

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

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

Applicant: Oceanic Estates (Woolston) Ltd	Agent: Quayside Architects - FAO Mr Neil Holmes
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Recommendation Summary	<ol style="list-style-type: none"> 1. That the Panel confirm the Habitats Regulations Assessment that will be provided at/before the Panel meeting; and 2. Delegate to Service Lead - Infrastructure, Planning & Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

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

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

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

Recommendation in Full

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

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

2.0 THE SITE AND ITS CONTEXT

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

3.0 PROPOSAL

- 3.1 It is understood that this planning application is now speculative – with no end user in mind despite reference to Siva Plastics within the submission – and seeks to vary the full planning permission that led to the first building being constructed on the site of Woolston's MEQ at Centenary Quay (LPA 16/01108/FUL refers). This building sits along the boundary with Keswick Road and provides 3,147sq.m of floorspace. It has a length of 118m metres, a width of 26m and a height 13m.
- 3.2 The extant permission gave approval for a restricted 24 hour manufacturing operation. A copy of the permission and the relevant Planning & Rights of Way Panel minute are attached to this report at **Appendix 1 & 2**. At the time planning permission was given the applicant had hoped that they would secure a company that manufactures wind turbine blades. This occupier is no longer interested and the restriction on the permission - that any subsequent occupier must be involved in either blade manufacturing or marine-related employment requiring the deep berth - limits interest in the empty building
- 3.3 This planning application seeks to vary condition 3, which would then allow the building, and its associated yard, to be used for any form of manufacturing, without requiring access to the deep berth. All other planning conditions would, however, remain in force meaning that there would still be controls ahead of occupation. Further approvals from the Council would still be needed following consultation with the relevant Council department. Any occupier would, therefore, be limited to the agreed hours set out in condition 4, servicing would be agreed with the Council prior to the occupation of the building (as required by condition 5), a bespoke 'operational plan' detailing noise mitigation measures would be agreed with the Council prior to any occupation (as required by condition 6), and these conditions apply to subsequent occupations also.

4 RELEVANT PLANNING POLICY

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

4.2 The application has been advertised as a potential 'departure' from this policy in that the relaxation of condition 3 would mean that any form of manufacturer could occupy the space without reliance upon the waterfront for access/egress

4.3 LDF Policy CS7 adds that:

"In order to meet the South East Plan's economic aims, as set out in Policy CS6, there is a strong need to safeguard employment sites. All existing employment sites and allocations will be safeguarded for employment use."

4.4 SCC Planning Policy comments:

The existing building was permitted with a condition requiring waterfront access, consistent with the Local Plan policy and the wider objective of supporting an important economic sector for the city and sub region (maritime industry) which has specific site requirements (eg waterside access). However the policy says "including" marine industry which implies some other uses would be acceptable as a part of the overall site provided this doesn't undermine the overall purpose of the site as being a strategic marine employment site. Given the relatively limited extent of this building in terms of the overall site, and unless the economic development team advise it would prejudice the overall site if used for non-marine (eg access arrangements etc); I raise no objection to a non-marine use for this building only. However it's important to state that this is because the overall strategic marine site would not be significantly prejudiced.

5. **RELEVANT PLANNING HISTORY**

5.1 The site's physical development has evolved since the First World War and has been used for manufacturing since before the current planning system. The Council's planning history records numerous additions to the site throughout this period although none of this planning history is directly relevant to the current application.

5.2 In terms of relevant recent planning history following the closure of the Vosper Thornycroft shipyard this can be summarised as follows:

5.2.1 05/00816/OUT – Approved 10.03.2008 (Lapsed)

Redevelopment of the 12.63 ha site for a mix of uses comprising: 1510 residential units, including 378 units for affordable housing (Class C3); marine employment comprising offices and industrial uses of 39,246 sq.m. (Class B1/B2); retail use of 1,617 sq.m. (Class A1); financial and professional services offices of 100 sq.m. (Class A2); food and drink use of 1,895 sq.m. (Class A3) drinking establishments of 450 sq.m. (Class A4); Leisure/health and fitness use of 1,770 sq.m. (Class D2); community/health centre and library (Class D1); 1,637 vehicle parking spaces; new means of access; servicing and highway works including new road layout, junction improvements, estate roads and landscaping; public open space including a river walk; odour treatment works; combined heat and power (CHP) facilities; creation of new pontoons/quays (Outline application seeking approval for siting of buildings, means of access and consideration of maximum height of buildings), and the re-profiling of the river wall with associated flood defences and site remediation works (Full Application) - description amended to reflect 25% affordable housing.

5.2.2 08/00389/OUT – Approved 31.12.2009 (Extant)

Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge

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

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

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

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

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

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

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

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

5.2.6 17/01570/FUL – Approved 31.10.2019

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

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

6.0 CONSULTATION RESPONSES AND NOTIFICATION REPRESENTATIONS

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners (some 134 letters sent), placing a press advertisement (23.08.19) and erecting a site notice (20.08.19). Whilst a noise report has been submitted since validation this in itself did not warrant a fresh round of public consultation and refers specifically to Siva Plastics who may no longer be involved.
- 6.2 At the time of writing the report **6 representations** have been received from surrounding residents, including concerns and Panel referral raised by Ward Cllr Payne, and Cllr Noon representing constituents in Ocean Village. The following is a summary of the relevant planning related points raised:
- 6.2.1 **Without further necessary information regarding the impact of permitting this class B1 and B2 industrial usage it is very difficult to have a meaningful consultation on this proposal, particularly with regard to noise, late night or 24-hour working and pollution/odour etc.**

Officer Response

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

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

Officer Response

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

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

Officer Response

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

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

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

Officer Response

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

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

Officer Response

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

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

Officer response

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

- 6.2.7 **Cllr Payne (Woolston) – Panel Referral - Having requested more details from the applicants about the operation of the site and its new tenant, these have not been forthcoming and I am therefore concerned there could be noise disturbance and excessive numbers of traffic movements (including HGVs) relating to this application. Local feedback has also been largely negative towards the building already taking shape on the site, with the design being regarded as bland by some, and ugly by others. If suitable reassurances regarding the operation of the site can be provided then I might soften my stance, but as it stands, I have to remain vigilant as the local councillor.**
- 6.2.8 **Cllr Noon (Bargate) - There is some concern from residents of Ocean Village with regard to noise and environmental pollution.**
- 6.2.9 **City of Southampton Society – No objection**

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

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

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

Officer Response

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

CONSULTATION RESPONSES

6.2.10 SCC Highways – No objection

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

6.2.11 SCC Environmental Health – No objection

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

6.2.12 SCC Archaeology – No objection

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

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

6.2.15 SCC Ecologist – No objection

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

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

Officer Response

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

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

7 **PLANNING CONSIDERATION KEY ISSUES**

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

7.2 Principle of Development

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

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

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

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

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

7.3 Economic Development Considerations

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

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

7.4 Environmental Impact, Mitigation & Other Matters

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

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

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

8. **SUMMARY**

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

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

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

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

9 **CONCLUSION**

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

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

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

SH2 for 10.12.2019 PROW Panel

PLANNING CONDITIONS to include:

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

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

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

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

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

Reason:

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

6.Noise & Operational Environmental Protection Plan – AMENDED BY 19/01378/FUL

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

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

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

Reason:

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

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

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

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

Reason:

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

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

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

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

Supplementary Planning Guidance

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

Other Relevant Guidance

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