

# Planning and Rights of Way Panel

Tuesday, 1st June, 2021  
at 2.00 pm

## PLEASE NOTE TIME OF MEETING

Guildhall

This meeting is open to the public

### **Members**

Councillor L Harris (Chair)  
Councillor Coombs  
Councillor Magee  
Councillor Prior  
Councillor Windle

### **Contacts**

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Interim Head of Planning and Economic  
Development  
Paul Barton  
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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**

<b>2021</b>	
1 June	21 September
22 June	12 October
13 July	2 November
3 August	23 November
24 August	14 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

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

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

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

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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.

<b>2022</b>	
25 January	29 March
15 February	26 April
8 March	

## CONDUCT OF MEETING

### TERMS OF REFERENCE

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

### BUSINESS TO BE DISCUSSED

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

### RULES OF PROCEDURE

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

### QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 2.

## 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 ELECTION OF VICE-CHAIR**

To elect the Vice Chair for the Municipal Year 2021/2022.

### **3 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.

### **4 STATEMENT FROM THE CHAIR**

### **5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

(Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 20 April 2021 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **6 PLANNING APPLICATION - 21/00087/FUL - NEWSPAPER HOUSE, TEST LANE**

(Pages 11 - 64)

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.

### **7 PLANNING APPLICATION - 20/01235/FUL - 93 - 99 BELGRAVE ROAD**

(Pages 65 - 90)

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.

### **8 PLANNING APPLICATION - 21/00044/OUT - 60A THE AVENUE**

(Pages 91 - 126)

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.



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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 20 APRIL 2021

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Present: Councillors Mitchell (Chair), Coombs (Vice-Chair), L Harris, Prior, Savage, Windle and Bell

Apologies: Councillors Vaughan

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

It was noted that following receipt of the temporary resignation of Councillor Vaughan from the Panel the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Bell to replace them for the purposes of this meeting.

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

**RESOLVED:** that the minutes for the Panel meeting on 16 March 2021 be approved and signed as a correct record.

62. **PLANNING APPLICATION - 20/01608/FUL - REDBRIDGE BUSINESS PARK**

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

Retrospective change of use of units 4, 5 and 5a to class B2 (vehicle preparation and spraying) and 2 x external flue extraction systems.

Mr McManus (Chair of the Redbridge Residents Association ), Mr Bradford (Agent), and Councillor Spicer (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a trade effluent discharge licence has now been submitted and Southern Water are currently reviewing the submission. Officers are waiting for confirmation that the submission is sufficient to allow the discharge of condition 8 of permission 19/01973/FUL.

Additionally, the Panel noted that for clarity the conditions set out in the previous permissions for this site would be required to be added to any permission, as set out below.

The Panel considered the time period set out in the Noise and Odour Condition of the report required adjustment, and after a vote, confirmed that it wished the time period to be reduced to 6 and not the 8 weeks as set out in the report.

The Panel then considered the recommendation to grant conditional planning permission.

Upon being put to the vote the recommendation with the additional and amended conditions, was carried unanimously.

## **RESOLVED**

That approval to grant planning permission be delegated to the Interim Head of Planning and Economic Development subject to the receipt of no objection from Network Rail following consultation and the conditions set out within the report together with any additional or amended conditions set out below:

### **Amended Conditions**

#### 2.Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details, namely vehicle bodywork paint spraying within units 4 & 5, and in association with vehicle valeting and car storage operations taking place on units 7,8,9 & 10 of Redbridge Business Park, and not for any other purpose, including any other use within Use Class B2.

REASON: In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses seek to operate from this site.

#### 4.Noise/Odour Report - Full compliance within 6 weeks. [Performance Condition]

Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved will be carried out in full accordance with all recommendations held within the 'Spraying Facility Noise & Odour Control Report' produced by Sound Advice Engineering, File Reference SAE-1235, Issue 1. Dated 18<sup>th</sup> March 2021 including the fully operational flue extraction system, within 6 weeks of the date of this decision notice. Thereafter the recommendations, equipment and working practices specified shall be maintained in full working order in accordance with the report for the lifetime of the development.

