that the current levels of employment will reflect these significant decreases in passengers numbers and possibly also reflect that the current operation is highly likely to be running at a significant loss.

4.7 **Environmental Health (Noise): Objection**

Southampton City Council's environmental health service investigates complaints about noise from residents and businesses within the city. The service also acts as a consultee to the development control service to advise on the potential noise impacts of developments as part of the planning process.

The environmental health service seeks to ensure that residents and businesses within the city are not subjected to unreasonable noise which could constitute a statutory nuisance. The Council has powers to control such noise through the Environmental Protection Act 1990 but these powers do not extend to noise caused by aircraft (see Section 79(6) of the Act). This means that in the event of planning permission being granted for the runway extension, Southampton City Council nor Eastleigh Borough Council would be able to use the usual enforcement powers to control unreasonable noise affecting residents or businesses within the city.

The noise impact of the proposed extension to the runway at Southampton International Airport on residents and businesses within the city boundary has been carefully considered by the environmental health service.

To inform the response to the consultation, the environmental health service has commissioned an acoustic consultant to undertake a peer review of the noise impact assessment submitted by the applicant in support of their application for the runway extension.

In October 2020, to support the planning application and to respond to points raised earlier in the consultation process, Savills on behalf of Southampton International Airport Limited has submitted additional documentation regarding the potential noise impact of the changes to aircraft operations which would be facilitated by the runway extension. These documents have been subject to peer review by the acoustic consultant instructed by the environmental health service.

Although it is recognised that Southampton International Airport Limited have made further changes to the noise impact relating to the proposed runway extension on the basis of the assumed limit in passenger number of 3 million passengers per annum, including a proposed daytime summer noise contour, no further mitigation has been offered or considered.

The acoustic consultant has advised the environmental health service previously of concerns about the methodology used to prepare the environmental statement and these concerns remain and may underestimate the likely noise impact of changes to the aircraft operations on the residents within the city of Southampton (for example, the modal split on the use of the runway).

The acoustic consultant has concluded that the level of noise impact has reduced compared to previous assessments but concerns relating to the severity of the noise impact on Southampton residents remains and the proposed mitigation measures may not be adequate to address this increased impact.

It is the opinion of the environmental health service that because the proposed runway extension will lead to a significant noise impact for some residents and businesses within the city which cannot be fully mitigated through sound insulation, it is recommended that the Council object to the application on these grounds.

4.8 **SCC Sustainable Development Officer: Objection**

The effects of climate change on Southampton will be felt more acutely than other places, this will have an economic impact in addition to the impacts on the environment and on people. Given its coastal location, the effects of sea level rise will necessitate more investment in flood defences. In addition, extreme weather events including summer heatwaves will be more severe due to the urban heat island effect.

Climate emergency

Whilst the economic importance of the airport is recognised, the proposed expansion will lead to a massive increase in carbon dioxide emissions and this is simply incompatible with addressing the climate emergency which has been declared by Southampton City Council (and National Government, and Eastleigh Borough Council). Southampton's Green City Charter states, "Our vision is to

create a cleaner, greener, healthier and more sustainable city". Supporting this expansion would seriously undermine Southampton's climate mitigation efforts. The UK has legally committed to net zero emissions by 2050 (amendment to the Climate Change Act in June 2019). This development goes directly against this legal obligation; aviation is in the 'hard to de-carbonise' category and expansion should be limited to support the 2050 goal. The Committee on Climate Change (CCC) has said that we cannot achieve carbon neutrality without restraining aviation, which by 2050 will be the single largest emitting sector in the UK. The CCC's calculations suggest that the necessary level of passenger demand in 2050 is an increase no more than 25% over 2018 levels. However Southampton airport is seeking growth of 50% up to 2033.

To put it into context, in 2017 according to the Department for Business Energy & Industrial Strategy, carbon emissions for homes and industry in the entire city of Southampton (excluding the port) equated to 528,000 tonnes. The Airport's own estimate is that carbon emissions will rise on average by 370,000 tonnes per year. No amount of presumed economic benefit can justify this level of increase in carbon emissions.

There is no way of offsetting this level of emissions, and the airport is proposing mitigation for only the carbon emissions during the construction phase and for its own operations, this excludes the most significant carbon emissions which are from the aircraft themselves.

If any trees are to be removed to facilitate the proposal, this will exacerbate emissions from the loss of stored carbon in the trees themselves and future ability to sequester carbon.

The reduction to travel to London is a tentative argument, as emissions saved from cars on these (assumed) journeys will be easily outweighed by the increase in airplane emissions. London airports are unlikely to be reducing their flights in response to Southampton expansion. Looking ahead in the 2017 document, the Department for Transport consider that these trends will continue and without constraints to airport growth, demand is forecast to rise.

Summary

In the submission, NPPF paragraph 38 is quoted, "secure development that will improve the economic, social and environmental constraints of the area," and paragraph 117 "safeguarding and improving the environment and ensuring safe and healthy living conditions." Para 148 also states that "the planning system should support the transition to a low carbon future in a changing climate... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions." It has not been adequately demonstrated that the proposed development will meet these requirements.

The proposed expansion of the airport and consequential fossil-fuel consumption is considered to be fundamentally unsustainable at a time of climate crisis and unjustifiable against Southampton City Council's Green City goals.

- 4.9 **SCC Ecologist:** Having reviewed the ecology chapter of the environmental statement I am of the view that the ecological assessment is generally robust.

I do, however, have two principal concerns regarding potential impacts on ecological features with Southampton. Firstly, a number of Sites of Importance for Nature Conservation (SINC) located within Southampton, which lie within the

Zone of Influence, have not been considered in the ecological assessment, these sites are as follows:

- Marhill Copse SINC
- Frogs Copse
- Frogs Copse Meadow
- Land south of Monks Path
- Riverside Park

These sites lie under the flightpath and will be subject to higher levels of noise and emissions the impacts of which have not been assessed. In addition, Frogs Copse and Frogs Copse Meadow SINC's have already experienced impacts as a consequence of tree removal to safeguard protected airspace and Marhill Copse SINC is also likely to be affected. Removal of substantial trees will have adverse impacts on ecological value of these sites however, the ecology reports makes no mention of whether larger planes will necessitate additional tree removal and the likely ecological consequences. Should the development result in the need for the removal of additional trees from these SINC's I would expect replacement trees to be provided in the local area.

I also have concerns about the robustness of the air quality assessment which is based on assumptions of reductions in emissions. The conclusion in paragraph 9.6.72 that deposition of nitrogen onto mudflats won't lead to significant adverse effects due to tidal inundation does not appear to be appropriate.

The nitrogen in question will be added to a system that is already experiencing adverse impacts as a consequence of excess nitrogen levels. Any further additions will likely exacerbate the problem and should therefore be considered as an in-combination impact in the Habitats Regulations Assessment. I would also expect this element to be included in a nitrogen budget for the development and for appropriate mitigation measures to be secured. In addition, as it is not possible to predict guaranteed reductions in emissions, a monitoring programme should be put in place and if emissions fail to decline as predicted appropriate mitigation measures should be put in place.

Should planning permission be granted I would expect to see mitigation measures which not only address impacts within Eastleigh but also those within Southampton, which are identified above, to be put in place.

4.10 **SCC Air Quality:** We note that, while some amendments have been made to account for previous comments regarding the methodology and assumptions made for this assessment, that a number are deemed to not have received such a clarification. These points are reiterated and commented on below for clarity. Please note that the paragraph numbers correspond with the original environmental statement chapter submitted.

- Para 7.5.6. The potential dust emission magnitude from track-out, based on the numbers of vehicles likely to be accessing the site per day (less than 50 HGVs but potentially more than 10 on any given day), is estimated to be medium. However, this section states more than 100m of unpaved/unconsolidated road could be in use. According to IAQM Guidance, this would make the magnitude large. – Point not clarified; still states medium impact despite IAQM guidance suggesting otherwise.

- Appendix 7.2. The relationship between monitored and modelled road contribution to NO_x clearly demonstrated that the model was performing differently in certain locations. As such the model verification done using 2 zones, one with a factor of 3.052 and one with a factor of 2.21. The ES appendix should clearly outline the reasons for the differences in model performance in the two areas. – Clarification needed on whether RMSE is within appropriate accuracy boundaries ie. 10% of relevant objective
- Para 7.3.48/49 states that motorways and A-Roads have been sector removed but not the contribution from the airport. Section 7.4.17 states the airport and road contributions have been removed which is a contradiction. – Point not clarified, contradiction persists.
- Para 7.3.44. No information is provided on hourly or daily profiles of future aircraft movements. However, it should have been a relatively simple matter to make assumptions based on professional experience to distribute the annual average LTOs within the airports permitted operating restrictions. By not doing this, it is considered that the following limitations are introduced into the assessment:
 - o The combined impacts from energy plant, airside activities and landside road traffic are not reported at any sensitive receptor.
 - o The annual mean concentrations reported are not based on emissions being modelled under the combination of meteorological conditions likely to be experienced at the time the activities are most likely to occur.
 - Suggestion to distribute annual average LTOs not heeded; the above limitations still exist.
- Figure A7.1.1 illustrates meteorological conditions for Southampton airport in 2018. There is no evidence provided that 2018 was a typical year. No evidence has been provided. We recommend a comparison with other years.
- Appendix 7.3. fNO₂(AIR) values are reported as being based on national data published by the UK government for the fraction of oxide of nitrogen emitted in the form of nitrogen dioxide and not based on data for the subset of the data that represents the specific fleet modelled. More detailed justification of why the data used is representative should be provided.

Despite the remaining limitations of the assessment, we maintain our opinion that the assessment is unlikely to introduce sufficient bias/ uncertainty which could affect the conclusions. However, we would anticipate that the Developer be asked to provide adequate clarification and assurances regarding these remaining comments before any formal planning decision is made. If these comments are not addressed, we would also anticipate developers to justify why this is the case.

4.11 **SCC Tree Officer: Holding Objection**

There has been no new information supplied to lessen my concerns over the potential increase to the obstacle limitation surfaces, therefore my original comments apply.

The only arboricultural information that has been supplied with the application is in relation to the trees that may be impacted by the construction of the additional parking. These trees have no impact to the City and therefore this will be dealt with locally by the tree officer at Eastleigh Borough Council.

I have concerns as to whether the extension to the runway will change the aerodrome reference code which may alter the obstacle limitation surfaces around Southampton. Information is requested as to whether such change would occur and if so, what impact this will have to Southampton.

Any change to the current obstacle limitation surfaces may increase the geographical area on the ground which in turn will increase the amount of tree work expected for the take off and approach of aircraft. Historically, there has been work undertaken to trees within Southampton in relation to the flight surfaces, such as can be seen around Stoneham Cemetery and Frogs Copse. More recently there is a focus Marlhill Copse in relation to aviation. Any further increase in tree related work will have a negative impact to the local amenity and result in lower carbon sequestration. If there is an increase in the parameters of the obstacle limitation surfaces, details should also be provided on how this may impact future tree planting within the extended zone.

Details are requested of any potential tree work required for the flight paths if permission is granted and larger aircraft can use the airport. This information would be hand in hand with any change to the obstacle limitation surfaces plan.

It is clear that the most pollution caused by the aircraft is during the take off and climb where the engines would be running between 85% to 100%, therefore this will produce the highest proportion of harmful emissions, and given that over 60% of the air traffic movements occur to the south, this will have a negative impact on the city, especially if tree work is required in relation to the proposed extension and larger aircraft. Therefore I would strongly oppose any application that results in additional tree related works.

I therefore wish to lodge a holding objection on the proposed runway extension until the additional information has been provided and assessed.

5 Planning Consideration Key Issues

5.1 The key considerations which need to be balanced in determining the Council's position on the consultation response to Eastleigh Borough Council is to ensure the airport expansion maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise based on the proposed capped growth scenario. Providing mitigation and control measures are secured as outlined in the various consultees responses, officers do not consider there are grounds to object to the proposal in relation to highways, ecology, air quality and tree matters. The principal issues for further consideration are, therefore, whether or not the environmental disbenefits as outlined in this report are outweighed for the purpose of a planning decision, by the economic and social benefits to Southampton accrued from the airport itself.

5.2 Climate Change

Within this sensitivity test for the reduced growth forecast, emissions from operation of the Proposed Development have been determined to be moderate adverse and significant – which is no change in terms of significance compared to the original submission.

- 5.3 Objection has been received from the Council's Sustainable Development Officer and legitimate concerns have been raised from members of the public and action groups regarding the impacts of the aviation industry on climate change. The operational emissions from the airport are forecasted to be 370,000 tCO₂e per year which is significant, considering the carbon emissions for homes and industry in the entire city of Southampton (excluding the port) in 2017 equated to 528,000 tonnes.
- 5.4 In the UK, aviation emissions account for about 6% of greenhouse gases from the transport sector. However emissions from the aviation sector are set to rise and aviation is likely to be the largest emitting sector in the UK by 2050. The Committee on Climate Change (the CCC) who advise the government on climate change have indicated that even with industry improvements in fuel efficiency, some use of sustainable biofuels, growth in the aviation sector should be limited to 25% above current levels.
It is noted that the reduced growth forecast capped at 3m pppa by 2033 forecasts a reduction in ATMs to below 25% of current levels: with a 19% decrease in ATMs by 2027 and a 6.5% decrease by 2033 (table 1 refers).
- 5.5 The Airport National Policy Framework indicates that action against climate change from aviation set at a global level is the preferred and most effective means by which to reduce emissions. Taking action only at a national or regional level has the potential to create the risk of carbon leakage with passengers travelling via other countries and increasing emissions elsewhere (para 2.8 refers).
Furthermore Paragraphs 1.9-1.11 of the the Government Policy Paper 'Beyond the horizon The future of UK aviation: Making best use of existing runways' (2018) advises that the impacts of increased carbon emissions from increased air traffic should be considered at a national level rather than through local planning decisions.
- 5.6 It should also be noted that a recent Secretary of State decision on a Development Consent Order for the re-opening of Manston Airport overruled a Planning Inspectorate Decision that had said opening Manston would have "a material impact on the ability of government to meet its carbon reduction targets". The Secretary of State Decision dated 9 July 2020, which postdates the Court of Appeal ruling on the 'Airports National Policy Statement' (ANPS), concluded that Manston Airport's forecasted CO₂ contribution of 730,100 tCO₂e per year (over double of the forecasted CO₂ contribution of Southampton Airport) should be afforded moderate weight against the Development in the planning balance.
- 5.7 The Government have said that they are committed to working closely with the sector to meet our climate change commitments, indicating that global aviation emissions offsetting scheme, sustainable aviation fuels, greenhouse gas removal technology and eventually, electric net-zero planes, will all help play their part in the aviation sector decarbonising. The Government also support an industry led commitment to net zero carbon emissions by 2050 and the range of innovative action this will unlock to achieve this outcome.
The majority of CO₂ emissions arising from Southampton airport operation are from scope 3 (indirect emissions), such as from aircraft which is the responsibility of carriers rather than the airport. However it is understood that airports can introduce landing charges to encourage quieter and less polluting

planes and such control/mitigation measures would be recommended to Eastleigh Borough Council in the event this planning application is approved.

5.8 Noise Impacts

The Council's environmental health service have again raised an objection because the proposed runway extension will lead to a significant noise impact for some residents and businesses within the city which cannot be fully mitigated through sound insulation. This objection follows a peer review of the noise issue by consultants on behalf of Southampton City Council which is attached as **Appendix 2**.

5.9 It is considered the scheme should be assessed against the noise contour thresholds laid out by Government within the Aviation Policy Framework which indicates:

>51 Db	Lowest Observed Adverse Effect Level (LOAEL). "This is the level above which adverse effects on health and quality of life can be detected."
>57 Db	The onset of communities becoming significantly annoyed by aircraft noise.
>63 Db	Significant Observed Adverse Effect Level (SOAEL). "This is the level above which significant adverse effects on health and quality of life occur." Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more.
>69 Db	The Government expect airport operators to offer households exposed to levels of noise of 69 dB LAeq,16h or more, assistance with the costs of moving.

Table 2 - Comparison of households within aircraft noise contour bands

Contour Level LAeq 16hr dB(A)	BASELINE Number of households in 2016	ORIGINALLY PROPOSED Number of households in 2021 (Based on original 5m ppa growth)	ORIGINALLY PROPOSED Number of households in 2037 (Based on original 5m ppa growth)	REVISED PREDICTION Number of households in 2033 (Based on current proposals)
>51	8,500 of which		25,300 of which	18,050 of which
>54	3,800	8,100	10,800	7,700
>57	1,250	3,750	5,100	2,900
>60	350	1,150	1,800	1,000
>63	0	350	650	200
>66	0	0	50	
>69	0	0	0	

5.10 The updated technical noise report by WSP supporting the planning application indicates In 2033, compared to 2016, an additional 9,350 households are potentially exposed to aviation noise levels between the LOAEL and SOAEL values (51 dB and 63 dB respectively). 200 households will potentially be exposed to noise level above the SOAEL. This is 6,750 households fewer than the 2037 (5 mppa) scenario which predicted an additional 16,100 households between the LOAEL and SOAEL, and 150 households fewer than the predicted 350 households above the SOAEL in the 2037 (5mppa) ESA scenario.

The majority of the most affected households are to the south of the Airport within the Southampton Wards of Swaythling and Bitterne Park.

- 5.11 The updated noise modelling inputs shows that for the 2033 average summer day there was a total of 118.4 movements, a 14% decrease from 2016 (137.2). Although movements are lower in 2033, the shift to relatively high numbers of Airbus A320 aircraft in 2033 causes the contours to expand compared to 2016. It should be noted that the noise assessment has been based on worse case scenarios and cannot take into account future changes to quieter aircraft such as Airbus A380, Boeing 737max and Airbus A321 neo, which are 40-50% quieter than existing jet aircraft. It is understood that Easyjet now have A321 neo as part of their fleet at Gatwick.
- 5.12 The number of households within the Significant Observed Adverse Effect Level (SOAEL) has also reduced but nevertheless there would be 200 new households within this contour which would need to be offered an acoustic insulation package to mitigate against the noise impact, as required by the Aviation Policy Framework. It should be noted that based on the current contours Bitterne Park School does not fall within the SOAEL contour band.
- 5.13 The Airport have increased their financial offer towards acoustic insulation from £3,000 to £5,000 per household. It is noted from the Peer Review by Acoustics 24 that Bristol Airport offers a grant of £7,500 to residents in/above the 63dB contour and £3,750 for residents in the 57 and 60dB contours. Gatwick Airport offers £3000 towards double glazing for households within the 60dB contour. Heathrow offer the full costs of insulation for residents in the 60dB contour.
- 5.14 The Aviation Policy Framework provides guidance on when noise mitigation should be offered in relation to noise from airports i.e. households subject to a noise level of greater than 63db LAeq should be offered support with acoustic insulation and households subject to a noise level of greater than 69db LAeq should be offered financial assistance to move home (there are no households subject to this noise level in relation to the proposed Southampton Airport expansion). However the national policy is not clear in terms of what extent of households subject to a noise level greater than 57db LAeq would reach a stress point beyond which mitigation could not sufficiently address the significant adverse harm when weighed in the planning balance. Southampton Airport appears to have a higher density of residents living in close proximity to the airport than many of UK airports hence the forecasted figure of 2,900 households (increase of 1650 households over the 2016 baseline) subject to a noise level of greater than 57db LAeq. Unfortunately the planning application does not put these figures into context with the impacts of other airports however it is acknowledged it is difficult to make comparisons when each airport is different in terms of ATMs and geography. However to put these figures into some perspective Luton Airport has 4,550 households subject to a noise level of greater than 57db LAeq (summer day average), Gatwick Airport on the other hand has 1,100 households subject to a noise level of greater than 57db LAeq (summer day average).
- 5.15 Although the revised growth forecast capped at 3mppa has seen a reduction in the number of households affected by airport noise, a significant number of properties would still be affected. If it is decided that the socio-economic benefits outweigh this harm, then measures should be secured to ensure the noise

envelope is a robust tool which can be enforced. It is acknowledged that noise envelopes are identified in the Airport Policy Framework as a recognised tool to control noise impact. However it is noted that the Civil Aviation Authorities guidance on noise envelopes (CAP 1129) indicates that ATM restrictions can also be used to provide improved noise controls and better enforceability of the noise limits. Control measures would also be required in the event that Southampton City Council is consulted and involved in ongoing noise control measures should the noise envelope change as a result of changes to airspace design which is outside of the control of the planning process.

5.16 It is also recommended that existing controls on night flights should remain in place with no scheduled night-time flights, defined as 23:00 – 06:00 Monday to Saturday, and until 07:30 on Sunday with the exception of 10 night flights per month or a maximum of 100 per annum to account for any unforeseen delays in the programme should be controlled by conditions. Furthermore it is recommended that landing charges should be introduced and structured towards encouraging quieter planes and such mitigation will be recommended to Eastleigh Borough Council in the event that the planning application is approved by them.

5.17 Socio-Economic

It would appear the future viability of the airport is at significant risk without the runway extension, given the collapse of Flybe and the reduced interest from alternative carriers in backfilling the routes. It appears the airport needs to access the low-cost airline market to remain viable.

5.18 The identified need for expansion to Southampton Airport has been questioned having regard to the proximity to other areas such as Bournemouth, Heathrow and Gatwick. However the Airport Policy Framework (2013) indicates that:

“Airports are in some ways cities in themselves, creating local jobs and fuelling opportunities for economic rebalancing in their wider region or area. New or more frequent international connections attract business activity, boosting the economy of the region and providing new opportunities and better access to new markets for existing businesses.” (para 1.20 refers).

5.19 This would suggest that Airports are entitled to compete for growth to support their viability and the economy of the region for which they serve.

5.20 The DfT report ‘UK Aviation Forecasts’ (2017) which looked at the opportunity for additional capacity at UK airports identified a growth level at Southampton of 3 million passengers per annum to 2030 and 7 million passengers per annum by 2040. The proposal to cap growth at 3m ppa by 2033 would be within the capacity allowance identified by DfT for Southampton Airport.

Table 3 - Direct and Indirect Jobs

Jobs to 2027			
	2015	2027 without extension	2027 with extension
Direct Jobs	950	475	1083
Indirect Jobs		797	1819

Jobs to 2037			
	2015	2037 without extension	2037 with extension
Direct Jobs	950	483	1410
Indirect Jobs		810	2367

- 5.21 Table 3 provides the forecasted number of direct and indirect jobs for scenarios with or without the runway (these figures are taken from tables 3.2 and 3.3 within the 'Environmental Statement Appendix 2.0 Sensitivity Test of Alternative Baseline and Future Operations' by Savills which supports the planning application). As you can see in 2027 there is forecasted to be a total of 1,272 direct and indirect jobs without the runway but this increases to a total of 2,902 jobs with the runway which is a difference of 1,630 jobs.
- 5.22 The Economic Evidence supporting the planning application indicates the contribution of direct, indirect and induced economic impacts to the total economic footprint of Southampton Airport was estimated to be £161m in 2015. The Airport indicated that this figure was set to rise to £325m per annum by 2027 based on the original masterplan forecast however there doesn't appear to be revised figures based on the capped 3m pppa growth scenario.
- 5.23 Regard also needs to be had to the wider catalytic economic benefits from the airport which are more difficult to quantify. The airport supports the economy of Southampton and the region by facilitating trade, productivity, investment and tourism. Moreover a highly connected regional airport will support the recovery for Southampton and the regional economy. Air connectivity to the UK and Europe will be vital in supporting port recovery (the Port of Southampton handles exports worth £40 billion annually), the city of culture bid, as well as supporting the international Universities, Southampton Football Club and business across the region, as well as helping place the city on the international stage as a city of culture and for investment. The airport is well served by existing public transport infrastructure with its own railway station and direct bus routes from Southampton City Centre.
- 5.24 Southampton Airport is situated within a densely populated catchment area, with 3.5 million people living within one hour's drive time, and 1.4 million living within just 30 minutes. The airport supports tourism in the region but also supports gives the population within the catchment opportunity to experience different cultures or enjoy a holiday.

6 **Planning Balance**

- 6.1 The starting point in the consideration of this consultation response is the previous Planning and Rights of Way Panel resolution on 28 January 2020, which resolved to object to this planning application on the following grounds: Firstly, the proposal fails to satisfy the requirements of environmental and social impacts to residents of Southampton, particularly in respect of noise; and Secondly, the economic benefits do not outweigh the adverse environmental and social impacts. It was also considered that the application's submission suffered from a lack of information. This was reported to Eastleigh ahead of this re-consultation.
- 6.2 However the revised application which is the subject of this current round of consultation is a materially different scheme arising from the proposed operational growth cap which seeks to limit growth to up to 3mppa by 2033 as opposed to 5mppa by 2037. As such the proposed level of growth is 50% rather than 150% when compared to the 2016 baseline. This is a significant change to the scheme with the number of air transport movements (ATMs) set to decrease by 19% by 2027 compared to the 2016 baseline, as opposed to the 35% increase in ATMs by this period, as originally proposed. As a consequence there has been an associated reduction in environmental impacts that needs to be considered in the Panel's deliberations, although the scale of carbon emissions and noise impact still remain significant.
- 6.3 Having regard to the national policies, consultee responses and other material considerations it is considered that the decision maker can only give moderate weight to the impacts of climate change as part of the planning balance. Any impacts associated with highways, ecology, air quality and tree matters can be mitigated and would not tip the balance as determining factors.
- 6.4 The determining factors in relation to this application are considered to be the economic and social benefits of the airport expansion versus the noise impacts on residents of Southampton. These factors are finely balanced having regard to the direct, indirect and catalytic economic benefits of the runway expansion to enable a viable airport to be maintained and to recover from the Flybe collapse and to access the short-haul holiday market which is served by larger Jet aircraft.
- 6.5 The job creation as a result of the airport expansion is forecasted to be a total of 2,902 direct and indirect jobs. Furthermore the airport supports the economy of Southampton and the region by facilitating trade, productivity, investment and tourism. Moreover a highly connected regional airport will support the recovery for Southampton and the regional economy. Air connectivity to the UK and Europe will be vital in supporting port recovery, the city of culture bid, as well as supporting the international Universities, Southampton Football Club and business across the region, as well as helping place the city on the international stage as a city of culture and for investment

- 6.6 However whilst the forecasted reduction in growth will see a marked reduction in ATMs, the noise impacts remain significant because the extended runway would serve larger, noisier jet aircraft with of 2,900 households (increase of 1650 households over the 2016 baseline) subject to a noise level of greater than 57db LAeq. The onset of communities becoming significantly annoyed by aircraft noise is likely, with 200 existing households in Southampton subject to a significant adverse noise level that they wouldn't need to endure if the runway isn't extended. That said, any noise impacts need to be assessed in the context of the established noise environment appreciated by communities living near the airport. Furthermore, the projected noise levels generated are at a level which government policy suggests can be mitigated by noise controls.
- 6.7 Given the finely balanced nature of these competing issues, coupled with the strong objection given by the Planning & Rights of Way Panel to the earlier consultation, the significant amendments to the growth forecasting by the Airport and the sustained objection from the Council's Environmental Health team officers advise that it is for the Planning Panel to reach a decision to either maintain their objection or support the revised application based on the case presented within this report.
- 6.8 If Eastleigh Borough Council (EBC) are minded to approve the application, following receipt of the Council's response, they are encouraged to secure the following controls through planning conditions or S106 obligations, in addition to the control measures and mitigation offered within the planning application submission:
- Noise monitoring system;
 - Public Noise Complaints Handling Service;
 - Sound Insulation Grants Scheme;
 - Night noise provisions;
 - Aircraft restrictions to restrict size and movement of aircrafts to include a maximum number of ATMs with 10% buffer. This should include a penalty if the number of ATMs is exceeded by reducing the quota by the same amount the following year;
 - Total per annum passenger restriction and associated controls to vehicle movements entering the site with restrictions to access when cap is reached;
 - Controls on shouldering to prevent excessive concentrations of ATMs taking off/landing when the airport first opens during morning hours at 6am Mon-Sat and 7.30am on Sundays;
 - Noise contour areas not to exceed modelled levels in any year
 - New households within contours to be compensated in accordance with agreed scheme (to be assessed annually);
 - Annual Report in impact of airport – noise/employment/pollution/traffic Etc;
 - Vehicle access cap;
 - Nitrogen cap;
 - Penalties if exceed targets – community compensation fund (to benefit affected communities ie. Scc);
 - Phase out noisier aircraft types;
 - Phase out more polluting aircraft type; and
 - Employment and Skills Plan.

- 6.9 Officers are working with a number of consultants experienced in airport development and will look to draft some detailed wording for these conditions/S106 obligations that will be forwarded to Eastleigh Borough Council as part of the Council's consultation response.
- 6.10 Officers would expect EBC to liaise closely with SCC, in the event that permission is granted and conditions are imposed, to ensure that the restrictions imposed protect the City's residents and mitigate the direct impacts whilst looking at options that promote severe penalties for any breach. Delegation is sought for the Head of Planning and Economic Development to prepare the response on this basis, as informed further by the Panel debate, and to comment in the event that further consultation arises from EBC.

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)

AG for 01/12/2020 PROW Panel

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DEVELOPMENT MANAGEMENT

Southampton City Council
Lower Ground Floor
Civic Centre
Southampton
SO14 7LY



Please ask for: Andrew Gregory
Our Ref: 20/00943/CONSUL

03 December 2020

Mr Craig Morrison
Development Management Team
Eastleigh Borough Council
Eastleigh House
Upper Market Street
Eastleigh SO50 9YN

Dear Mr Morrison,

Application No: F/19/86707

Site Address: Southampton International Airport

Description: Construction of a 164 metre runway extension at the northern end of the existing runway, associated blast screen to the north of the proposed runway extension, removal of existing bund and the reconfiguration and extension of existing long stay car parking to the east and west of Mitchell Way to provide additional long stay spaces. This application is subject to an Environmental Impact Assessment.

Thank you for your consultation on the above dated 15 October 2020 and for agreeing an extension until today for our formal response. This Council's Planning & Rights of Way Panel considered this application at its meeting on 01 December 2020.

Southampton City Council Position - OBJECTION

The proposed development, as amended, to facilitate revised growth of Southampton Airport, capped at 3 million passengers per annum up to 2033, would still have significant adverse environmental and social impacts on Southampton and its citizens, particularly in respect of noise and, therefore, **the City Council maintains its objection** to this application and recommend that planning permission be refused.

The runway extension proposed will lead to a 'direct, long-term, adverse effect of major significance' to households, Bitterne Park School (and potentially other local schools with potentially a total of 12 educational establishments exposed to noise levels between the LOAEL and SOAEL in 2033), and businesses within the city of Southampton which cannot be fully mitigated through the scheme of mitigation measures offered, including the offer of acoustic insulation to households, schools and other noise sensitive buildings subject to noise levels over 60dB LAeq.

The WSP Technical Note – Aircraft Noise Assessment supplementing Chapter 11: Noise and Vibration of the Environmental Statement (ES), indicates that in 2033, compared to 2016, an additional 9,350 households (the majority of which are in Southampton) are potentially exposed to aviation noise levels between the LOAEL and SOAEL values (51 dB and 63 dB respectively). 200 households will potentially be exposed to noise level above the significant observed adverse effect level (SOAEL).

Please note that this consultation response has been informed by paragraphs 8, 9, 11 and 180 of the NPPF (2019) in reference to the issue of noise and an updated independent peer review of the applicant's noise impact assessment. The findings of this review are appended to this letter (Peer Review by 24 Acoustics dated 10th November 2020). Please ensure that these independent findings are reported to your Council's Local Area Committee alongside this objection letter and the attached comments of local resident's (attached – as summarised in the officer report).

The runway extension will facilitate operation of larger jet aircraft from the airport, many of which will take off in a southerly direction towards Southampton, over Bitterne Park and Townhill Park. This has the potential for residents, school children, and businesses within these parts of the city to experience additional noise from the operation of these larger jet aircraft.

The ES recognises this and states that 'the sensitivity of receptors, both households and the school [Bitterne Park School], is considered to be high, and the magnitude of impact, is considered to be high. Therefore, there is likely to be a direct, long-term, adverse effect of major significance prior to the implementation of mitigation measures. (See paragraph 11.6.14). The majority of the impacted premises are situated within the city of Southampton, within Bitterne Park and Townhill Park.

The applicant seeks to mitigate this noise impact by providing financial assistance for sound insulation to the occupiers of impacted premises. However, it is unclear how the offer of up to £5000 will offer any meaningful mitigation against the noise impact to houses subject to a noise level of >60dB Laeq having regard to the costs of glazing installation and loft acoustic insulation. This offer falls short of the acoustic insulation scheme at Heathrow airport which offers the full costs of insulation for residents in the 60dB contour. The financial offer for acoustic mitigation for schools within the 60dB contour is also unclear and, therefore, the increased noise impact arising from the airport growth has the potential to harm the cognitive performance of pupils at Bitterne Park School in particular.

Furthermore the noise insulation scheme will not fully mitigate the impact of the additional noise, for example on domestic gardens or school play areas, which are likely to be used extensively in warmer months. The limitations of sound insulation cannot be overstated. Acoustic insulation would only benefit internal areas at receptors providing residents keep windows closed (which may lead to ventilation and overheating issues). It will not be possible to mitigate against the noise impact to external amenity areas and the full details have not yet been presented for consideration by our own Planning & Rights of Way Panel.

However if, following receipt of this objection, Eastleigh Borough Council are minded to approve the application, you are encouraged to secure the following controls through planning conditions or S106 obligations, in addition to the control measures and mitigation already offered within the planning application submission. The Council would ask that it is formally and properly engaged in securing any mitigation package in support of a planning permission before a permission is granted:

1. Noise monitoring system – this needs to be robust with a clear disincentive for breaching any agreed caps with details of how monitoring will be facilitated and resourced;
2. Public Noise Complaints Handling Service;
3. Sound Insulation Grants Scheme to include houses and schools within the within the >60dB contour(s) – this needs to meet the full costs of mitigation and clearly explain how local schools that are directly affected will be mitigated in a way that all learning spaces are properly protected;
4. Night noise provisions – with restrictions carried forward on night flights and penalties for repeated breaches;
5. Aircraft restrictions to restrict size and movement of aircrafts to include a maximum number of ATMs with 10% buffer. This should include a penalty if the number of ATMs is exceeded by reducing the quota by the same amount the following year. This enforceable control measure can be used to limit both noise impact and also greenhouse gases;
6. Total per annum passenger restriction and associated controls to vehicle movements entering the site with restrictions to access when cap is reached – a clear understanding of how the site is monitored, the penalties for any breach with further details of what happens in the event that the annual cap has been met, and the enforceability of this offer is required;
7. Controls on shouldering to prevent excessive concentrations of ATMs taking off/landing when the airport first opens during morning hours at 6am Mon-Sat and 7.30am on Sundays;
8. Noise contour areas not to exceed modelled levels in any year;
9. Annual Report in impact of airport – noise/employment/pollution/traffic Etc;
10. Nitrogen cap;
11. Penalties if exceed targets – community compensation fund (to benefit affected communities ie. Scc);
12. Employment and Skills Plan – this needs to include measures for both the construction and operational phase and draw on the local jobs market;
13. Introduction of Noise-related and NOx emissions-related landing charging scheme to encourage quieter and less polluting planes;
14. Secure ecological mitigation measures within the ES ecological assessment and mitigation against any increased deposition of nitrogen onto mudflats within the Solent and Southampton Water SPA as set out in the ES;
15. Operational management plan (or similar) to ensure that airport peak vehicular trips would not coincide with network peak hours;
16. Airport Surface Access Strategy (securing on-going review and further measures ifor when needed) including a Staff Travel Plan & Passenger Travel Plan;
17. Highway Improvements contribution to Wessex Lane/Wide Lane junction and Mansbridge Road roundabout including pedestrian and cycle facilities.

The City Council would wish to work proactively with Eastleigh Borough Council as it develops planning controls whether through planning conditions or Section 106 Agreements such that its residents, schools and business are protected against this impact of this proposed development.

Please also find enclosed the Report to the Planning and Rights of Way Panel on 01 December 2020, the Peer Review by Acoustics 24 dated 10 November 2020, redacted public comments received by Southampton City Council in relation to this consultation response (124 representations received) and a letter of support from Go Southampton!.

Yours sincerely,

A handwritten signature in black ink that reads "Paul Barton". The signature is written in a cursive style with a horizontal line underneath the name.

Paul Barton
Interim Head of Planning & Economic Development

Enc.

Report to the Planning and Rights of Way Panel on 01 December 2020
Updated Peer Review by Acoustics 24 Dated 10 November 2020
Redacted public comments
Letter from Go Southampton

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 23rd February 2021 – 5:30pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	AG	N/A	5	20/00943/CONSUL Southampton Airport
7	JF	DEL	5	20/00681/FUL 2 Newtown Road
8	SB	CAP	5	20/01675/FUL 19 Wessex Lane
9	JT	DEL	15	20/01810/FUL Albert Road North

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:

AG – Andy Gregory
 JF – John Fanning
 SB – Stuart Brooks
 JT – Jenna Turner

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 7

Planning and Rights of Way Panel 23rd February 2021 Planning Application Report of the Head of Planning & Economic Development

Application address: 2 Newtown Road, Southampton			
Proposed development: Alterations and extension of existing building to form 7 flats (4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats)			
Application number:	20/00681/FUL	Application type:	FUL
Case officer:	John Fanning	Public speaking time:	5 minutes
Last date for determination:	31.07.2020	Ward:	Woolston
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Blatchford Cllr Hammond Cllr Payne
Cllr Objections:	Cllr Blatchford Cllr Payne	Reason:	Intensive form of development, with lack of privacy and a quality amenity space. Poor parking survey. Nearby junction is hazardous
Applicant: Mr Dhaliwal		Agent: Southern Planning Practice	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting 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 – CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS23 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant planning history		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the Head of Planning & Economic 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. An agreement between the applicant and the Council under s.278 of the Highways Act to undertake a scheme of works or provide a financial contribution towards site specific transport contributions for highway improvements, including a Traffic Regulation Order (if required) and the reinstatement of the dropped kerb, 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 Developer Contributions SPD (April 2013);
 - ii. The 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. A scheme of measures or a financial contribution 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 Head of Planning & Economic 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 Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The site occupied a prominent corner location situation at the junction between Newtown Road, Weston Lane, Upper Weston Lane and Wrights Hill. A railway line runs to the rear of the site.
- 1.2 The site is occupied by a detached two storey building. At present the site has a retail use at ground floor level with an associated three bedroom flat at first floor level. At present the site frontage is used for customer parking, with the rear of the site primarily in use for ancillary parking/storage for the retail and residential elements.

2. **Proposal**

- 2.1 The application proposes substantial alterations to the existing building to facilitate the conversion of the property, removing the retail element and resulting in a total of 7 flats on the site comprising 4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats.
- 2.2 The building would be extended substantially both in terms of the footprint and massing of the building, with new accommodation in the roof at 3-storey level, a new parking layout and bin area to the front, and amenity space for the proposed flats provided to the rear.

3. **Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.
- 3.2 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.

4. **Relevant Planning History**

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

5. **Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (12.06.2020). At the time of writing the report **31 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Insufficient on-site parking/site is adjacent to a busy junction***

Response

The application provides 2 parking spaces for the 7 flats and the application has been submitted with a parking survey, showing spare local capacity, to address how the transport needs of the occupiers will be met. Some concern was initially raised by the Council’s highways team with regard to the precise layout of the site in the context of the nearby junction so an amended landscaping and parking layout has been proposed with improved sightlines. It is noted that at present the site has parking on the frontage associated with the retail use which results in a high number of vehicle movements in proximity to the junction which it is considered the proposal will reduce. The proposal will reduce the number of

vehicles reversing out onto the highway and the problems caused by retail servicing.

5.3 ***Parking survey inadequate (time of day/school/200m radius)***

Response

Concern has been raised that the parking survey was undertaken at times when traffic around the site was low (05:15 Sunday and 22:15 Monday). The parking survey seeks to establish whether there is sufficient on-road capacity to meet the needs of the proposed development. The Council's guidance on undertaking parking surveys suggests undertaking parking surveys at times when uptake of on-road parking is high (typically between 10PM and 6AM when residents are most likely to be at home and utilise on-road parking if needed). While the circumstances of the survey during lockdown as a result of Covid-19 are unusual, it is noted that these circumstances are likely to increase the likelihood of local residents being at home and utilising on-road capacity as necessary. It is noted that this would not capture the additional pressure caused by the school. This issue is discussed in more detail in section 6 below.

5.4 ***Potential for additional on-road parking on site frontage following removal of existing dropped kerb problematic in proximity to junction***

Response

The partial reinstatement of the existing dropped kerb would potentially allow additional on-road parking along the site frontage, though it is noted that this capacity has not been counted during the submitted parking survey. The potential need for additional parking restriction along this frontage as a result of these changes would need to be reviewed and considered as normal through an appropriate Traffic Regulation Order.

5.4 ***Loss of local shop/facilities***

Response

While the Council supports the retention of local community facilities where possible, it is noted that the site is not allocated for a particular use and the surrounding area is residential in nature. It is not considered that the residential use of the site is objectionable in principle and the shop could close, or exercise prior approval benefits, at any time and is not afforded protection through Planning policy.