REASON: To protect the amenities of nearby residents.

### **Additional Conditions**

#### Adequate Turning Space [Performance Condition]

The turning space within unit 7 as shown on the approved plans relating to permission 11/01506/FUL, shall remain clear from permanent structures and shall be made available for turning manoeuvres by 7.5 tonne vehicles (or greater) so that they are able to enter and leave the business park in a forward gear. At no time shall structures or storage of any goods occur on unit 7 other than vehicles relating to the valeting process.

REASON: In the interests of highway safety.

#### On site vehicular parking (25 vehicles) [Performance Condition]

In accordance with the approved plans the business operation on site (Pit Stop Service) to which this application relates shall at no time accommodate more than 25 customer vehicles as shown on plan ref: 300.14 Rev B

REASON: To avoid congestion of the adjoining highway which might otherwise occur because of overspill parking caused by the business operation.



On site vehicular parking (location) [Performance Condition]

Vehicles associated with the use hereby approved, including those belonging to staff and those awaiting collection and/or servicing, shall only park within the red line as shown on plan ref: 300.14 Rev B. Throughout the occupation the development hereby approved the parking areas defined by the approved plans shall not be used for any other purpose.

REASON: In the interests of neighbouring residential amenity and to avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed.

Restricted use of heavy goods vehicles [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, no heavy goods vehicles shall be used on the site or used to transport vehicles to the site in associated with the business operation hereby approved.

REASON: In the interests of the amenities of the neighbouring residential occupiers.

63. **PLANNING APPLICATION - 21/00263/FUL- 27 OBELISK ROAD**

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

Change of use from C3 dwelling house to 6-bed C4 House in multiple occupation (HMO) (Retrospective).

Ian Knight (agent), and Councillor Payne (ward councillors) were present and with the consent of the Chair, addressed the meeting. In addition a statement from Mr Cronin a local resident was read at the meeting and distributed to the Panel.

The presenting officer explained that Condition 6 of the report needed to amended, as set out below.

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

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

**Amended Condition**

06. Landscaping and Means Enclosures (Performance)

Within the 3 months of the decision notice date, the landscaping and means of enclosure works shall be carried out in accordance with approved drawing no. KAD-01-A-EX Rev B. The provision of the front wall shall be no taller than 600mm above ground level and the maximum height of the hedge shall be no taller than 600mm within 2m of the western pier of the front wall adjacent to the driveway entrance as laid out on the approved plans. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, the front boundary wall and hedge shall be retained and maintained for the lifetime of the residential use.

The approved landscaping 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 visual and residential amenity and for avoidance of doubt.

64. **PLANNING APPLICATION - 21/00101/FUL - ITCHEN BUSINESS PARK**

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

Change of use of the land for car sales and construction of ancillary site office and workshop (retrospective).

Katherine Barbour and Sarah Brightwell (local residents/ objecting), and Peter Atfield (agent), were in attendance and with the consent of the Chair, addressed the meeting.

The presenting officer reported that confirmation had been received from the applicant that car transporters are, and will, no longer be used to deliver cars to the site for resale. It was noted that officers had amended Condition 5, as set out below, to reflect this. The Panel discussed the hours of delivery and agreed to make an amendment to this condition, as set out below.

The Panel considered a motion proposed by Councillor Savage and Seconded by Councillor Mitchell to add a further condition to the application that would grant planning permission for a period of 12 months, upon being put to the vote this was carried.

The Panel then considered the recommendation to grant planning permission with the amended conditions. Upon being put to the vote the recommendation was carried unanimously.

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

**Amended Conditions**

3.Hours of Delivery [Performance Condition]

The delivery and collection of cars, by vehicle transporter (lorries, trucks etc), for resale shall not occur outside the following hours:

10:00 and 15:00 Monday – Friday.

The delivery and collection of cars, not by vehicle transporter, for resale shall not occur outside the following hours:

08:00 – 17:00 Monday to Saturday and 09:00 – 16:00 on Sundays and Bank Holidays.