5.5 ***Out of character with the appearance of surrounding area***

Response

The proposal represents a substantial alteration of the existing built form on the plot both in terms of scale and design. The surrounding area has a mix of development styles and, in the context of the prominent corner plot it is not considered that some departure from the design of neighbouring properties would be intrinsically harmful.

5.6 ***Landscaping plan needs further refinement***

Response

Some amendments have been made to the landscaping design, however a more detailed landscaping arrangement is proposed to be secured by condition.

5.7 ***Potential for construction traffic to cause obstruction***

Response

Construction traffic is typically temporary and would be expected to obey normal traffic laws. A condition has been proposed to secure a construction management plan.

5.8 ***The post box should be retained/relocated***

Response

Whether the post box or alternate provision would be retained on site would be a private matter for the land owner to consider in conversation with the Post Office. It is not a Planning concern.

Consultation Responses

- 5.9 **SCC Highways** – The proposed change of use will reduce trips associated with the existing retail use (including servicing with the potential for HGV movements). Some concerns were raised with the initial design with regard to available sightlines on the junction however these have been addressed following an amended site plan improving sightlines. Existing dropped kerb should be reinstated as necessary. Refuse and cycle storage acceptable in principle subject to more details being secured. Having review the parking survey it would appear there is available on street parking within the defined 200m walking distance.
- 5.10 **Archaeology** – The proposal has the potential to threaten archaeological deposits and as such suitable conditions are recommended to ensure appropriate investigation/recording.
- 5.11 **CIL** – The development is CIL liable as there is a net gain of residential units.
- 5.12 **Ecology** – The existing site has negligible biodiversity value. A condition is recommended to incorporate simple biodiversity enhancements.
- 5.13 **Environmental Health** – No objection subject to a condition to secure a construction management plan.
- 5.14 **Sustainability** – The site makes some use of the existing building however given the context of the site and relevant location and national policies, a condition is recommended to ensure water efficiency standards
- 5.15 **Cllr Blatchford (summary)** – Very intensive development with lack of privacy and good quality amenity space. More comprehensive parking survey would have been preferred given others developments in the area which rely on on-road parking capacity. Nearby junction is hazardous and would be worsened by additional on-road parking.

5.16 **Cllr Payne (summary)** – No objection in principle, however area suffers from parking pressure of nearby school so concern with regard to reliance on on-road parking. Concerns regarding safety of nearby junction.

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport; and,
- Mitigation of direct local impacts

6.2 Principle of Development

6.2.1 The site is not allocated for additional housing and, therefore, this proposal would represent windfall housing development. The Local Development Framework Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. However, it should be noted that up to 2021/22 the Council has sufficient completions and allocations without needing to rely on any windfall housing.

6.2.2 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 dwellings per hectare although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. At present the site has a residential density of 14 dwellings per hectare, with the additional mixed commercial element.

6.2.3 Following the proposal the site would have a residential density of 101 dwellings per hectare. Maximising previously developed land with high density residential schemes is an underlying principle of local and national planning policy. Whilst this development comprises of high-density development, density calculations should be read alongside how the development would assimilate with the character and appearance of the area. The proposals result in the loss of a retail shop, however the site is not located in a defined primary or secondary shopping frontage. Furthermore the proposals include a number of visual benefits to the site frontage which can only be realised through the loss of the retail use and therefore the loss of a retail unit in this location is considered to be acceptable in this instance. In addition whilst the proposals result in the loss of a 3 bedroom flat, which constitutes a family dwelling, this is compensated through the provision of a new 3 bedroom flat with access to rear amenity space (over 50sqm), therefore there is no loss of family dwelling and the proposals comply with Policy CS16 in this regard. The surrounding area is broadly residential in nature and no objection is raised to the principle of residential accommodation in this location. The key issue are the specifics of how the proposal integrates with the site and its surrounding context, which is considered in more detail below.

6.3 Design and effect on character

- 6.3.1 The application site is situated in a primarily residential area, with a mix of different dwelling types. The site forms of corner plot between Newtown Road and Weston Lane/Upper Weston Lane and is prominently visible from both frontages.
- 6.3.2 A number of alterations are proposed to the existing building to facilitate the conversion, including an extension of the building and substantial alterations to the existing roof form (including raising of the ridge line and insertion of dormers and gable forms to facilitate additional accommodation in the roof).
- 6.3.3 Typically, development in the surrounding area is two-storey in scale, though the opposite corner plot (1-8 Mayfield View) has a similar three storey design to the proposed scheme. The surrounding area has a mix of designs and layouts, with the immediate adjacent residential dwellings being well set back from the site frontage.
- 6.3.4 On balance it is considered that the corner plot location does provide for some capacity to increasing the massing of the building and the accommodation at third storey level. While the changes to the roof design represent a substantial departure from the existing building, it is not considered that the alterations would be substantial harmful in the context of the surrounding built form. The proposal does make some use of dormers, however they are typically set within the main roof form and are not considered to detract substantially from the overall appearance of the building.
- 6.3.5 In addition, substantial improvements would be made to the site frontage through these proposals. At present the front of the site comprises of a parking area to the front and side of the building, accessed from a long dropped kerb off Newtown Road. The application proposes to reinstate the kerb and consolidate a smaller access point off Newtown Road. This also provides the opportunity for new landscaping to the frontage and a new boundary wall, which provides an improved definition to the residential site boundaries. In addition the rear of the existing site comprises of hardstanding used for a mixture of parking and storage areas, which has an unkept appearance. The rear of the site would be divided in to new amenity areas for the proposed flats, which is considered to be an improvement to visual appearance of the site. In addition, the west elevation of the existing building has been previously used for a large advertising board. The elevational alterations to the building would remove this unappealing feature of the building, and provide a higher quality elevational, more in keeping with the residential surroundings. Overall it is considered these improvements to the overall appearance of the site and reinstatement of the kerb and site frontage represent substantial benefits of the application proposals and enable the development to assimilate sympathetically with the character and appearance of the area.

6.4 Residential amenity

- 6.4.1 The application proposes 2 flats at ground floor level (1x 3-bed and 1x 2-bed) which both have access to their own private amenity space (50sq.m and 26sq.m respectively). The remaining 5 flats (4x 1-bed, 1x 2-bed) share the remaining 96sq.m to the rear (77sq.m of immediate amenity space without the space allocated for the cycle store). Two of the flats additionally have 5sq.m of balcony space and two have 3.5sq.m of balcony space. Only Flat 3 (1 bed) doesn't have its own private amenity space, although residents can utilise the shared communal greenspace at the rear of the site..
- 6.4.2 The Councils Residential Design Guide outlines that flatted units should typically expect to have around 20sq.m of amenity space per unit. Across the entire site 170sq.m of amenity space is provided for a total of 24.3sq.m per unit. In practice, the two larger 3-bed and 2-bed exceed this threshold with private amenity provision, while the upper floor 2-bed and 1-bed units fall marginally under using balconies and the communal space (18.8sq.m per unit). Notwithstanding this, it is noted that the larger communal amenity space area to the rear is considered to be a large, functional and accessible space which would serve the needs of the proposed occupiers. It is also noted that the site sits in close proximity to other outside facilities. Of the units without private amenity space, Flat 3 is the only one which does not benefit from a balcony area and relies solely on the communal space, however this is also the largest 1-bed unit. It is noted that the balconies would overlook the private amenity space for the ground floor flats, however it is noted that incorporating this space into the communal flat provision would not change this arrangement and is fairly typical for flatted developments.
- 6.4.3 On balance it is considered that providing a larger amenity provision for the ground floor units is an acceptable use of the land available on the site and overall the development provides a high quality living environment for future occupiers of the proposed residential accommodation.
- 6.4.4 In terms of internal living environment, the property is designed to rely on outlook to the front, rear and side (fronting towards Weston Lane). Some additional windows (including a second floor dormer window) are proposed on the south east elevation however these all serve as secondary windows or to non-habitable rooms. As such it is considered reasonable to impose a condition ensuring windows on this elevation are obscured to minimise the potential for overlooking of the neighbouring site. While the available outlook of some of the ground floor level rooms is somewhat constrained by the landscaping arrangements, on balance it is considered that the proposal provides a generally reasonable quality of outlook for the proposed occupiers.

6.4.5 In terms of internal amenity, the Council has not adopted the national floor space standards, however they can often serve as a useful point of comparison.

Accommodation	Space Standard (sq.m)	Proposed development (sq.m)
Flat 1: 3 bed, 4 person 3 bed, 5 person 3 bed, 6 person	74 86 95	89
Flat 2: 2 bed, 3 person 2 bed, 4 person	61 70	66
Flat 3: 1 bed, 1 person 1 bed, 2 person	37 50	50
Flat 4: 1 bed, 1 person 1 bed, 2 person	39 50	39
Flat 5: 2 bed, 3 person 2 bed, 4 person	61 70	68
Flat 6: 1 bed, 1 person 1 bed, 2 person	39 50	64
Flat 7: 1 bed, 1 person 1 bed, 2 person	39 50	45

Flat 4, the smallest of the units maintains compliance with the standards. Overall, it is considered that the internal living environment for the proposed occupiers is acceptable.

6.4.6 In terms of neighbouring occupiers, the site is well set back from properties on three sides of the site given the layout of the corner plot. The additional massing and projection towards the boundary would have some potential to impact on the adjacent residential property at 8 Newtown Road however. This property is set comparatively further back from the site frontage meaning that the main impact would be to the side and front of the property. The neighbouring property has an existing outbuilding situated to the front of the site which reduces the currently sightlines and outlook. Taking into account the layout and relationship with the new development being situated to the side it is not felt that the additional massing would prove substantially harmful. On balance, taking into account the existing relationship between the buildings, available outlook and existing obscure glazing on the neighbouring property, it is not considered that the relationship would be so harmful as to justify refusing the application.

6.4.7 For the reasons laid out above it is considered that the proposal would have an acceptable impact on the amenities of both existing residents and provide a reasonable quality of living environment for the proposed occupiers.

6.5 Parking highways and transport

- 6.5.1 The site is situated in an area with a number of existing highways pressures, in terms of both the existing on-street parking demand, the nearby junction which serves as a key through route for traffic and the pressure from the nearby school.
- 6.5.2 The existing use of the site as a retail use with off-road parking does generate a number of trips to the site. The layout of the access and proximity to the junction are not ideal with regard to vehicular movements on and off the site and potential associated servicing of the commercial premises, however the intensification of the residential use is likely to lead to its own separate pattern of impacts.
- 6.5.3 With regard to highways safety and the relationship with the nearby junction, the Council's Highways team requested some alterations to the proposed landscaping arrangement to ensure suitable sightlines were retained to the north-east. A condition has been recommended in this regard.
- 6.5.4 The application site proposes a total of 7 units on site (4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats). In accordance with the Council's Parking Standards SPD, the development site is not situated in an area of defined high accessibility and would generate a maximum parking provision of 10 spaces. The application proposes to secure 2 on-site parking spaces. This is compliant.
- 6.5.5 A statement has been submitted with the application to outline how the transport needs of the occupiers will be met. The site has close access to nearby public transport options and appropriate cycle storage can be secured to encourage alternative forms of transport. With regard to car parking, there is a shortfall of 8 spaces below the maximum standard allowed in the Council's Parking Standards SPD. The applicant has undertaken a parking survey to assess the existing uptake of on-street parking to clarify if there is sufficient capacity to accommodate this shortfall.
- 6.5.6 Two surveys were undertaken (Sunday 1st March at 05:15 and Monday 2nd March at 22:15). The first survey found 29 spaces within the 200m radius and the second found 28 spaces free within the 200m radius. It would appear that there is sufficient on-street capacity to accommodate the additional needs of the development.
- 6.5.7 While the parking survey has noted the existence of the nearby schools, due to the timings of the undertaken parking survey it has not accounted for the presence of the nearby school and the particular on-street parking pressure this is likely to bring at specific times of day with regard to the pick up and drop off of pupils. In terms of the application site and timing this is less likely to affect residents' direct ability to find a parking space but would potentially exacerbate the existing pressure around these times meaning that parents and children may need to park further from the school and exacerbate existing amenity issues for nearby residents.
- 6.5.8 On balance, with regard to the available overnight on-street parking capacity and improvements to the on-site arrangement with regard to the reduction in movements on and off the site and servicing in proximity to the junction, it is not considered that there would be sufficient harm in terms of highways amenity or safety to justify refusing the application on this basis.

6.5.9 It is noted that a recent application on the other side of the junction (The Conifers Wrights Hill, 19/01963/FUL) has had a resolution to grant permission but is still pending approval subject to the completion of a S106 legal agreement. It is noted that this development secured 2 on-site parking spaces per dwelling to meet the maximum parking standards, in addition to informal provision for additional visitor parking. As such, it is not considered that this development would substantially alter the existing on-street parking demand.

6.5.10 The application has proposed locations for refuse and cycle stores to meet the needs of the proposed units. It is considered that further details of the precise appearance and specifics of these structures would be required and can be secured by a suitable condition. In terms of the access and layout of these spaces, it is considered that they are positioned to provide a reasonable quality of access for the proposed occupiers.

6.6 Mitigation of direct local impacts

6.6.1 Given the scale and impact of the development, the application 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 Planning Obligations SPD (2013). A Section 106 legal agreement with the applicant will seek to secure these. In addition the scheme triggers the Community Infrastructure Levy.

6.6.2 Furthermore, to address its impact on European designates sites for nature conversation, the application is delegated for approval subject to the payment of a contribution towards the Bird Aware Solent scheme. The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitats Regulations Assessment (HRA) has been undertaken, in accordance with the requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7. Summary

7.1 The application proposes a substantial alteration to both the existing appearance and nature of use on the site. The site is prominent corner plot. No objection is raised to the principle of the residential use of the site and loss of the existing retail use. The proposals represent significant improvements to the visual appearance of the site within its surroundings including the site frontage and appearance of the building in its residential environment. The proposals provide an acceptable quality of living environment for the proposed occupiers without harmful impacting on the amenities of nearby properties. While it is accepted that the area surrounding the site is under a number of pressures with regard to on-road parking and highways safety, it is not considered that the proposal would result in substantial harm in this regard that would justify a refusal of the application. On the contrary the proposal should improve the visual appearance

of the streetscene and remove conflicting vehicle movements associated with the existing shop.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

JF for 23/02/21 PROW Panel

PLANNING CONDITION

01. 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).

02. 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, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. 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.

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

04. 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.

05. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, 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 development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby 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.

Note to applicant: 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.

06. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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

07. 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.

08. 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; and,
- g. 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.

9. Obscure Glazing (Performance Condition)

All windows in the south-east side elevation, 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.

10. Water efficiency

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 a maximum of 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. The appliances/ fittings to be installed as specified.

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 (Amended 2015).

11. Archaeological evaluation/watching brief investigation (Pre-Commencement)

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.

12. Archaeological evaluation/watching brief work programme (Performance)

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

13. Sightlines specification (Pre-Commencement)

The visibility splay as shown on the approved drawing S-NM-322.1.05 Rev D shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

Reason: To provide safe access to the development and to prevent congestion on the highway.

14. 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.

NOTES TO APPLICANT

1. Southern Water

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. Network Rail

Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

3. Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

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, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. 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).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
TI2	Vehicular Access

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)

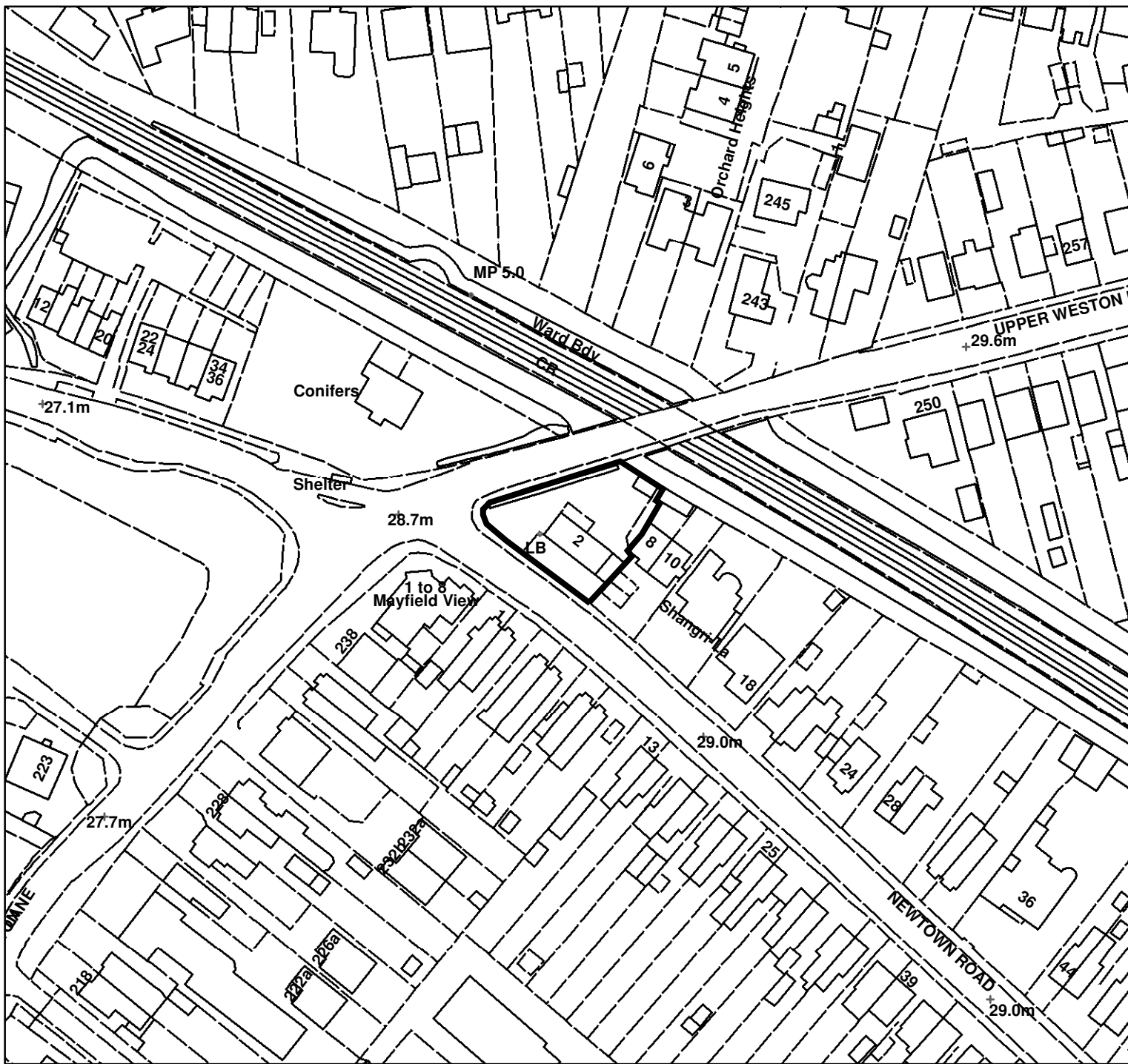
Relevant Planning History

990436/EA, Installation of an illuminated fascia sign
Conditionally Approved, 05.07.1999

990437/E, Installation of 2 canopies to front elevation
Conditionally Approved, 23.06.1999

930107/EA, Installation of illuminated fascia sign
Conditionally Approved, 10.03.1993

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Agenda Item 8

Planning and Rights of Way Panel 23rd February 2021 Planning Application Report of the Head of Planning & Economic Development

Application address: 19 Wessex Lane Southampton			
Proposed development: Redevelopment of the site. Erection of semi-detached pair of dwellings (1x3 and 1x2 bed), with associated parking and refuse storage following demolition of existing house (Resubmission of 20/00807/FUL) (Amended Description)			
Application number:	20/01675/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	EOT 01.03.2021	Ward:	Swaythling
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Fielker Cllr Mintoff Cllr Bunday
Referred to Panel by:	n/a	Reason:	n/a
Applicant: S Kalirai		Agent: Knight Architectural Design	

Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	Yes
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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 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, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, SDP23, H1, H2, H7, T1 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Previously refused 20/00807/FUL		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Conditional Approval

1. The site and its context

- 1.1 This application site is located on the north-west side of Wessex Lane situated within a suburban area and comprises a mix of 2 storey dwellings from different eras. The site lies adjacent to the railway land to the north-west and the entrance of Swaythling railway station car park is in close proximity 25m to the south-west. The land to the south-west of the site was developed into terraced housing block approximately 20 years ago creating wide parking court fronting Wessex Lane.
- 1.2 The site itself comprises an existing 2 storey detached dwelling (site area 480sqm) with no off road parking. The existing building is set back from the street at a higher ground level which slopes up to the railway boundary at the rear. The property was built as a railway cottage in about 1882, known as The Station House (two other railway cottages to the south were demolished in the 1960s). The house is part of the 19th century village, however, the heritage status of the building is not statutorily protected for its historic significance or character. The irregular shaped side boundaries of the plot taper inwards to its centre and obliquely extend outwards to the rear behind the curtilage of no. 17 Wessex Lane. The grounds are extensively covered by vegetation and small trees, which are not protected by tree presentation orders.