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

5. Restricted use of delivery vehicles [performance condition]

In accordance with the Servicing Management Plan, which is hereby approved, and as detailed within the letter dated 16<sup>th</sup> April 2020 (reference PA/TP.83171) the applicant shall ensure that vehicles for re-sale associated with the business shall not be delivered to or collected by car/vehicle transporter. In the event that, due to unforeseen circumstances, a car/vehicle transporter is used there shall be no more than one car transporter delivery/collection per calendar week, and the vehicle shall be limited in size by having no more than two axels, shall not exceed 7.5 tonnes and shall not exceed 9m in length, and it shall have the capacity for a single vehicle only.

REASON: In the interests of the amenities of neighbouring and Kent Road residents; and to avoid congestion and obstruction of the adjoining & nearby accesses within the business park.

**Additional Condition**

Time Limited (Temporary 1 year) Permission Condition

The use hereby permitted shall be discontinued and the land restored to its former condition within 1 year of the date of this decision.

REASON: To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development.

**COUNCILLOR COOMBS IN THE CHAIR**

65. **PLANNING APPLICATION - 21/00074/FUL - 30 BROOKVALE ROAD**

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

Extension of existing annexe/store building including a new pitched roof

Jane Jameson (local residents objecting), Katherine Barbour and Professor Joan Orme (supporters) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that 3 additional letters of support had been received since the publication of the report and that Tree Officers had been happy with the conditions set out in the report. It was explained that the wording of condition 6 would require to be amended as below to reflect the description as set out in the proposal.

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

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

**Amended Condition**

06. Limitation to ancillary use (Performance)

The converted annex hereby approved shall only be occupied as a use ancillary to the main building and shall not be subdivided, sold, leased, separated or altered in any way so as to create a separate planning unit, or separate unit of residential accommodation without the grant of further specific permission from the Local Planning Authority.

REASON: To avoid any unacceptable sub-division of the plot which would be unlikely to satisfy either adopted or emerging Council planning policies with regards to new business operations, or self-contained residential accommodation.

**NOTE:** Councillor Mitchell declared that as a Trustee of the applicant she would be withdrawing from the meeting for this item

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 1<sup>st</sup> June 2021 – Southampton Guildhall 2pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	JT	DEL	15	21/00087/FUL Newspaper House, Test Lane
7	MP	CAP	15	20/01235/FUL 93 - 99 Belgrave Road
8	SB	DEL	5	21/00044/OUT 60A The Avenue

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:

JT Jenna Turner  
MP Mat Pidgeon  
SB Stuart Brooks

## **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) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
  - (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 (2013)
- (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 6

## Planning and Rights of Way Panel 1<sup>st</sup> June 2021 Planning Application Report of the Head of Planning & Economic Development

<b>Application address:</b> Newspaper House, Test Lane, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Demolition of existing buildings and the erection of three buildings for use as either general industrial (Use Class B2) and/or storage and distribution (Use Class B8) with ancillary office accommodation, together with associated access, parking, landscape and infrastructure works (departure from the Development Plan).			
<b>Application number:</b>	21/00087/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Jenna Turner	<b>Public speaking time:</b>	15 minutes
<b>Last date for determination:</b>	30.04.2021	<b>Ward:</b>	Redbridge
<b>Reason for Panel Referral:</b>	More than 5 letters of objection have been received	<b>Ward Councillors:</b>	Cllr McEwing Cllr Whitbread Cllr Spicer
<b>Applicant:</b> Salmon Development Limited		<b>Agent:</b> Lambert Smith Hampton	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Planning &amp; Economic Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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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 justify the departure from Local Plan policy RE11. 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).