2. Proposal & Background

- 2.1 This resubmission follows a previously refused application in August 2020 (LPA ref. 20/00807/FUL – **see Appendix 3**) for redevelopment to provide 3 terraced houses. The quantum of development was considered excessive and out of keeping with the established character of the area, whilst the scheme was mainly refused on grounds of i) character and design, ii) overbearing impact on neighbours due to proximity of massing to shared boundaries, iii) poor living conditions for future occupants, and iv) overspill impact from on-street parking demand.
- 2.2 This resubmission seeks to address the previous reasons for refusal. It still seeks to demolition the existing dwelling, however, it now reduces the overall scale and massing to a semi-detached pair of dwellings. Since the submission of the current application, the design has been amended to:
- Remove a dwelling,
 - reduce the size and bulk of the semi-detached dwellings (Unit A = 3 bed and Unit B = 2 bed),
 - omit the front bays,
 - relocate the main entrances to the front elevation, and
 - hipped the side roof slopes (removed bedrooms in the roofspace).
- 2.3 The proposal seeks to form a new vehicle access onto the classified road (Wessex Lane known as C351) to provide 2 off-road bays each for both dwellings either side of a central turning aisle (6m wide). Other ancillary works to facilitate the development includes re-modelling of the site levels i) at the front so the parking area and access is level with the street, ii) excavate the levels down so eaves of the new building sits below the neighbouring dwellings in the street scene, and iii) create sunken rear patio terrace and steps up to the rear sloping garden at the end of the plots.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

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

4. Relevant Planning History

4.1 The only relevant planning history for the site is the recent delegated refusal to redevelop the site into 3 terraced dwellings (LPA ref. 20/00807/FUL) as referred to above (**see Appendix 3** for plans and decision notice).

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 on **16.12.2020** and erecting a site notice on **18.12.2020**. At the time of writing the report **8 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The existing cottage should be retained given its historical importance being over 100 years old and the last cottage that remains.***

Response

The building is not afforded statutory protection for its historic significance and character and, therefore, the Council cannot require its retention. A condition will be applied to require the recording of the building before it is demolished.

5.3 ***Given the limited consultation period just before the Christmas period (18.12.2020) combined with bank holidays and covid restrictions the local neighbourhood should be given an extra week to comment as the correct planning process has not been followed fairly.***

Response

The Council has carried out the public consultation in accordance with statutory procedures, which included notification letters to adjoining landowners (and in addition other properties in the street) and posting a site notice. The final closing date of the consultation period was 8th January 2021, as stated on the site notice which was posted (18.12.2020) later than neighbour notification letters (16.12.2020). All comments received before determination are material and have been taken into consideration.

5.4 ***Detrimental impact on wildlife. Loss of mature vegetation and trees which will have detrimental visual impact.***

Response

No objection raised by the Council's Ecologist subject to mitigation of biodiversity loss through landscaping improvements to be agreed by planning condition. The existing trees on site are not protected by tree preservation order and can be removed without requiring the agreement of the Council. There is adequate space to the front of the site to achieve replacement landscaping and this can be secured by condition.

- 5.5 ***Loss of amenity to neighbours from noise disturbance from extra car and traffic and increase habitation of the site, and overshadowing and overlooking of existing properties which will be increased by loss of trees and vegetation.***

Response

In assessing the application, it should be assumed that future residents will use the dwellings in a reasonable manner with regards to noise, whilst the Council has separate statutory powers to enforce against noise nuisance should issues arise. In this suburban setting, close to the railway line, the noise disturbance associated with the residential plot intensification in terms of the additional car movements and activities is not considered to be significantly harmful to the amenity of the neighbouring occupiers.

- 5.6 ***Road safety problems caused by creating access onto a very busy congested route on this part of Wessex Lane near the railway station where the road is narrow and on a bend/corner. Loss of street parking for local residents in front of existing plot which exacerbates existing on-street parking pressure and congestion/obstruction to passing traffic on Wessex Lane. Pressure on street parking results in parking on private driveways of neighbouring properties and affects visibility so loss of street parking will exacerbate this problem.***

Response

The Highways team does not object to the formation of the new access subject to conditions to ensure that vehicles can safely reverse manoeuvre inside the parking area to enter and leave the site in a forward gear, and to agree adequate and clear highways and pedestrian visibility sightlines for the access. Two parking spaces per dwelling is fully compliant with our standards and is reasonable. The proposed parking sufficiently caters for the parking demand and it is, therefore, unlikely to have an overspill impact on local street parking.

- 5.7 ***Over-development and out of proportion with the plot which is only large enough for the existing detached family dwelling. Out of character with street scene as dwellings are poorly designed and inconsistent building line and digging down to create parking spaces.***

Response

The design as amended is considered to be in keeping with the prevailing heights and form of the neighbouring two storey properties. The existing buildings within the area are not homogeneous, albeit typically two-storey, and therefore this street scene can support design variety as proposed.

Consultation Responses

- 5.8 **SCC Highways** – No objection subject to conditions to show vehicle tracking of parking spaces to ensure safe reverse manoeuvring to leave and enter the new access

- 5.9 **SCC Sustainability Team** – No objection subject to conditions
- 5.10 **SCC Archaeology** – No objection subject to building recording and archaeological ground investigation. This will be secured by the suggested condition.
- 5.11 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions for construction management and soundproofed glazing to protect from the railway noise. This will be secured by the suggested condition.
- 5.12 **SCC Ecology** – No objection subject to condition to mitigate biodiversity loss through landscaping improvements
- 5.13 **Southern Water** – No objection
- 5.14 **Network Rail** – No objection subject to compliance with asset protection informatives during construction and future occupation
- 5.15 **SCC Trees** – Tree team comments will be verbally updated at the Panel meeting

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Mitigation of direct local impacts and;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 The site is not allocated for additional housing and, therefore, this proposal would represent windfall housing development. The Local Development Framework Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. However, it should be noted that up to 2021/22 the Council has sufficient completions and allocations without needing to rely on any windfall housing.

6.2.2 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in 'medium' accessibility locations such as this, density levels should generally accord with the range of 50-100 dwellings per ha (dph), although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The current density of the site is 21 dph so the density guidelines allows scope to further maximise the residential use of the site. The proposal would achieve a residential density of 61 dph which, whilst compliant with the range set out above, needs to be tested in terms of the merits of the scheme as a whole.

6.2.3 The existing dwellinghouse has more than 3 bedrooms with access to its own amenity space of at least 90sqm. In order to maintain mixed and balanced communities and opportunities for home ownership for families to live within the local area, policy CS16 resists the net loss of 3+ bedroom family homes (or bigger) with access to its own private and usable amenity space of a minimum size of 70 sqm (semi-detached home). In this instance, the quality and layout of the 3-bed family dwelling unit A (with direct access to over 70sqm private amenity space) being re-provided would be a suitable replacement and, therefore, the proposal would not result in a net loss of family dwellings as part of the development mix in accordance with policy CS16.

6.2.4 As such, the principle of optimising the efficient use in redeveloping the residential site as previously developed land (excluding the associated garden) can therefore be supported.

6.3 Design and effect on character

6.3.1 Following the submission of amended plans, the design improvements to the proportions and style of the proposed dwellings are considered to be in keeping with the established character and prevailing heights and form of existing housing within the street scene. Whilst the applicant seeks to maximise the efficient use of the residential site to deliver more housing, the two storey building is well spaced from the side boundaries, and overall the depth of the plot comfortably accommodates the footprint coverage of the building and hardstanding without being over-developed. This represents a significant design improvement compared to the previously refused scheme which over-crammed the site with three terraced dwellings right up to the side boundaries.

6.3.2 The visual impact from lowering of the site ground levels and replacing the front garden to facilitate the parking and access would not be out of character with the expansive front parking area at the neighbouring group of dwellings nos. 21-27 and the side parking area opposite at nos. 2-14 Wessex Lane. The central turning aisle must be retained for road safety purposes to allow adequate turning between the parking bays to prevent reversing onto Wessex Lane, so a typical suburban front garden and driveway arrangement is not possible in this instance. A landscaping scheme to be agreed by condition to ensure that planting is used to soften the appearance of the front hardstanding, plus the applicant will be requested to show the details of a modified front wall as part of the landscaping scheme

6.4 Residential amenity

6.4.1 Following the design changes made after the previously refused scheme and the hipped roof amendments, setting the building footprint at least 2 to 3m from the shared boundaries of the neighbouring properties either side, it is considered that the mass and bulk of the proposed dwellings combined with the lowered ground levels of the site would therefore not adversely impact on the light and outlook of the neighbouring properties. Although the two storey dwellings is located to the south of the garden of no. 17 Wessex Lane and its footprint is pushed further back into the plot compared to the existing, this relationship would not be unacceptable given that overshadowing mainly affects the side garden of the neighbouring property as the shared boundary to the side widens inwards to the rear end of the plot. As such, the most usable and private garden area of 17

Wessex Lane will maintain a reasonable level of sunlight for the majority of the day compliant with the relevant Building Research Establishment (BRE) guidelines..

6.4.2 In terms of loss of privacy, it is not uncommon for there to be an element of oblique overlooking of gardens in a suburban context where dwellings sit side by side – as is the case currently - so this arrangement is not considered adversely harmful to the privacy of the neighbouring properties, whilst the windows on the side facing elevations can be made obscured glazed and the main entrances have been moved from the side to the front of the dwellings. The side facing rooflights of unit A at a higher level would have oblique views of the windows and garden as it looks directly onto the roofslope of no. 21 and therefore would not adversely affect the privacy of the neighbouring occupiers. As such, the application complies with saved Policy SDP1(i).

6.5 Parking highways and transport

6.5.1 The current scheme has been reduced in size from 2 x 3 beds to 1 x 3-bed and 1x 2 bed and, therefore, slightly lessening the number of traffic movements and parking demand associated with the occupation level. Whilst the Highways team acknowledge that directly outside the proposed development Wessex Lane has a very narrow effective highway width due to on-street parking on the eastern side of the street, they do not consider that the formation of the new access and traffic movements generated will pose major highways safety issues. A 6m central aisle is wide enough between the parking bays to allow vehicles to reverse in and out without complicated manoeuvres. In addition, with the front retaining walls and hedges kept below 0.6m, so as not to obstruct pedestrian sightlines from the footway.

6.5.2 The three and two bed dwellings both require a maximum of 2 off-road parking spaces (4 total) under the Council's maximum parking standards which the development complies with. It is noted that there will be less opportunities for street parking in front of the site due to the siting of the new access, however, this impact does not directly affect the overspill impact of the parking demand from the future car users of the development itself which is well catered for off-road. Furthermore, the benefit of forming the new access will move the current on-street parking demand by the existing dwelling off the street.

6.6 Mitigation of direct local impacts

6.6.1 Being adjacent to railway land, the Council have met its statutory obligation to consult Network Rail about the application, whereby no objection has been raised. To ensure the safe operation of the railway and protect railway infrastructure, Network Rail has advised that they have their own asset protection criteria for construction works and occupation conditions which the applicant must directly comply with or seek approval from the Network Rail Asset Protection team. As such, an informative should be applied to remind that applicant of these obligations. As the scheme is only for 2 dwellings it doesn't trigger any further off-site mitigation other than those arising from the European sites as set out in section 6.7

6.7 Likely effect on designated habitats

- 6.7.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. 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 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.
- 6.7.2 The requisite contribution towards SDMP has been received under the previous application and, therefore, the impacts identified above have been mitigated.

7. Summary

- 7.1 In summary, the more efficient and effective use of the residential site will deliver a net gain of an additional home to contribute to the city's housing supply, whilst modernising existing housing stock. The development has been designed to be in keeping with the character and appearance of the overall street scene, it introduces on-plot parking and it will not adversely affect residential amenity and highways safety of the surrounding area.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

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) (f) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

SB for 23/02/21 PROW Panel

PLANNING CONDITIONS to include:

01. 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).

02. 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, and the roof of the proposed buildings. It is the Local Planning Authority's practice to

review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. 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.

03. 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; and,
- g) details of how noise emanating from the site during construction will be mitigated.
- h) The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.
- i) phasing of ground works and site preparation/demolition in relation to installation of retaining walls to secure the stability of the neighbouring land and contractors access to site to minimise the reliance on the adjacent highway and third party land to facilitate works.

The development will proceed in accordance with the agreed details.

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.

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. 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.

06. 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.

07. 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. proposed finished ground levels or contours; means of enclosure and boundary treatment; hard surfacing materials to be non-migratory and permeable to prevent surface water run off onto the adjacent highway; external lighting;
- 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. This shall include native and/or ornamental species of recognised value for wildlife;

- iii. detailed engineering specification of any retaining walls, and;
- iv. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) and other works for the whole site shall be carried out prior to occupation of the building or in the case of the planting during the first planting season following the full completion of building works, whichever is sooner. With the exception to the other works approved to be retained for the duration of the lifetime of the development, the approved planting 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: In the interests of highways safety. To enhance the biodiversity of the site and 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.

08. Archaeological watching brief investigation (Pre-Commencement)

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.

09. Archaeological watching brief work programme (Performance)

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.

10. Archaeological structure-recording (Pre-Commencement)

No development shall take place within the site until the implementation of a programme of recording 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 recording of a significant structure is initiated at an appropriate point in development procedure.

11. Archaeological structure-recording 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.

12. 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

13. 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, including swift nesting bricks and bat boxes 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.

14. Energy & Water (Pre-Commencement)

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator 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).

15. Energy & Water (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 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified 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).

16. Residential - Permitted Development Restriction (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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class F (hard surface area)

Reason: To protect residential amenity and visual amenities of the area.

17. Soundproofing - Protection from Railway Noise (Pre-occupation)

Prior to the first occupation of the development hereby approved, soundproofed glazing units with acoustic rated trickle vents shall be installed in accordance with the details to be first submitted to and agreed in writing by the Local Planning Authority.

The glazing units approved by the Local Planning Authority pursuant to this condition shall thereafter be retained for the duration of the lifetime of the development.

REASON: To protect the occupiers of the residential development from excessive railway noise.

18. Obscure Glazing (Performance Condition)

All windows in the side elevations, located at first floor level and above (with the exception of the rooflights of unit A) 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.

19. Cycle storage facilities (Pre-Occupation Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved.

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

20. Refuse & Recycling (Pre-Occupation)

Prior to the occupation of the dwellings hereby approved, details of storage for refuse and recycling, together with the access to it, 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 dwellings are first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby 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.

Note to applicant: 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.

21. Amenity Space Access (Pre-Occupation)

Before the dwellings hereby approved first come into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

22. Provision of family units (Performance)

In accordance with the approved plans, the three bedroom family dwelling of unit A shall be laid out as a 3-bedroom dwelling prior to first occupation and thereafter retained as a 3-bedroom dwelling

Reason: In the interests of securing the objectives of policy CS16 to provide 3 bedroom family housing to improve opportunities for families to achieve home ownership and meet a specific housing need.

23. 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.

Informative – Network Rail Advice

Prior to the commencement of development, the applicant is advised to check whether the approved development and construction method complies with the statutory requirements for protecting the operational railway land and assets adjoining the site dated 25th January 2021. They contact Network Rail by email TownPlanningSouthern@networkrail.co.uk for further enquiries or to apply for consent with the National Rail Asset Protection Engineer.

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

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, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. 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).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£356.00
2 Bedroom	£514.00
3 Bedroom	£671.00
4 Bedroom	£789.00
5 Bedroom	£927.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2019.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
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
SDP16	Noise
SDP23	Unstable Land
H1	Housing Supply
H7	The Residential Environment

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)

20/00807/FUL/36803



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

Mr Ian Knight
Knight Architectural Design
Unit 7
The Quarterdeck
Port Solent
PO6 4TP

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

FULL APPLICATION - REFUSAL

Proposal: **Erection of 3 terraced houses (1x 4-bed and 2x 2-bed) with associated parking and refuse storage, following demolition of existing house.**

Site Address: **19 Wessex Lane, Southampton, SO18 2LB**

Application No: **20/00807/FUL**

For the following reason(s):

01.Out of Character

The massing and appearance and unbalanced proportions of the proposed terraced housing would be out of keeping with the street scene. In particular, the span and slanted profile of the roof, poorly sited front dormer, poor relationship relative to the height of the adjacent properties. Furthermore, the erosion of the spacing and visual break between the adjacent terraced properties, the incongruous forward projection of the front building line ahead of the adjacent terrace blocks, and the hard surfaced frontage dominated by parked cars with a lack of soft landscaping would all negatively contribute to adversely affect the character and appearance of the street scene. As such the proposal would have an unacceptable impact on visual amenity and therefore would prove contrary to saved policies SDP7(iii)/(iv) and SDP9(i) of the Local Plan Review (March 2015 amended) and CS13 of the Core Strategy (March 2015 amended) as supported by the relevant guidance set out in section 3 and 5 of the Residential Design Guide Supplementary Planning Document (September 2006).

02.Loss of amenity to neighbouring occupiers

The close proximity of the mass and bulk of the proposed terraced housing to the shared boundaries of the neighbouring properties would both adversely affect the access to outlook of no. 21 Wessex Lane due to the excessive 2 storey forward projection beyond the existing front facing windows, and access to outlook and light of no. 17 Wessex Lane due to the overbearing enclosure of the 2 storey projection alongside the rear garden and adjacent habitable areas. As such the proposal would have an unacceptable impact on residential amenity and therefore would be contrary to saved policy SDP1(i) of the Local Plan Review (March 2015 amended) as supported by the relevant guidance set out in section 2 of the Residential Design Guide Supplementary Planning Document (September 2006).

03.Poor residential environment

The layout of the proposed dwellings would create a poor living environment for the future occupiers by reason:-

(a) Unit C - the tapering floor area creates an unusable and awkward living area, compounded by sense of cramped space at first floor level because of the sloping ceiling and reliance on rooflights;

(b) Unit C - the proposed rear garden for Unit C is remote from the house and directly overlooked by no. 17 and therefore the private amenity space for this dwelling is not sufficiently private and fit for purpose;

(c) The section drawings submitted fail to clearly show the full extent of the change in levels at the rear of the site and therefore it is unclear whether the sloping gardens are useable and fit for purpose for units A, B and C.

As such the proposal would adversely affect the living conditions of future occupiers and therefore would be contrary to saved policies SDP1(i) and H7 of the Local Plan Review (March 2015 amended) as supported by the relevant guidance of section 2 and 4.4 of the Residential Design Guide Supplementary Planning Document (September 2006).

04.Insufficient parking

Based on the information submitted, it has not been adequately demonstrated that the parking demand of the development would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS10 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

Note to applicant - The guidance in the Parking Standards SPD (section 4.2.1 refers) expects the applicant to demonstrate that there is sufficient kerbside capacity to absorb the additional parking demand. This should be assessed by undertaking a parking survey using the preferred Lambeth model.

05.Lack of Section 106 or unilateral undertaking to secure planning obligations

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Note to Applicant - Community Infrastructure Liability (Refusal)

You are advised that, had the development been acceptable, it could be liable to pay the Community Infrastructure Levy (CIL). Please ensure that, should you chose to reapply or appeal, you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer



Paul Barton
Interim Head of Planning & Economic Development

26 August 2020

For any further enquiries please contact:
Stuart Brooks



WEBCHAT

southampton.gov.uk

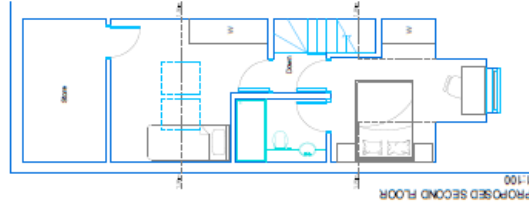


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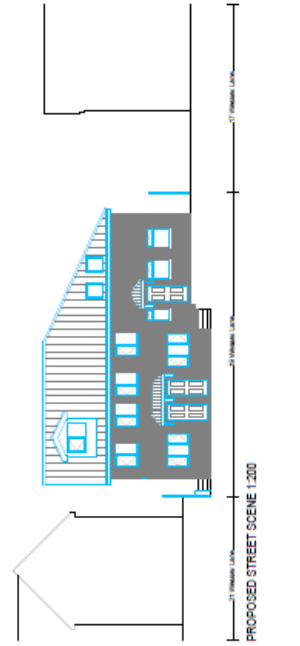
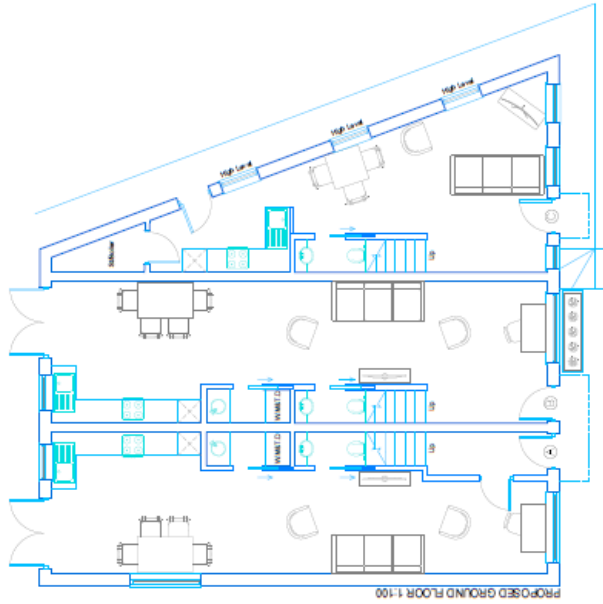
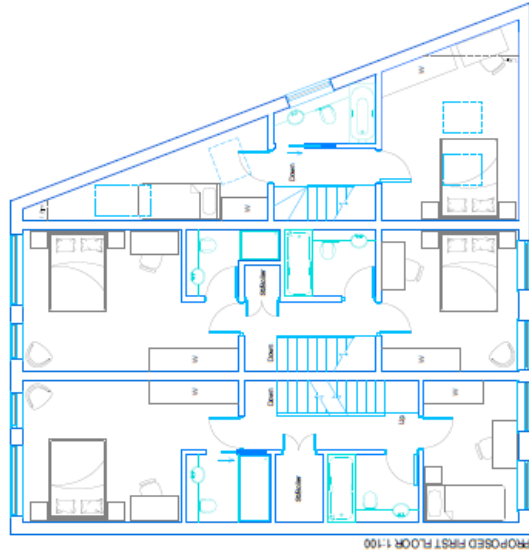
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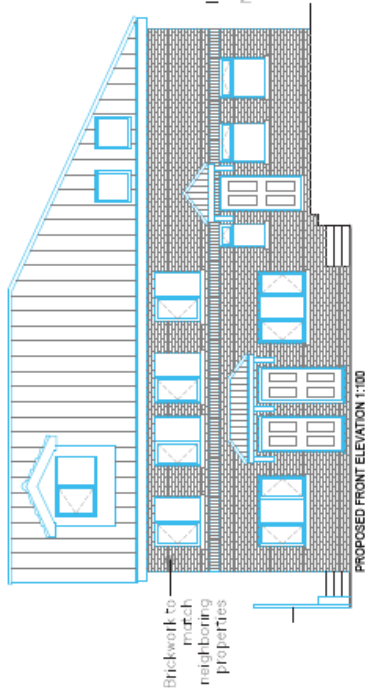
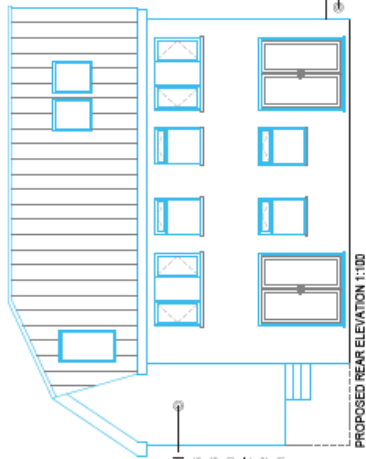
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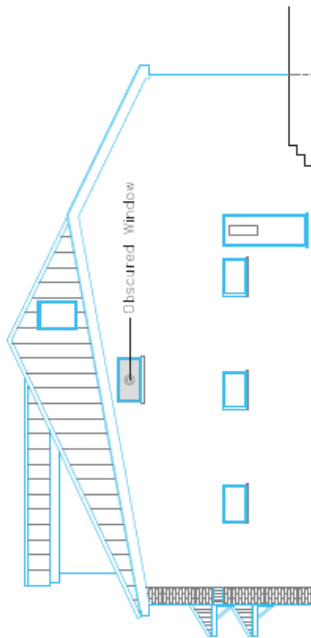
AREAS:
 A - 283SP - 115M²
 B - 284UP - 90.2M²
 C - 283UP - 70M²

		SUE KALIRAI 18 WESSEX LANE SOUTHAMPTON SO18 2LB
PROPOSED PLANS Date: 1:100@A3 Date: JUNE 2020		
Author:	Drawn:	Scale:
KAD	DT	A PP B

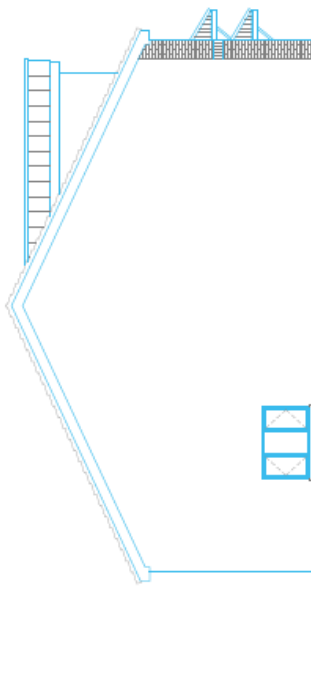




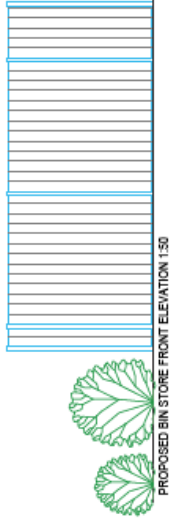
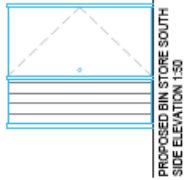
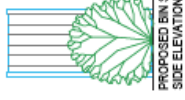
Parto Level surker 400mm below ground level



Surker partio to House B 1.4m below ground level



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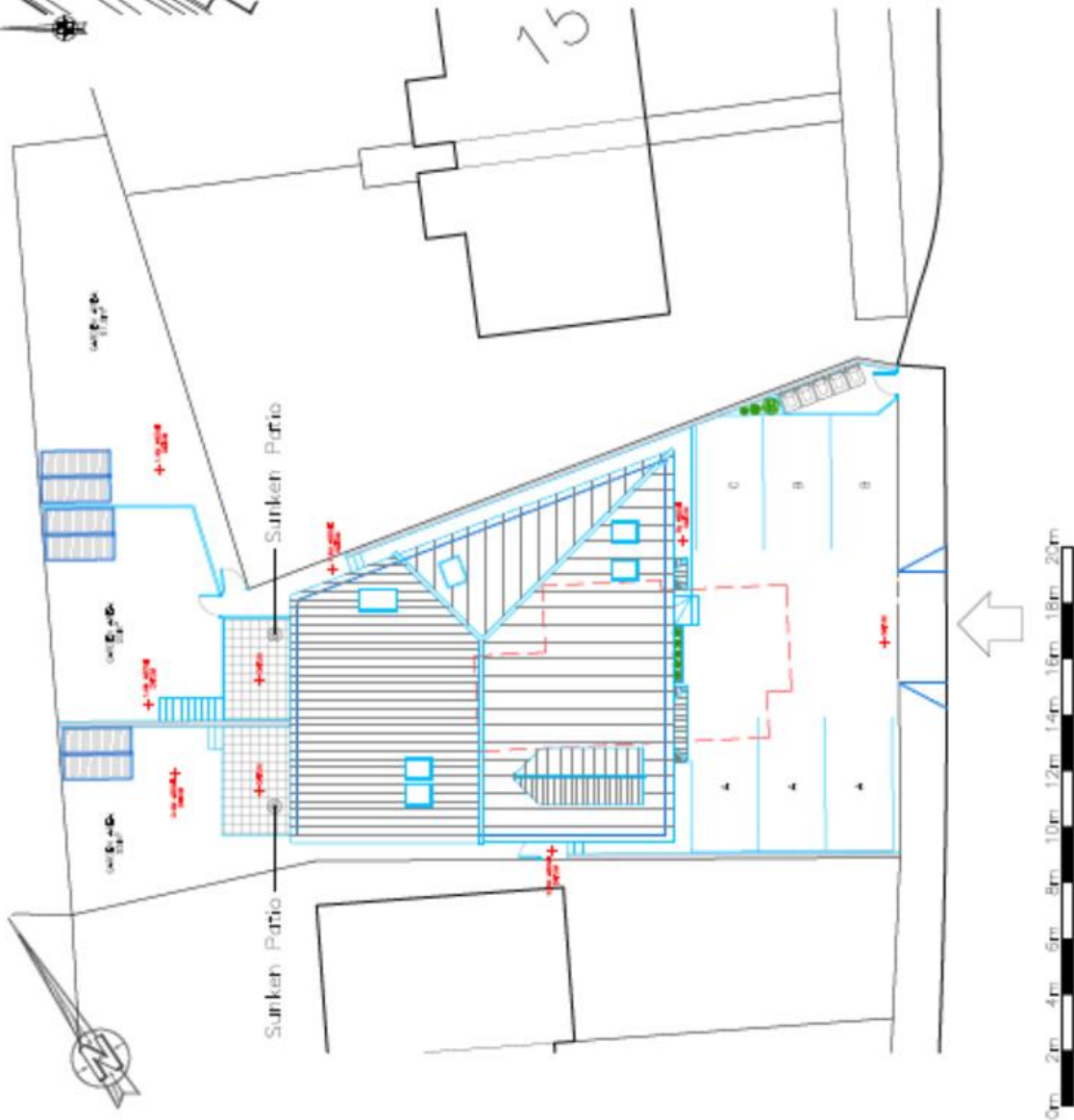


	
SUE KALIRAI	
19 WESSEX LANE SOUTHAMPTON SO16 2LB	
PROPOSED ELEVATIONS Date: 11/06/23 Project: KAD 02	
No. 11/06/23	Date: JUNE 2023
No. KAD 02	No. A PP A

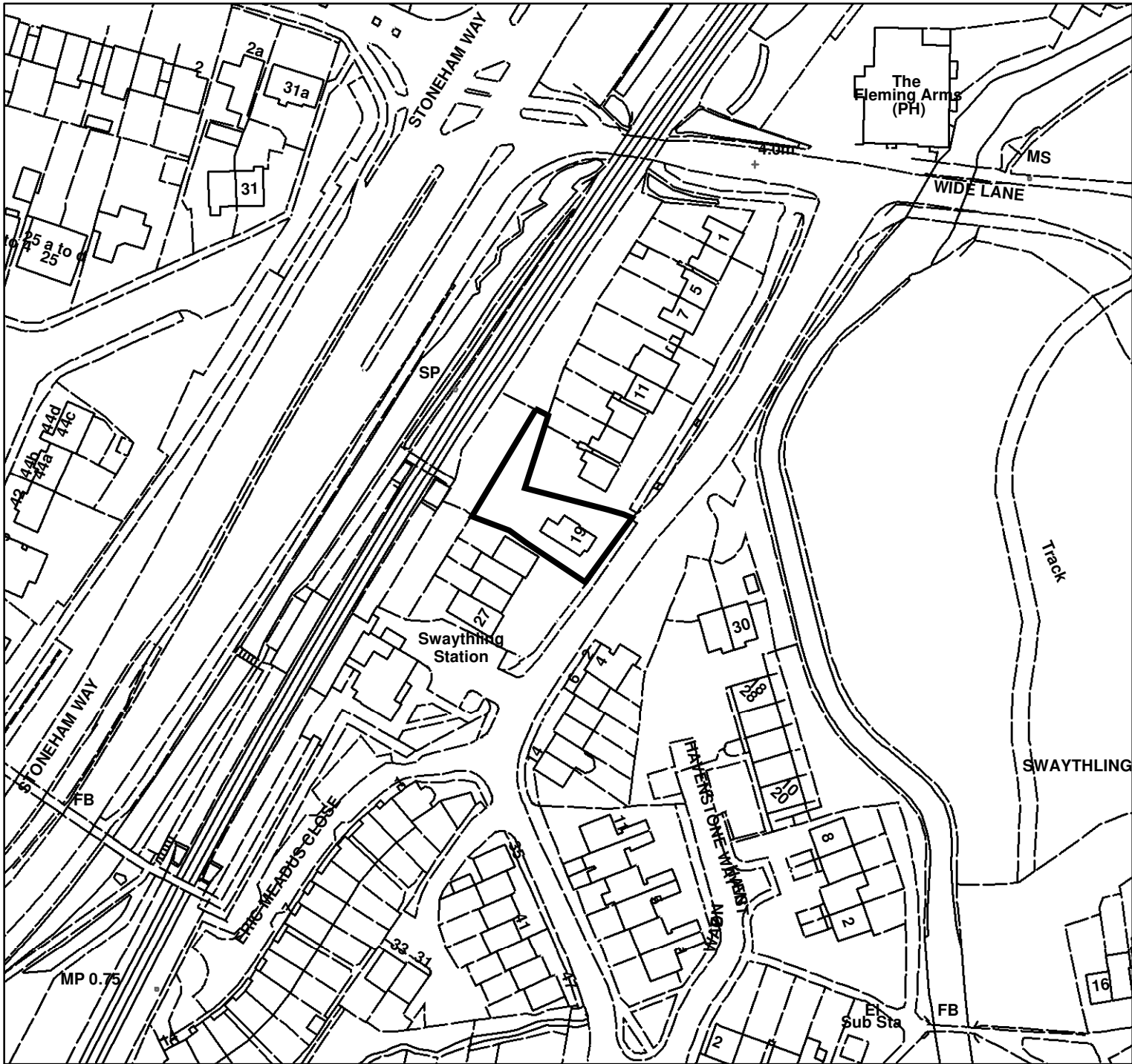


 FORMER BUILDING
 RETAINING WALL

	
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Name: SUE KALIRAI	Date:
Project: 19 WESSEX LANE SOUTHAMPTON SO18 2LB	Issue: JUNE 2020
Drawing: PROPOSED BLOCK PLAN	
Scale: 1:200 @ A4	Date: JUNE 2020
Author: KAD 03 A	Check: PP



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Agenda Item 9

Planning and Rights of Way Panel 23rd February 2021 Planning Application Report of the Head of Planning & Economic Development

Application address: Chapel Riverside, Former Town Depot Site, Albert Road North			
Proposed development: Implementation of planning permission 16/02016/OUT (for the redevelopment of the site) not in accordance with condition 4 (odour). Variation of condition 4 sought to enable residential accommodation in phase 3 of the development to be occupied in advance of the new wastewater tanks being finalised and the existing tanks being decommissioned			
Application number:	20/01810/FUL	Application type:	Variation of Condition
Case officer:	Jenna Turner	Public speaking time:	15 minutes
Last date for determination:	25.03.2021	Ward:	Bargate
Reason for Panel Referral:	Referred by the Service Lead – Infrastructure, Planning & Development due to wider public interest	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Applicant: Chapel Riverside Developments Limited		Agent: Inland Homes	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out in the report below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

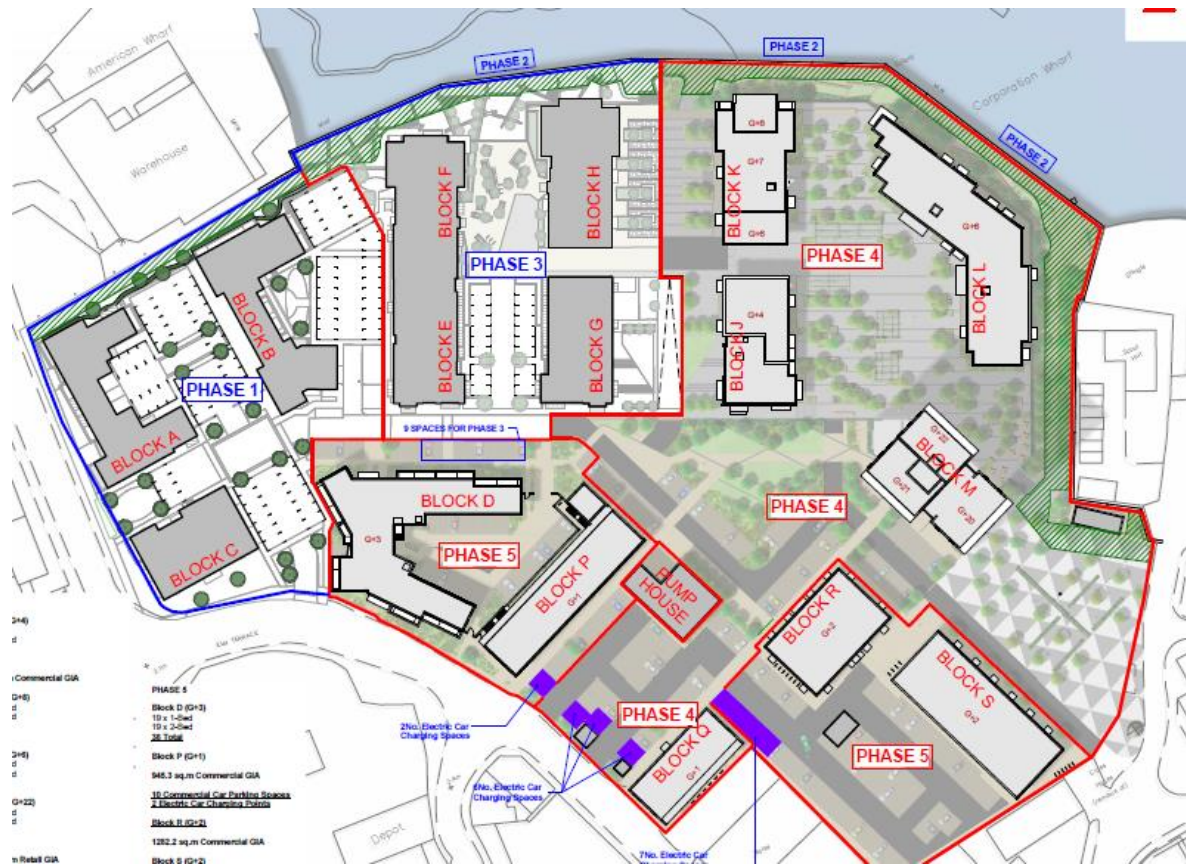
Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Panel Report – 16/02016/OUT	4	Panel Minutes – 16/02016/OUT

Recommendation in Full

1. Approve the amended Habitats Regulations Assessment, which will be provided by way of update ahead of the Panel meeting.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Deed of Variation to the original S.106 Legal Agreement to secure:
 - (i) any outstanding planning obligations from the original s.106 legal agreement under LPA ref: 16/02016/OUT together with any ongoing requirements;
 - (ii) to secure the cleaning of the existing wastewater tanks at specified times and specified events with agreement from Southern Water;
 - (iii) to ensure the submitted programme of works is adhered to ensure full removal and suitable replacement within agreed timescales; and,
 - (iv) To enable the occupation of the development in line with the condition hereby recommended for approval on this basis.
3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
4. In the event that the s.106 legal agreement is not completed by the 25th March 2021 – the application target date - the Head of Planning & Economic Development be authorised to:
 - (i) refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement that would result in a poor residential environment for occupiers of the development, due to the odour effects of the existing wastewater tanks not being adequately mitigated; and
 - (ii) Issue a Breach of Condition Notice, as required, in line with current scheme of delegation

1. Background

- 1.1 The site is as described in the attached Panel report and was a former Council depot. The applicant is the Council's development partner for the redevelopment of this site. Outline planning permission has been granted for the redevelopment of the whole site (application reference 16/02016/OUT) to provide a mixed use residential and commercial development. The different phases and blocks are shown in the layout plan below.



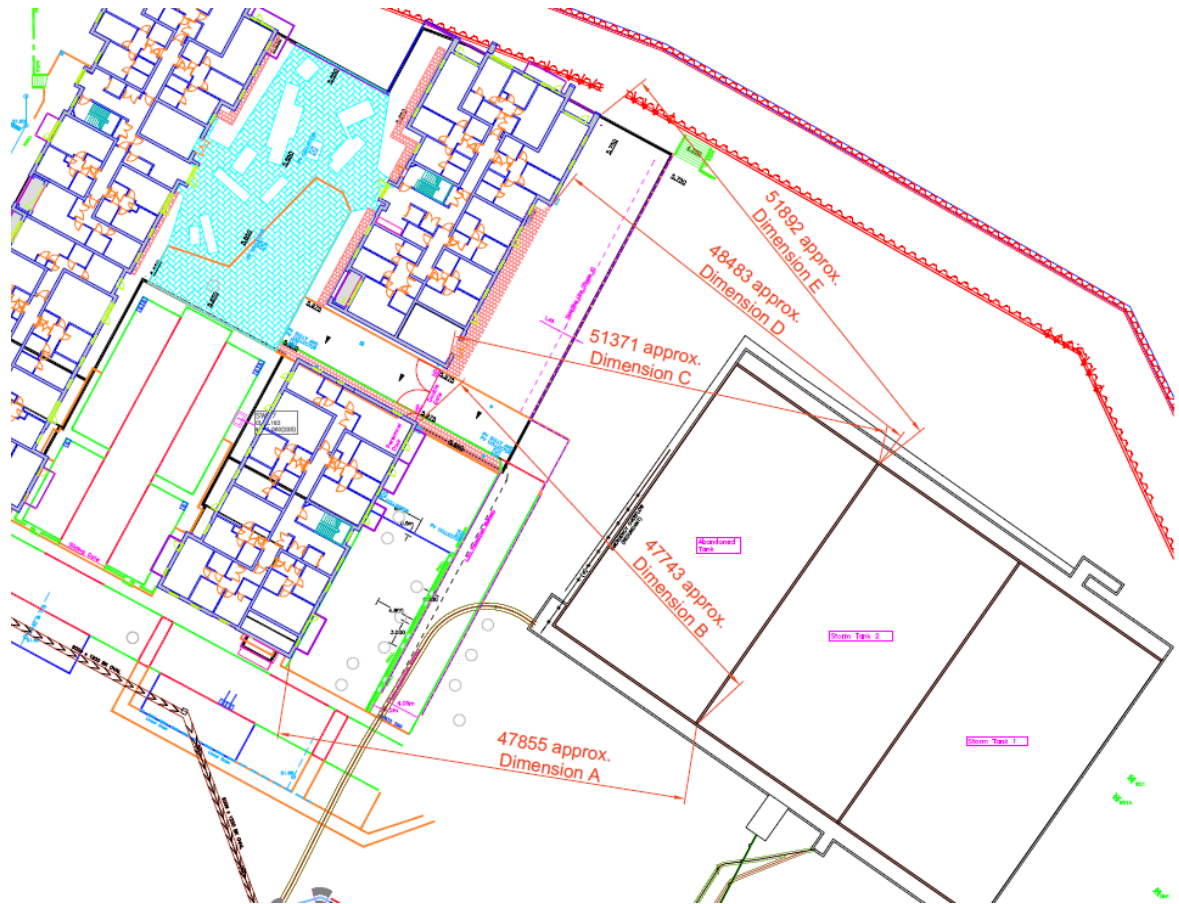
- 1.2 Phase 1 of the development, which was fully detailed in the outline application, included 72 flats (24 x 1 beds and 48 x 2 beds with 321 sq.m of retail space). Phase 1 of the development is complete and occupied.
- 1.3 Phase 2 of the outline permission comprised a new river wall (approved by application 16/01699/R3CFL) and has also been completed.
- 1.4 Phase 3 of the outline permission, which benefits from reserved matters approval, (application 18/00788/REM) comprised 132 units (10 x 3 beds, 52 x 2 beds and 70 x 1-beds) and two small commercial (Use Class A2) units. Work is well underway on this element, with blocks E and F complete and occupied and blocks G and H almost ready for occupation.
- 1.5 Condition 4 of the outline planning permission, subject of this application, requires the construction of new, below-ground wastewater storage tanks and the demolition of the existing above-ground wastewater storage tanks before any flats in phase 3 start to come into occupation. Works on the new underground tanks has commenced with a below-ground caisson (a retaining structure) having been constructed to date. However, construction of the new tanks stopped during the March covid-19 lockdown, and since this time there has been an issue with water ingress into the new caisson which prevents the continuation of construction. Previous attempts to de-water the caisson have failed. Following engineering advice, the developer has now constructed a cofferdam around the caisson to prevent further water ingress and enable the caisson to be de-watered. De-watering is due to commence imminently. If the de-watering is successful, works can recommence on the construction of the new wastewater storage tanks.

Given that the Phase 4 flats are ready for occupation, but the works to the Southern Water tanks are not complete, an amendment to the condition that restricts occupation is required. This can only be agreed if appropriate mitigation, a full programme for delivery, and the support of the Council's Environmental Health team can be secured in order to ensure that residents are not put into an unacceptable residential environment. This application seeks to provide these assurances.

- 1.6 Full planning permission was recently granted for an amended scheme for the later phases of the development (application reference 19/01875/FUL) which comprises a further 316 flats together with retail and commercial floorspace). No development within Phase 4 could be physically accommodated on the site before the existing tanks are demolished.

2. The site and its context

- 2.1 The application site, formally the City Council's main depot and waste recycling centre, is a 3.5 hectares site and located on the west back of the River Itchen and within the defined City Centre. As set out above, development is underway for the previous planning permission. Part of the site also comprises a temporary installation of affordable housing units, known as Hugg Homes (see planning permission 17/01246/FUL).
- 2.2 The site also contains three combined Southern Water sewer overflow sediment tanks. During rare or high rainfall, the sediment tanks are used to divert overflow foul and surface water. The tanks can result in a significant, unpleasant odour across the site. Condition 4, subject of this application, relates to these three tanks. The existing tanks are between 48 and 51 metres from the flats contained within Blocks G and H, which are almost ready for occupation. The plan below shows the location of the existing tanks in relation to Blocks G and H.



3. Proposal

3.1 The application seeks to vary condition 4 of the outline planning permission which is set out as follows:

04. Odour Control & Phasing (Pre-commencement and pre-occupation condition)

Residential units in the area currently designated as Phase 3 and any subsequent Phases (as shown on drawing ref: 1348-D9130-revP1) as may be subsequently amended, shall not be occupied until the existing settlement tanks have been decommissioned, demolished and relocated to Phase 6 the site (as shown on drawing ref: 1348-D9130-revP1) and made operational. The detailed design of the relocated settlement tanks, to include odour management and mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to their construction. The replacement tanks shall be provided and retained as agreed.

Residential units in the area currently designated as Phase 4 and any subsequent Phases (as shown on drawing ref: 1348-D9130-revP1) as may be subsequently amended, shall not be occupied until an odour report has been submitted and approved to the Local Planning Authority. The report should include an assessment of any potential odour impacts from the pump house on residential amenity and any necessary commensurate odour mitigation measures. Any necessary odour mitigation measures shall be implemented prior to the occupation of Phase 4 or any

subsequent Phase and be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

3.2 The application requests that condition 4 to be varied to enable phase 3 to be occupied, irrespective of whether or not the new wastewater tanks are complete, and irrespective of whether or not the existing tanks are removed or not. This is not acceptable to officers and so an alternative is recommended that requires a s.106 legal agreement to ensure that the works are legally enforceable.

3.3 The proposed variation of condition 4, as submitted by the applicant, is set out as follows:

Residential units in the area currently designated as Phase 3 block G and H and any subsequent Phases (as shown on drawing ref: 1348-D9130-revP1) as may be subsequently amended, shall not be occupied until:

a) In relation to Phase 3G and 3H: the LPA will be provided with a complete and validly executed set of construction contracts (including those contracts relating to Mechanical and Engineering works) for the construction of the New Water Tanks and the New Water Tanks Cofferdam; and The LPA will be provided with a detailed programme for completion of the New Water Tanks and the New Water Tanks Cofferdam containing fortnightly milestones and the LPA will be provided with weekly progress updates as against those milestones.

b) In relation to Phase 3H: construction of the New Water Tanks Cofferdam has been completed in relation to Southern Water cleaning of the Tanks that it will be undertaken as and when required to comply with the Planning Permission and in any event within 48 hours of a storm event requiring the Tanks being utilised, with the Developer covenants:-

- **that if the Tanks are not cleaned by Southern Water at least 10 days prior to the first occupation of Phase 3G by the Developer the Developer shall on the occupation date notify Southern Water that the Developer will request that the Environment Agency commence enforcement action and the Developer shall duly make this request of the Environment Agency within five Working Days of first occupation of Phase 3G. The Developer will provide the Council with copies of all material correspondence;**
- **if within 72 hours of each use of the Tanks, the Tanks have not been cleaned out to forthwith notify the Environment Agency of Southern Water's breach of its discharge licence and request that the Environment Agency take enforcement action against Southern Water. The Developer will provide the Council with copies of all material correspondence**

The detailed design of the relocated settlement tanks, to include odour management and mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to their construction.

The replacement tanks shall be provided and retained as agreed. Residential units in the area currently designated as Phase 4 and any subsequent Phases (as shown on drawing ref: 1348D9130-revP1) as may be subsequently amended, shall not be occupied until an odour report has been submitted and approved to the Local Planning Authority.

The report should include an assessment of any potential odour impacts from the pump house on residential amenity and any necessary commensurate odour mitigation measures. Any necessary odour mitigation measures shall be implemented prior to the occupation of Phase 4 or any subsequent Phase and be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

- 3.4 Officers consider that this amended condition fails to provide the certainty that the works will be completed and that residents will be protected from odour nuisance in the interim period. A programme has been submitted with the application which would see works on the new tanks being completed in August 2021 and the demolition of the old tanks occurring in October 2021. A completed s.106 legal agreement can hold the applicant to these dates and offer mitigation in the interim period
- 3.5 An odour report, submitted with the application, sets out the proposed odour mitigation which includes the process for the cleaning and maintenance of the tanks. It is also proposed that the developer could install an odour control system to control and contain odours which could be utilised in the following circumstances:
1. Following the initial clean if there has been another event;
 2. Southern Water do not clean the tanks within 48 hrs;
 3. The Environment Agency fail in enforcing the permit and making Southern Water clean within 4 weeks;
 4. There are complaints to the council from residents.
- 3.6 Officers propose the following revised condition 4 in addition to a s.106 legal agreement:

4. Odour Control and Phasing (Amendment to 16/02016/OUT)

The underground wastewater storage tanks shall be completed in accordance with the details submitted pursuant to application and the construction milestones and programme hereby approved. The existing wastewater storage tanks shall be demolished and decommissioned in accordance with the submitted programme hereby approved. For the avoidance of doubt, the new tanks shall be complete before the 5th August 2021 and the existing tanks demolished by the 11th October 2021 unless an alternative programme is subsequently first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

4. Relevant Planning Policy

4.1 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**.

4.2 The site is identified for development by Policy AP26 of the adopted City Centre Action Plan. This policy supports a high-quality landmark waterfront development which incorporates a continuous public promenade along the waterfront. The policy supports a mix of uses.

5. Relevant Planning History

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

6. 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, placing a press advertisement (5th February 2021) and erecting a site notice (5th February 2021). At the time of writing the report **1** representation have been received from surrounding residents. The following is a summary of the points raised:

6.2 The site is floodplain and should not be developed Response

The principle of development has been established by the outline planning permission. Essentially, the site was identified for development within the adopted Development Plan and matters of flood risk were addressed by a combination of land raising across the site and the construction of a new river wall. This issue is not directly relevant to the consideration of condition 4 and has been addressed previously.

Consultation Responses

6.3 **SCC Ecology** – No objection

6.4 **SCC Environmental Health** – Detailed comments to follow. Discussion with the Environmental Health Team set out that they did not disagree with the conclusions of the submitted Odour Report although express concerns with the management measures set-out therein would be adhered to. A verbal update will be given at the meeting and it is anticipated that the revised condition (as set out at paragraph 3.3 above will be acceptable).

- 6.5 **Natural England** – A fresh Habitats Regulation Appropriate Assessment is required before planning permission can be issued.

Officer Response: This will be carried out prior to the Panel meeting and an update provided to enable Recommendation (1) above to be met.

7. **Planning Consideration Key Issues**

- 7.1 The application to vary condition 4 of the outline planning permission seeks an independent permission to carry out the same development as previously approved, albeit with the requested change to the condition. The original planning permission remains as a significant material consideration, since it has been implemented, and the adopted planning policy framework remains the same as when the original planning permission was determined. As such, the considerations set out in the previous report to the Planning and Rights of Way Panel (see **Appendix 3**) remain applicable. The key issue for consideration, therefore, is the effect of the requested variation of condition on the quality of the residential environment for existing and prospective occupiers on and around the site.
- 7.2 Subsequent to the grant of outline planning permission, the detailed design for the replacement Southern Water wastewater storage tanks has been agreed with both the Council's Environmental Health Team and Southern Water, who will ultimately adopt and be responsible for the new tanks. The new tanks will be located underground and will eliminate the existing odour issue which arises from the existing above-ground, open-air tanks.
- 7.3 As set out above, whilst works have commenced on the replacement wastewater tanks, their progress has been hindered, firstly the covid-19 lockdown and secondly, by an unforeseen issue with water ingress which has required a re-think of the construction approach. The design and construction of the cofferdam, which will enable de-watering to take place, has resulted in a significant delay to the construction of the new tanks. Meanwhile work has continued on the residential elements of the development, including that within phase 3. This means that residential blocks within phase 3 of the development are starting to be occupied in breach of condition 4 of the planning permission. The applicant now seeks to regularise this breach and enable further residential occupations in phase 3 to take place in a satisfactory manner.
- 7.4 The retention of the existing open-air tanks whilst residential occupation of phase 3 takes place would predominantly impact on Blocks G and H due to their proximity of the tanks (approximately 50 metres) and the positioning of windows and balconies directly facing the tanks. The submitted odour report set out that the tanks would have an adverse effect on residents, however, were the tanks to be better managed with regular cleaning, this impact would be negligible. The Council's Environmental Health Team do not disagree with this conclusion but stress the importance of securing the cleaning regime as identified. A s.106 legal agreement is legally binding and enforceable and secures the current offer.
- 7.5 The tanks are owned and operated by Southern Water and the responsibility to clean the tanks would fall to them. Since Southern Water are not the developer, a planning condition to secure the cleaning of the tanks would not, therefore, be

enforceable were they to fail in their duties to clean the tanks, as has happened in the past. That said, Southern Water are currently in the process of carrying out a deep clean of the tanks and have confirmed, in writing, their willingness to carry out further relevant cleaning. In addition to this, the wording for a varied condition 4, as suggested by the applicant, would not secure cleaning of the tanks in respect of Block G unless Block H has come into occupation. This means that if Block G is occupied and H is not, for whatever reason, the tanks would not be cleaned following use. This would create an extremely poor environment for residents of Block G in this instance and is not acceptable. As such, it is instead recommended that the occupation of Phase 3 be permitted providing the requirement for the tanks to be cleaned is placed within the section 106 legal agreement, which Southern Water could be signatories to. This is a crucial management technique which would ensure that residents of Block G and H would not be subject to adverse odour conditions.

7.6 The permanent retention of the existing open-air tanks would not meet the standards for high-quality residential design that is set out in the Council's adopted policies and guidance. As such, it is also recommended that condition 4 only be varied providing the new tanks are constructed in accordance with the agreed design and within the programme supplied with the application. Similarly, the condition should also stipulate that the revised programme for the decommissioning and demolition of the new tanks be adhered to. Whilst the applicant's suggested wording for the revised condition 4 captures the submission of a construction programme, without stipulating that the programme is adhered to, it is ineffective. Officers have sought a more prescriptive amendment and can recommend approval only on that basis. Delegation is sought should the s.106 not be completed to enable a refusal of the planning application and ensure that future residents are not subject to a poor living environment.

7.7 Likely effect on designated habitats

7.7.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. An updated Habitats Regulations Assessment will be provided in advance of the Planning and Rights of Way Panel meeting.

8. Summary

8.1 The application as submitted cannot be supported. However, the variation of condition 4 as suggested below, with an accompanying section 106 agreement, would strike an appropriate balance between securing an acceptable residential environment for a temporary period whilst providing a pragmatic approach to

facilitate the continuation of the development on the site whilst enabling the developer to occupy completed flats thereby maintaining a viable scheme.

9. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

JT for 23/02/21 PROW Panel

PLANNING CONDITIONS

With the exception of the condition amended below all conditions imposed on planning permission 16/02016/OUT and 18/00788/REM will be restated (*as may have been updated following the submission of details to discharge the conditions under 17/01471/DIS, 17/01529/DIS, 18/00287/DIS, 18/00891/DIS, 18/01102/DIS and 19/00054/DIS*):

4. Odour Control and Phasing (Amendment to 16/02016/OUT)

The underground wastewater storage tanks shall be completed in accordance with the details submitted pursuant to application and the construction milestones and programme hereby approved. The existing wastewater storage tanks shall be demolished and decommissioned in accordance with the submitted programme hereby approved. For the avoidance of doubt, the new tanks shall be complete before the 5th August 2021 and the existing tanks demolished by the 11th October 2021 unless an alternative programme is subsequently first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

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Application 20/01810/FUL

CS1	City Centre Approach
CS4	Housing Delivery
CS6	Housing Density
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
SDP24	Advertisements
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
HE3	Listed Buildings
HE6	Archaeological Remains
CLT10	Public Waterfront and Hards
CLT11	Waterside Development
CLT12	Waterside Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

City Centre Action Plan - March 2015

AP 9	Housing supply
AP 12	Green infrastructure and open space
AP 13	Public open space in new developments
AP 15	Flood resilience
AP 16	Design
AP 17	Tall buildings
AP 18	Transport and movement

AP 19 Streets and Spaces
AP 26 Chapel 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)

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Application 20/01810/FUL

Relevant Planning History

Case Ref:	Proposal:	Decision:	Date:
16/01199/SCR	EIA screening for the redevelopment of the site	No objection	23.08.16
16/02016/OUT	Demolition of all existing buildings and structures and site clearance. Outline planning permission sought for 457 residential units, 4,963 sqm (GIA) commercial floorspace (Use Classes B1/B2/B8) and 946 sqm (GIA) of flexible retail floorspace (Use Classes A1/A2/A3/A4) in buildings ranging from 1 to 13 storeys and the creation of a riverside walkway/cycleway. Full planning permission sought for the development of Phase 1 comprising 72 residential units (comprising a mix of 24 x 1 bed and 48 x 2 bed units) and 322 sqm of flexible retail floorspace (Use Classes A1/A2/A3/A4) within 4-storey buildings with associated access, parking and landscaping.	CAP	08.08.2017
17/01246/FUL	Erection of 44 x two-bedroom housing units (C3 Use) to be delivered in two phases, with associated seven storage units, two facility units, one site management unit, refuse enclosure, car parking and landscaping, for a temporary period of up to five years (Amended Description)	CAP	19.02.2018
18/00788/REM	Reserved matters approval sought for appearance and landscaping to outline consent 16/02016/OUT	CAP	19.10.2018
20/00281/NMA	Non-material amendment sought to planning permission ref 17/01246/FUL to enable the development to be sited for additional 3 years (until 19.02.26) and to amend the description of development to clarify development relates to 46x 2-bed housing units	No objection	25.03.2020
19/01875/FUL	Redevelopment of the site for phases 4 and 5, following outline planning permission ref 16/02016/OUT, comprising 316 dwellings (141x 1-bed, 168x 2-bed and 7x 3-bed), 4,799.7 Sq.m of commercial floorspace (use classes B1/B2/B8) and 618.3 Sq.m of retail (use classes A1/A2/A3/A4) in buildings ranging from 2-23 storeys, with associated parking (426 spaces), landscaping, comprising a riverside walk and public square and flood defence measures.	CAP	06.10.2020

Application 20/01810/FUL

**Planning and Rights of Way Panel 14th March 2017
Planning Application Report of the Service Lead- Infrastructure, Planning & Development**

Application address: Chapel Riverside, Former Town Depot Site, Albert Road North			
Proposed development: Demolition of all existing buildings and structures and site clearance. Outline planning permission sought for 457 residential units, 4,963 sqm (GIA) commercial floorspace (Use Classes B1/B2/B8) and 946 sqm (GIA) of flexible retail floorspace (Use Classes A1/A2/A3/A4) in buildings ranging from 1 to 13 storeys and the creation of a riverside walkway/cycleway. Full planning permission sought for the development of Phase 1 comprising 72 residential units (comprising a mix of 24 x 1 bed and 48 x 2 bed units) and 322 sqm of flexible retail floorspace (Use Classes A1/A2/A3/A4) within 4-storey buildings with associated access, parking and landscaping			
Application number	16/02016/OUT	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	23.02.17	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
Applicant: Chapel Riverside Developments Limited		Agent: Sarah Beuden, Savills	

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies – CS1, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS25 of the of the Local Development Framework Core Strategy Development Plan Document

(Amended 2015). Policies – SDP1, SDP4, SDP5, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP19, SDP21, SDP22, NE4, NE5, HE3, HE6, CLT10, CLT11, CLT12, H2, H7 of the City of Southampton Local Plan Review (Amended 2015). Policies AP9, AP12, AP13, AP15, AP16M AP17, AP18, AP19, AP26 of the City Centre Action Plan March 2015.

Appendix attached			
1	Development Plan Policies	2	Habitats Regulation Assessment
3	Relevant Planning Policies	4	City Centre Action Plan Policy AP26

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - iii. Provision, retention and management of the public square together with securing public access in perpetuity.
 - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vii. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
 - viii. Provision, management and retention of a riverside walkway with permanent rights of public access.
 - ix. Financial contributions or other measures towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species

Regulations 2010 (as amended), saved Policy SDP 12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).

- x. The phasing of the development.
 - xi. Flood risk management plan.
 - xii. Submission and implementation of a Travel Plan.
 - xiii. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
 - xiv. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
 - xv. The provision and retention of football match day car parking controls.
 - xvi. A construction management plan including the routing of construction traffic.
 - xvii. The provision of on-site play space.
 - xviii. Public realm improvements to the Crosshouse Grade II Listed Building.
3. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

- 1.1 The application site, formally the City Council's main depot and waste recycling centre, is a 3.5 hectares site and located on the west bank of the River Itchen and within the defined City Centre. The Council remains landowner of the site with a Development Agreement in place with the applicant. The buildings which previously occupied the site have mainly been demolished and the site cleared. Since the site has been vacated, approximately 5 years ago, it has been used, on a temporary basis, for parking and storage in connection with the Port.
- 1.2 The site also contains three combined Southern Water sewer overflow sediment tanks. During rare or high rainfall, the sediment tanks are used to divert overflow foul and surface water. In addition to this, broadly to the centre of the site is a Southern Water waste water pumping station, which is not, however, within the application site area itself and not, therefore, part of the proposals for this site.

- 1.3 The site lies within Flood Zones 2 and 3 with a medium to high risk of tidal flooding. It is also within an area of Local Archaeological Importance with potential for Medieval remains on the site including Chapel Mill and Holy Trinity Chapel.
- 1.4 The surrounding area is commercial in nature, with a number of warehouses neighbouring the site, with the land north-west of Elm Terrace being safeguarded for light industrial employment uses. Immediately to the north is American Wharf Grade II* Listed warehouse. This building is currently vacant and in a state of disrepair, although a planning permission exists to convert this building to residential use (applications 09/00363/FUL and 13/00908/TIME) which lapses in June of this year. Just outside of the southern site boundary is the Grade II Listed Crosshouse, which was a shelter for those waiting to board the old Itchen Ferry. There is a Sea Scouts building and storage area as well as a rowing club on separate sites adjoining to the south. Just beyond the Sea Scouts is a public hard which provides access to the Itchen.

2. Proposal

- 2.1 The application is a hybrid application with a fully detailed scheme for the first phase of development to the north-east section of the site. Outline planning permission is sought for the remaining 8 phases of the development with approval sought for the access to the site together with the layout and scale of development. The external appearance and landscaping of development are reserved from consideration for phases 2 to 9 of development. Across the whole site 457 residential units would be provided, 946 sq.m of retail floorspace and 7,963 of commercial floorspace.
- 2.2 The residential element of the development takes the form of ten blocks of flats which range from 4 to 13 storeys in height (+46.30 AOD). The tallest residential tower would be located to the edge of a new public square, approximately 3000 sq.m in area. It is anticipated that this marine square could be used for events and storage of boats associated with marine-related commercial uses in the development together with leisure related access to the water. This space would be privately maintained and managed. It is also anticipated that the existing Southern Water sediment tanks will be re-located belowground, underneath the marine square. Hence this area would need to be kept clear from built development should emergency access to the tanks be required in the future. The relocation of the sediment tanks is subject to a separate consenting process administered by Southern Water. The relocation of the tanks does not require planning permission.
- 2.3 The retail uses are comprised of four small-scale units to the ground floor of residential blocks and one further standalone single-storey unit adjacent to the southern site boundary. The units range from 75 to 322 sq.m in floor area. It is proposed that these would be either uses A1 (retail), A2 (financial and professional services), A3 (food and drink) or A4 (drinking establishment).
- 2.4 To the south-west corner of the site, four blocks of marine employment commercial floorspace will be provided within 2-4 storey buildings, two of which would also frame the marine square. It is proposed that these units could be used for either B1 (Business) B2 (General Industrial) or B8 (Storage and Distribution).

- 2.5 The application also proposes to raise the existing land levels at the eastern part of the site to 4.25 AOD, up to 1.91 metre increase. The lower levels would be used for undercroft car parking. These works will complement the new river wall, already granted permission (see paragraph 4.2, below) in terms of providing flood defence for the site and the wider area.
- 2.6 A public riverside walk, just under 300 metres in length, will be created along the waterfront of the site. This route would be broadly 4 metres in width interspersed with 12 metre wide sections.
- 2.7 The fully detailed phase 1 of the development comprises three, four-storey blocks comprising 72 flats in total (24 x 1 beds and 48 x 2 beds) and a 321 sq.m retail unit, served by 78 dedicated car parking spaces. All blocks are designed with integrated bin and bicycle storage, with the majority of units also being served by private balconies. The commercial unit would be located at ground floor within the southernmost block (Block C). A flexible use is proposed meaning the unit could be occupied by any A-class use (retail, financial and professional service, food and drink or drinking establishment). In terms of elevation treatment, the buildings would have a flat roof design, with brick elevations and decorative recessed or patterned brick detailing. Elements of grey cladding and white brick would also be used to articulate the building.
- 2.8 The scheme has been amended since originally submitted to address comments received from the Council's Highway and City Design Officer. These changes primarily improve access to the buildings and the cycle and refuse storage arrangements. The changes have also slightly amended the position of block C to avoid the need to stop up the public highway.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**.
- 3.2 The site is identified for development by Policy AP26 of the adopted City Centre Action Plan. This policy supports a high quality landmark waterfront development which incorporates a continuous public promenade along the waterfront. The policy supports a mix of uses. Policy AP26 is reproduced in full in **Appendix 3** of this report. Major developments in the city are also expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 There have been numerous previous applications relating to the former use of the site as a Council depot, none of which are directly relevant to the current application. More recently, prior approval was granted to demolish the previous buildings on the site (application reference 11/01956/DPA). Planning permission has also been granted for the use of the site for car parking, in connection with the Port, on a temporary basis (reference 13/00974/FUL).
- 4.2 Directly relevant to this application, planning permission has also been granted for the reconstruction of the river wall (application reference 16/0050/FUL). A Marine License has also been granted for the new river wall. Also of relevance is planning application 16/01699/R3CFL which is the Council's planning application for the wider river Itchen flood defence scheme. An update will be given at the meeting where possible.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (16.12.16) and erecting a site notice (13.12.16). Prior to the submission of the planning application, the developer held a public exhibition for the local community. This was attended by 77 local residents, 21 of which provided feedback. The application evolved to take account of comments raised. At the time of writing the report **4** representations have been received from third parties, 3 of which are on the behalf of the adjacent Sea Scouts. The following is a summary of the points raised:

5.2 *The development would result in over-looking of the adjacent sea scouts site* **Response**

The nearest proposed building to the Sea Scouts (block N) is a single-storey commercial unit. At the reserved matters stage, the detailed design approach can avoid windows directly facing onto the neighbouring Sea Scouts. Block L is a 9-storey residential block within 10 metres of the boundary with the Sea Scouts which will have an angled positioned in relation to the Scout Hut meaning that there will be no direct views into the neighbouring building itself. The yard associated with the Scout Hut is primarily used for car parking, meaning that any over-looking of this area will not be harmful in planning terms.

5.3 *The boundary treatment of the site presents opportunities for crime and anti-social behaviour for the adjacent sea scouts* **Response**

There are no significant changes to the land levels proposed immediately adjacent to the boundary with the Sea Scouts. Details of boundary treatment for the whole site are not finalised at this point in the development, given that landscaping is a reserved matter. A condition is suggested to ensure that these details are secured. Overall, the development will introduce activity and natural surveillance on the site, which are a deterrent to crime and anti-social behaviour. This is considered an improvement to the previous use, which would have limited natural surveillance outside of the working day.

5.4 *Concern that the development would impact on the access to the slipway and river for in terms of safety and convenience* **Response**

Access to the public slipway would be retained. Whilst a new access is formed to the south of the site, the Council's Highway Team is satisfied that the junction design would not lead to a conflict for road users.

5.5 ***The public car parking for the sea scouts should be retained for the sea scouts to prevent conflict with future residents of the development***

Response

The existing public car park adjacent to the site is unaffected by the development proposals. There are no current proposals to change these existing arrangements.

5.6 ***Concern that development will result in increased flood risk to the adjoining land***

Response

A detailed flood risk assessment has been submitted with the application. A new river wall has already been granted planning permission and will provide a flood defence for the site and integrate with the Council's wider flood defence scheme. The development itself also incorporates land raising and will also result in the reduction of impermeable surface across the site and secure a sustainable drainage scheme. These measures will ensure that the development will contribute to a reduction in flood risk outside the application site and that the development itself will be adequately protected from a 1 in 200 year flood event. Furthermore, it is important to note that both the Environment Agency and the Council's Flood Risk Officer are supportive of the proposal.

5.7 ***Suggest that the site should instead be used to host fairs and for a nature reserve***

Response

The site is not safeguarded with the adopted Development Plan for these uses and no alternative proposal for the site has been submitted for consideration. The application, therefore, falls to be considered on its own merits.

Consultation Responses

5.8 **SCC Highways –**

The applicant has reviewed the site layout since originally submitted to address initial comments made. The proposed development of the site will result in an increase in multi modal trips being made from this location. To make it acceptable to cater for all trip types, walking, cycling and car born journeys, the applicant has proposed a package of mitigation measures which are currently being finalised. These measures will include changes to the nature and feel of Albert Road North, together with the provision of improved local cycle facilities and pedestrian crossings. Some further detailed changes are required and these can be secured by condition.

No significant amount of public highway is to be stopped up as part of this proposed scheme, and access to the waterfront will still be maintained via Crosshouse Road which is to remain public highway, and the car park opposite the Crosshouse remains unaltered. This ensures that access for the Sea Scouts and parking for their events will remain unchanged.

5.9 **SCC City Design –**

The submitted Design and Access Statement is broadly in line with the pre-application discussions for the development and so no objection is made to Phase

1 and the parameters and principles for the outline application. The following detailed points are made:

- The Central Route character area feels rather weak and doesn't appear to have a strong character other than car parking. This needs to have a much stronger tree lined landscape character.
- The Marine Square should be a character area in itself not just part of Waterfront. The ultimate purpose/function of this space needs to be clarified.
- The detailed architectural approach to Phase 1 is acceptable. It will be important to ensure architectural variety into each of the blocks for the remaining phases.
- Landscaping/planting needs to be provided along the blank wall edge with the sailing club which is part of the main pedestrian access to and from the waterfront promenade and the marine square
- Public realm enhancements to the route to and around Crosshouse from Canute Road need to be secured.
- A Maritime Public Art strategy is required to reference the heritage of the site.
- A view from the strategic viewpoint at the centre of the Itchen Bridge to determine the impact on views of St Mary's and the Campanile is required.
- Query the provision of direct connections from Phase 1 to the waterfront.

Response:

Many of these details will be finalised at the reserved matters stage. The landscaping has been increased along the central spine road. A public art strategy will be secured by the section 106 legal agreement. The section 106 agreement will also secure public realm improvements. A further viewpoint of the development from the Itchen Bridge has been provided and demonstrates that the strategic view will not be adversely affected by the development.

5.10 **SCC Housing –**

In terms of the application as a whole, the proposed scheme includes a net gain of 457 new dwellings, of which the required affordable housing provision in terms of Policy CS15 of the Core Strategy (sites of 15+ units) is therefore 35% ie 160 dwellings (rounded up). The precise location, type and tenure within the affordable housing provision is subject to negotiation in due course.

Phase 1 of the scheme application comprises 72 new dwellings, of which the affordable housing requirement should again be 35% i.e. 25 dwellings (rounded down). However, in the context of site redevelopment also coming forward in later phases, some flexibility in the required Phase 1 provision is possible subject to agreement with the council, provided that there is ultimately a minimum of 35% on-site affordable housing provision across the scheme as a whole.

Planning conditions and/or obligations need to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

5.11 **SCC Sustainability Team –**

Encouraged by the development team's frontloading of the consideration of sustainability. Clearly the sustainability requirements for the proposed development have been considered at an early stage and this is evident by the gaining of several of the front loaded credits which are often missed. Agree that a number of

sustainability considerations have been brought into play at an early stage, such as solar gain which appears to have influenced the design with more of a south facing layout to the site. At this stage, however, it is not clear if the marine employment would achieve BREEAM Excellent as required by Policy CS20.

Response:

The submitted energy strategy demonstrates that, overall, the development will exceed the policy requirement in terms of carbon dioxide reduction. A condition is suggested to require the review of the likely BREEAM attainment at the detailed design stage.

5.12 **SCC Environmental Health (Pollution & Safety) –**

At this stage the final proposal for the relocation of the sediment tanks has not been determined. As such, it is not clear whether future phases of development would be adversely affected by odour from the settlement tanks. In addition to this, there will likely be odour disturbance from the Southern Water pumping station. Suggest conditions to ensuring that the phasing of development is related to assessment of odour contours across the site; the detailed design solution to the sediments tanks; to secure the phasing of works to relocate the tanks and; to secure an operational odour level.

5.13 **SCC Environmental Health (Contaminated Land) –**

No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.

5.14 **SCC Ecology –**

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

The site lies adjacent to the Solent and Dorset Coast proposed Special Protection Area (SPA) and approximately 250m to the south west of an area of inter-tidal mudflat which forms part of the nationally designated Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). This habitat also forms part of the Solent and Southampton Water (SPA) and Ramsar site which are European and internationally designated sites respectively. In addition, the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lie approximately 2.4km to the north east. Immediately adjacent to the site's northern boundary lies an area of inter-tidal mud which is protected under Local Plan Policy NE5 Inter-tidal Mudland.

Site ecology

The majority of the site is of negligible biodiversity value however, the vegetation does have some ecological value at a local level. In particular, this habitat has the potential to support breeding birds and foraging bats. The ecological appraisal accompanying the site details a range of mitigation measures which I support. Provided these measures are put in place, adverse impacts on protected species can be avoided.

Statutory sites

Although there is a negligible risk of direct impacts on statutorily designated sites, the proposed development does have potential to result in indirect adverse impacts. A report considering potential indirect impacts, the 'Chapel Riverside Report to Inform a Habitats Regulations Assessment' has been submitted. I am of the view

that this report has correctly identified the likely adverse impacts and that, provided the mitigation detailed in the report is implemented, the development will not result in likely significant effects upon the European sites.

The principal means of delivering the mitigation is a Construction Environmental Management Plan (CEMP). A draft CEMP has been submitted and I am satisfied that it contains the correct measures. Additional proposed mitigation includes the design of buildings, design of lighting, improved walking and cycling provision around the development, information about local green spaces and payment of the Solent Recreation Management Project contribution.

Biodiversity enhancements

In addition to the measures designed to protect the designated sites it is pleasing to see that the proposed development includes biodiversity enhancements. These include an element of habitat creation and the provision of new nesting and roosting boxes which will benefit a range of species. One feature that I would have liked to see included is biodiverse green roofs which would complement those on the Centenary Quay development on the opposite bank of the Itchen.

Conclusion

I have no objection to the proposed development provided the mitigation detailed in the ecological appraisal and the statement to inform a Habitats Regulations Assessment is implemented. Suggest conditions to secure the ecological mitigation measures, protect nesting birds during construction and to secure an acceptable lighting design for the development.

5.15 **SCC Historic Environment Team –**

No objection. In terms of archaeology, a Written Scheme of archaeological investigation has already been approved. If the remains of Trinity Chapel are found, depending on the state of preservation of the chapel, there may be a case for preservation in situ, subject to the impact that this would have on the submitted layouts. Otherwise, the area will be excavated and preservation will be record and interpretation (by way of a public art strategy).

In terms of the impact on the adjacent Listed Building, whilst the development will be taller than the Grade II* Listed American Wharf, it is considered that the design provides sufficient space to ensure that it is not dominated by the new development. Care will need to be taken in the final choice of external materials. Suggest conditions to secure a programme of archaeological works.

5.16 **SCC Flood Risk Officer –**

Surface water drainage

There will be a reduction in the amount of impermeable area on the site as a result of the development proposals. The proposed surface water drainage strategy is through the use of permeable paving and geocellular tanks (or similar) under car park areas and access roads to accommodate the 1 in 100 year rainfall event (+ 30% climate change allowance) which in accordance with the technical standards provides a marked reduction in peak discharge from the site and a reduction in volume of runoff compared to existing. The proposed drainage system will mean any existing surface water discharging into the foul sewer will be separated and subsequently discharge into the surface water system instead which will help alleviate potential flooding from the foul system in the area.

The principles of the proposed SuDS scheme are acceptable but the detailed design of the system, design for exceedance and maintenance and management arrangements for the long term operation of the system still need to be confirmed. Suggest a condition to secure the final details of the sustainable drainage system.

Tidal flood risk

The Flood Risk Assessment (FRA) sets out the mitigation strategy for managing the residual risk of tidal flooding on the site and it is recommended that a suitable condition is applied to ensure the development is implemented in accordance with the FRA. The Site Flood Plan for more vulnerable uses on the site should be secured through a condition or obligation.

5.17 **SCC Trees –**

No objection. The development will result in a net increase in the amount of trees on site. The details of tree planting will need to be secured.

5.18 **BAA –**

No objection. Suggest conditions to secure a bird hazard management plan and an acceptable lighting scheme.

5.19 **Southern Water –**

Object. It is not clear that the necessary clearance to underground infrastructure will be achieved. An application needs to be submitted to and approved by Southern Water to relocate the storm tanks. Request that planning permission is not granted until this process has finalised. Suggests a condition to secure a drainage strategy for the site.

Response:

The applicant has provided a detailed plan demonstrated that the required clearance to water and sewerage infrastructure will be achieved. This issue is discussed in more detail below.

5.20 **Environment Agency –**

No objection subject to a condition to secure the flood risk mitigation measures as set out in the submitted Flood Risk Assessment.

5.21 **Natural England –**

Financial contributions will be required to mitigate the impact of the development on nearby European designated sites.

5.22 **English Heritage –**

Do not object in principle to the proposal. Suggest that the scheme should have greater regard for the setting of American Wharf. Suggests that the nearest building should be set back to create a larger public square between the two sites. Concern that impinging on views from the south elevations of American Wharf could restrict its attractiveness for conversion.

5.23 **Hampshire Chamber of Commerce –**

Support the application. The scheme will provide marine-based employment as well as new homes, jobs, shops and public space to stimulate the local economy and connect the city with its waterfront.

6. **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and the impact on character;
 - Residential amenity (including noise and odour);
 - The effect on flood risk;
 - Parking, highways and transport and;
 - Affordable housing and viability.
- 6.2 Principle of Development
- 6.2.1 As set out in paragraph 3.2 above, the application site is identified for development by Policy AP26 of the City Centre Action Plan. The development incorporates a mix of uses, all of which are supported by Policy AP26. The site is identified within the Council's Strategic Housing Land Availability Assessment as a major mixed use housing site with a potential for a significant number of residential units (500). A residential density of 130 dwellings per hectare would be achieved, in accordance with policy CS5 of the Core Strategy, which requires densities in excess of 100 dwellings per hectare in city centre locations and sites identified for major development. The proposal would, therefore, make an important contribution to meeting the city's housing need.
- 6.2.2 The site would deliver 8% family homes in the form of 38 x 3-bedroom flats within the later phases of development. This is significantly less than the target of 30% family homes set out by policy CS16. However, the policy goes on to confirm that, within areas of the city identified for high-density residential development (such as the city centre), a lower percentage of family homes may be acceptable. The level of family homes achieved needs to be considered having regard to other factors including the constraints of the site, the character of the area and development viability. In this case, having regard to the nature of the site as a city centre waterfront development; the requirement to incorporate flood mitigation measures and; set within the context of larger, commercial buildings, it is considered that a bias towards flatted development is appropriate in this location. The development does achieve a good mix of one and two bedroom accommodation ensuring a balanced community would be achieved. Furthermore, as set out below, the scheme is subject to viability issues, meaning a higher proportion of family homes, and a resultant drop in the number of residential units achieved, could jeopardise the deliverability of the scheme. On this basis, the mix of residential units proposed is considered to be acceptable.
- 6.2.3 In terms of the commercial uses proposed, the provision of space to accommodate marine employment uses in this waterside location is welcome and encouraged by policy AP26 (paragraphs 5.83 refers). The retail units provided are all under 750 sq.m in floor area and, therefore, acceptable in this out-of-centre location.
- 6.2.4 The development proposal also incorporates the other important components identified by Policy AP26, namely:
- The provision of a continuous, publically accessible riverside promenade;
 - The retention of the existing public hard and water activity centre adjacent to the site and;
 - The incorporation of strategic flood defences.

6.2.5 Overall, the mix, level and nature of the development proposed are in accordance with the site allocation and represent an important opportunity to meet the aspirations of the City Centre Action Plan for a high-quality landmark development that will create a waterfront destination on the Itchen.

6.3 Design and the impact on character

6.3.1 The design approach to the site has evolved following extensive pre-application discussions with the Council which involved engaging with the Council's Design Advisory Panel. This process has contributed to a considered design approach which should fulfil the aim of the City Centre Action Plan to deliver a high-quality development in this location.

6.3.2 ***Scale and Principle of Tall Buildings***

Policy AP17 of the City Centre Action Plan broadly supports the location of tall buildings (of 5 or more storeys) as landmarks along the waterfront. Policy AP26 sets out that development on this site should incorporate distinctive buildings that are visible across the water and from the Itchen Bridge. The application is accompanied by a series of viewpoints of the development from various points along the Itchen Bridge. These images demonstrate that, whilst there are points on the Bridge when the strategic views of St Mary's Church Spire and the Civic Centre Clock Tower will be lost, this is confined to intermittent points on the bridge. Overall, the strategic views would be preserved for the majority of key vantage points. The viewpoints also demonstrate that the scale and massing of the development will provide a positive presence on the west bank of the River Itchen, which would complement and enhance the existing waterfront.

6.3.3 The two tallest buildings proposed, block J (13 storeys) and block L (9 storeys) are positioned at the edge of the marine square. The scale of development steps down to 8 storeys on the waterfront, with the lower scale buildings mainly located to the north-west section of the site, where development abuts the street frontages of Elm Terrace, Endle Street and Albert Road North. This graduation in height ensures the development would integrate into the existing built context whilst taking advantage of the space created by the river to increase the sale. The two taller blocks, particularly block J, provide a strong built edge to the marine square and act as a central focal point for the development, being particularly prominent from the key entrance into the site from the south.

6.3.4 ***Masterplan Layout (including public realm)***

The masterplan for the site has been approached by creating distinctive character areas, with separate design objectives for each area, which achieve variety and create a distinctive sense of place. The riverfront of the development incorporates the new publicly accessible river walk along the riverside perimeter of the development. The route widens at three points along its length to provide stop and stare points with planters, benches and a contrasting surface treatment. The route would be free from traffic and a generous landscaped edge would be provided in between the promenade and the residential development. This will provide an attractive setting for the route and improve the privacy for adjacent residential occupiers. A further large public amenity landscaped link will be provided between blocks G and J, opening up views of the water and increasing access to it. The route also benefits from natural surveillance from the flatted units which front it. The section 106 legal agreement will secure the provision and public accessibility of this route in perpetuity (see recommendation 1. viii, above). This route will be delivered in phases 1 through to 7 of the development.

6.3.5 Another key component of the design approach is the formation of a large marine square to the south of the site. This is a positive response to the significant development constraint of the wastewater sediment tanks. The square is a generous area and its position adjacent to the southern site entrance and the marine employment use does lend itself for boating-related usage. As set out above, the location of the taller buildings on site, and inclusion of ground floor retail uses immediately adjacent to it, will contribute to the activity and vitality of the square and ensure it benefits from natural surveillance.

6.3.6 ***Detailed Design Approach***

The detailed Phase 1 development is designed to address Albert Road North and Elm Terrace with buildings fronting onto the main streets and taking access from them. The buildings themselves have a contemporary appearance with the use of robust external materials, appropriate to this maritime environment. The elevations are articulated with stepped building lines, which adds interest and relieves the massing of the buildings, together with balconies and contrasting detailed materials creating a positive design impression. The form and massing of the different blocks provide variation whilst a consistent approach to the materials and treatment of the elevations would contribute to creating a unified character in this part of the development. Overall it is considered that Phase 1 would represent a significant improvement to the current mixed, industrial appearance of the Albert Road North and Elm Terrace street scenes.

6.3.7 ***Impact on the setting of nearby Listed Buildings***

Currently the neighbouring Grade II* Listed American Wharf building has an extremely poor setting, given the nature of the application site as a redundant commercial site. Similarly, when the Town Depot was in use, the storage of vehicles and materials immediately next to American Wharf provided a poor setting to this vacant Listed Building. At the north of the site, Phase 1 is set away from the boundary with American Wharf and with a lower scale to ensure the new development does not dominate the neighbouring Listed Building. Furthermore, the re-developed site, which incorporates attractive and public access to the waterfront together with some service uses, would represent a significantly more positive neighbour to American Wharf and hopefully act as a catalyst for the rejuvenation of that building. As such, the proposal is considered to enhance the setting of the neighbouring American Wharf.

6.3.8 Similarly, the Crosshouse structure is currently somewhat isolated amongst sporadic buildings and uses and various ad hoc structures being stored on the application site adjacent to the building. The proposals for the site would open up the public realm to the Crosshouse, with it being located at the end of the new marine square, adjacent to a key entrance. It is considered that this design would assist in the Crosshouse becoming a more prominent focal point in the area with the open space setting to the structure also providing a positive setting to it.

6.4 Residential Amenity

6.4.1 The site does not benefit from any existing residential neighbours, although, as set out above, planning permission exists for residential use on the American Wharf site. The Phase 1 development is designed to ensure that it would not have a harmful impact on the neighbouring development, should it come forward in the future. In particular, Chapel Riverside is designed with no direct overlooking of the

neighbouring site and sufficient separation to ensure that windows in American Wharf would still benefit from good outlook and access to sunlight and daylight.

6.4.2 **Odour**

In terms of the quality of environment for prospective occupiers of Chapel Riverside, a key consideration is the solution to the existing wastewater sediment tanks. The proposal utilises the area upon which the tanks are currently situated for new development. Furthermore, the open air nature of the sediment tanks means that they would generate an odour issue for future residents on the site. The application is accompanied by a detailed odour impact assessment. This sets out that the odour impact on site is mainly transient and if persistent, this impact is localised. That said, the report concludes that the odour is possible to constitute a nuisance or loss of amenity for residents of the development.

6.4.3 The most likely solution to this, which has been discussed with Southern Water, is that these tanks get re-provided below ground, with the marine square being kept free of development for this purpose. This would eliminate the odour generated by the tanks and free up land for development. The works to relocate the tanks are proposed to take place in Phase 3 of the development. The submitted odour assessment confirms that the sediment tanks are not likely to represent a significant odour source for development up to and including the occupation of Phase 2. Although, the assessment does not appear to be based on odour contours across the site, meaning this works needs to be completed before Phases 1 and 2 can be occupied.

6.4.4 As noted, Southern Water have requested that planning permission not be granted until the separate Southern Water consenting process for the works has been agreed. The relocation of the tanks can, however, take place without planning permission, although not without the agreement of Southern Water. As such, the delaying of planning permission would not be necessary nor could it prevent these works taking place. A planning condition can, however, be used to require the final detailed design to be submitted and agreed prior to the first occupation of the development and that phase 3 onwards shall not be occupied until the agreed measures have been implemented and are operational.

6.4.5 Also an issue in terms of odour is the existing Southern Water pump house, which lies outside of the application site. The submitted odour assessment concludes that the odour from this pump house could possibly constitute a nuisance or loss of amenity for residents beyond the occupation of phase 4 of development. It would be incumbent on Southern Water, under the Environmental Protection Act to ensure that the pump house is managed and maintained to mitigate this impact.

6.4.6 **Noise**

Given that the site is neighboured by commercial uses, which include industrial uses, a noise and vibration assessment has been carried out. Many of the existing commercial units that neighbour the site are historic and, therefore, unfettered by planning controls. However, the scheme is designed with commercial floorspace located immediately adjacent to the existing commercial uses, with residential uses set away. The submitted report concludes that the development can be protected from external noise sources with an adequate specification of glazing. This can be secured by condition.

6.4.7 Conditions are also suggested to ensure that the new commercial uses do not generate noise and disturbance to new residents. In particular, the hours of operation will be controlled, soundproofing measures secured and details of plant, equipment and machinery also secured by condition to avoid undue disturbance to residents within the development.

6.4.8 ***Residential Design***

Overall, the layout of the development provides good spacing between buildings and achieves an orientation of residential blocks which provides good outlook and access to daylight and sunlight, minimising accommodation reliant on northerly aspects. The waterfront blocks are designed to optimise river views from the accommodation and to achieve east and west facing aspects. The majority of flats are designed to have access to private balconies and residents would also benefit from the riverside walk, the marine square and landscaped central link between block G and J. Streets and pedestrian routes within the development would benefit from natural surveillance and provide safe and convenient routes for residents. The scheme has also been amended from originally submitted to incorporate level access into the buildings. Refuse and recycling would be provided to the required standard and would be secured by condition. Overall, it is considered that the development is designed to provide a high-quality environment for future residents.

6.5 Flood Risk

6.5.1 As set out above, the site lies within an areas of medium to high flood risk. The sequential and exception tests, required by the NPPF for new development within areas of flood risk, have been carried out for the City Centre Action Plan. The application site is identified in the Southampton Coastal Flood and Erosion Risk Management Strategy as being a strategic site which requires the implementation of flood mitigation measures to protect the city. The site also lies within a flood defence search zone as identified in the City Centre Action Plan with Policy AP15 requiring development to be designed to facilitate the delivery of an appropriate strategic flood defence.

6.5.2 The existing river wall acts as a retaining wall for the site as well as providing flood defence for the site and city. It is, however, in a poor state of repair, with sections at risk of collapse. The replacement river wall, already approved, will provide a flood defence for the proposed development and its delivery phased with the development of the wider site. It comprises a steel sheet piled wall, constructed to a height of 4.25m AOD, to defend against a 1 in 200 year peak tidal floor event and with an anticipated 100 year lifespan. The development also includes land raising to the eastern edge of the site to a minimum level of 4.25 AOD. The proposed works are designed to integrate with the Council's wider river Itchen flood defence scheme, currently being considered in planning application 16/01699/R3CFL. As such, both the Environment Agency and the Council's flood risk officer are satisfied that the development would be safe from flooding and would enhance the city's flood defences.

6.6 Highways and Transport

6.6.1 The parking for the development comprises 461 spaces for the residential development with 12 visitor spaces and 121 spaces for the commercial uses. In addition to this, there are 81 public car parking spaces in the vicinity of the site, which includes 6 additional spaces on Elm Terrace to serve the proposed retail unit in Phase 1 of the development. A private management company will enforce parking that takes place outside of designated areas once the development is

occupied. The level of parking provided has been fully justified by a comprehensive Parking Strategy, submitted with the application, which includes a parking survey of surrounding streets. The parking provided complies with the maximum standards set out in the adopted Parking Standards Supplementary Planning Document.

6.6.2 The main vehicular access into the site will be via a priority junction on Crosshouse Road. There will be further secondary points of access from Elm Terrace which will serve Phase 1 of the development. A detailed Transport Assessment has been carried out and submitted with the application and adequately demonstrates that the proposal will have an acceptable impact on the highway network. As such, the Council's Highways and Transport Team have raised no objection to the application and the proposal is considered to be acceptable in this respect.

6.7 Ecology and Biodiversity

6.7.1 The main ecology and biodiversity issues are set out in paragraph 5.14 above. The Council's Ecologist and Natural England are satisfied that the development would not have a harmful impact on ecology or biodiversity subject to securing the measures set out. The Habitats Regulation Assess in **Appendix 1** of this report concludes that the development would not have a significant adverse effect on nearby European designated habitats. This assessment is required before the Council as the 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended) can give approval to the project. Members are recommended to endorse this conclusion to allow the planning application to be decided.

6.7.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £176 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.8 Affordable Housing and Viability

6.8.1 The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. This assessment is being independently tested by the District Valuation Service. Policy CS15 of the Core Strategy, which sets out the requirement for affordable housing provision, confirms that development viability will be considered in arriving at the level of affordable

homes that could be achieved on a development site. This is consistent with paragraph 205 of the National Planning Policy Framework which confirms that, where obligations are being sought, planning authorities should take market conditions into account and be sufficiently flexible to prevent planned development being stalled.

- 6.8.2 In this case, the characteristics of the development site, including the need to provide strategic flood defences and the genuine brownfield nature of the site mean that it is not necessarily a straight forward site to develop. Furthermore, it is also important to consider the other planning benefits of the scheme which include bringing a key, vacant city centre site into use; delivering a significant amount of the city's housing requirement and; the delivery of a key section of public access to the waterfront. Taking these factors into account, should the District Valuation Service agree that the development cannot sustain the affordable housing obligation, it is considered justifiable in this instance. The section 106 agreement will require the viability to be reviewed as time progresses through the course of the development and the market conditions may change.

7. Summary

- 7.1 The application represents an opportunity to realise the vision for this important city-centre waterfront site as detailed in the Council's City Centre Action Plan. The proposal would transform an underused and genuine brownfield site and enhance the city's waterfront, whilst providing a complementary mix of uses that would contribute to meeting the Council's housing need whilst generating employment opportunities. The various developmental constraints including flood risk and odour have been adequately considered in the application and the necessary measures secured by planning conditions and the section 106 legal agreement.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions once the Panel have endorsed the Habitats Regulation Assessment in **Appendix 1** of this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(c), 2(d), 2(f), 4(b), 4(f), 4(g), 4(vv), 6(b), 7(a), 8(a), 8(j), 9(a) and 9(b),

JT for 14/03/17 PROW Panel

20/01810/FUL

Appendix 4

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 14 MARCH 2017

Present: Councillors Denness (Chair), Coombs (Vice-Chair), Barnes-Andrews, Claisse (except Minute Number 81), L Harris, Hecks (Except Minute Number 79) and Mintoff

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

RESOLVED: that the minutes for the Panel meeting on 21 February 2017 be approved and signed as a correct record.

77. **PLANNING APPLICATION - 16/02016/FUL - CHAPEL RIVERSIDE**

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

Demolition of all existing buildings and structures and site clearance. Outline planning permission sought for 457 residential units, 4,963 sqm (GIA) commercial floorspace (Use Classes B1/B2/B8) and 946 sqm (GIA) of flexible retail floorspace (Use Classes A1/A2/A3/A4) in buildings ranging from 1 to 13 storeys and the creation of a riverside walkway/cycleway. Full planning permission sought for the development of Phase 1 comprising 72 residential units (comprising a mix of 24 x 1 bed and 48 x 2 bed units) and 322 sqm of flexible retail floorspace (Use Classes A1/A2/A3/A4) within 4-storey buildings with associated access, parking and landscaping

Clive Aylett (25th Southampton Sea Scouts), Milo Maguire (local resident objecting), Simon Reynier (City of Southampton Society), Gavin Hall (agent) and Mark Gilpin (applicant) were present and with the consent of the Chair, addressed the meeting.

Presenting officer noted that some changes to the S106 agreement were required. It was noted that the terms of the agreement needed to reflect concerns of Panel in regard to the provision of and retention of the public square. The amendments reflected the concern of the Panel over parking within the development and in particular use of the new public square for parking. In addition the S106 would need to be amended to strengthen the provision of public art clause to include reference to the heritage of the site, in particular the location of Trinity Chapel on the site. These changes are set in the recommendation below.

In order to reflect the importance of the heritage of the site, Condition 19 was amended. In addition further conditions were added to approval that reflected the need for the proper phasing of the river wall and the Panel's requirement for a Green roof feasibility study.

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

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. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - b. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - c. Provision, retention and management of the public square together with securing public access in perpetuity and preventing its use for public car parking.
 - d. 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.
 - e. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, 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).
 - f. 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).
 - g. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document to include reference to the heritage of the site, in particular the location of Trinity Chapel on the site.
 - h. Provision, management and retention of a riverside walkway with permanent rights of public access.
 - i. Financial contributions or other measures towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved Policy SDP 12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).
 - j. The phasing of the development.
 - k. Flood risk management plan.
 - l. Submission and implementation of a Travel Plan.

- m. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
 - n. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No resident of the development, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
 - o. The provision and retention of football match day car parking controls.
 - p. A construction management plan including the routing of construction traffic.
 - q. The provision of on-site play space.
 - r. Public realm improvements to the Crosshouse Grade II Listed Building
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (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.

ADDITIONAL AND AMENDED CONDITIONS

AMENDED CONDITION

19. ARCHAEOLOGICAL DAMAGE-ASSESSMENT (PRE-COMMENCEMENT CONDITION)

Prior to the commencement of each phase of development, the developer will submit plans for that phase of the development showing the type and dimensions of all proposed groundworks, to be agreed by the Local Planning Authority which will ensure the remains of Trinity Chapel are preserved in situ. 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.

ADDITIONAL CONDITIONS

RIVER WALL PHASING (PERFORMANCE CONDITION)

With the exception of site clearance and demolition, no development shall commence until the phasing for the implementation of the river wall, approved by application 16/00050/FUL, has been submitted to and agreed in writing by the Local Plan Authority. The development shall proceed in accordance with the agreed details.

REASON: To ensure that the development is made safe from flooding.

GREEN ROOF FEASIBILITY STUDY (PRE-COMMENCEMENT)

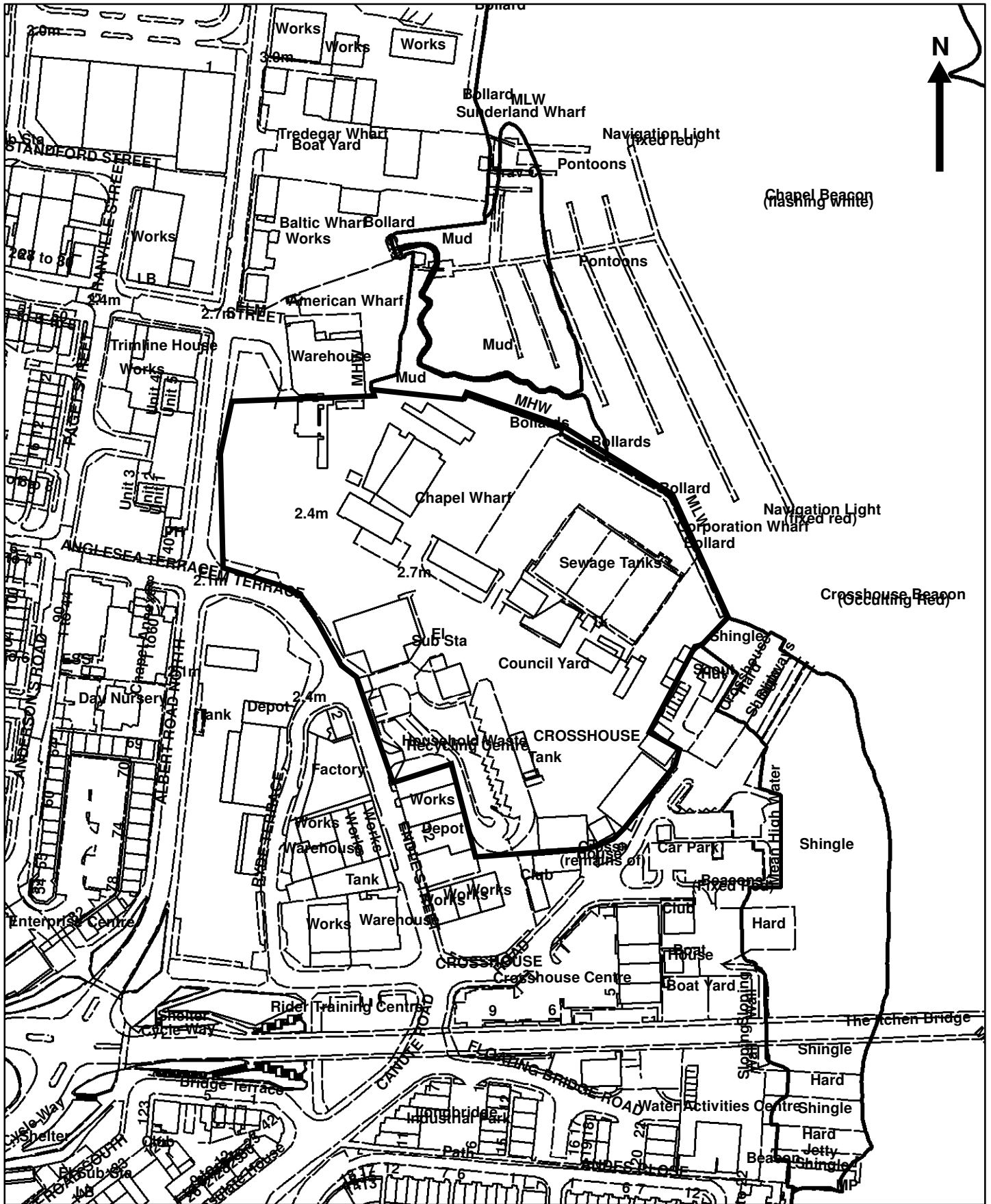
A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the superstructure of the buildings hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered

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Agenda Item 9

20/01810/FUL

Appendix 5



Scale: 1:2,500

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