<b>Appendix attached</b>			
1	Habitats Regulations Assessment	2	Development Plan Policies
3	Justification for access arrangements	4	Lighting Information

### 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 the following mitigation:
  - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site (including signage and any associated TROs) in line with saved 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. 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. The submission, approval and implementation of a Travel Plan for both the commercial and residential uses to promote sustainable modes of travel in accordance with saved Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy.
  - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (for both construction and operational phases), 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).
  - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
  - vi. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
  - vii. 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.
  - viii. The submission, approval and implementation of a Servicing Management Plan which includes the routing of servicing vehicles for the operation of the development.
  - ix. The submission, approval and implementation of a Demolition and Construction Management Plan which includes details to minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary; lorry routing and timing to reduce congestion and; the use of Euro IV standard or equivalent HGVs.
  - x. The provision of a financial contribution towards the provision of a replacement highway hedgerow offsite to mitigate the removal of the existing highway hedgerow in the interest of local ecology and biodiversity in accordance with policy CS22 of the Core Strategy.

2. 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. Introduction**

- 1.1 This application was deferred from consideration at the 20<sup>th</sup> April Planning and Rights of Way Panel, at the applicant's request, to enable further transport modelling to be undertaken with regards to parcel and delivery uses, which can operate under Use Class B8. This modelling has been carried out, together with associated updates to the submitted air quality and noise assessments, and reviewed by the relevant consultees.

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

- 2.1 The application site is currently vacant although was, until recently, used as the Daily Echo newspaper printworks and offices since the late 1990s. The buildings on site comprise the warehouse-style printworks building to the north, and an associated 2-storey office building to the south. The boundaries of the site benefit from naturalised trees and vegetation which largely screen the built structures from public vantage points. There is a Tree Preservation Order affecting the trees on site, and an earth bund along the western site boundary, which is largely covered by vegetation.
- 2.2 The site lies to the north-west of the city with the administrative boundary with Test Valley Borough Council falling just within a small northern section of the application site (approximately 658sq.m). An identical planning application has also been submitted to Test Valley Borough Council for determination in line with the requirements of the UK Planning system. The neighbouring Local Planning Authorities have been notified of this application and no objection received.
- 2.3 To the east is the M271 and to the west, across Test Lane, lies the River Test and the administrative boundary with New Forest District Council. The River Test is a Ramsar site, Special Protection Area and Site of Special Scientific Interest. To the north, the site is neighboured by Yeoman Industrial Park and to the south, lies the recently constructed John Lewis warehouses (planning permission 14/01911/FUL refers).

## **3. Proposal**

- 3.1 Full planning permission is sought for the redevelopment of the site for employment uses. The application proposes the demolition of the existing buildings on site and the construction of 3 new warehouse buildings to be used for either general industrial (B2) or storage and distribution purposes (B8). In total 16,119 sq.m of new commercial floorspace will be provided, which includes ancillary offices. There would be approximately 1,458 sq.m additional floorspace when compared with the existing buildings on site. The application confirms that whilst the Daily Echo site previously provided 100 full-time equivalent jobs, it is

anticipated that the proposal would generate 224 full-time equivalent jobs. The proposal would be a 24-hour operation.

- 3.2 The units would be served by 210 car parking spaces, 20% of which would include electric vehicle charging points, and all staff car parking spaces would be prepared with the necessary duct work to enable charging points to be fitted in the future. The units are designed to be managed and operated independently from one another with secured and controlled access to each. The access points into the site are designed with central islands that would prevent rigid vehicles, HGVs and fire tender vehicles from turning right into the site or left out of the site onto Test Lane. The purpose of this is to direct such traffic northwards via the motorway rather than through the residential streets to the south of the site (as is the case with the Yeoman Industrial Park).
- 3.3 The application confirms that BREEAM 'Excellent' will be achieved in terms of the building's sustainable build credentials, and the proposal includes solar panels to the roofs of buildings.
- 3.4 Units 1 and 2 would adjoin one another and be located to the northern section of the site, served by a vehicular access, which is in the same location as the existing access into the site. The development can be summarised as follows:
- 3.5 **Unit 1** would provide 4,887 sq.m of floor space and a mezzanine level of 487 sq.m. It would be served by 70 car parking spaces, located adjacent to the northern site boundary and a purpose-built cycle store, providing space for 30 cycles. To the west of the building is a 2,240 sq.m service yard which provides access into 3 loading bays and 3 dock levellers. The building itself would be 15m tall with a length of 70m and depth of 62m.
- 3.6 **Unit 2** would be set back slight from Unit 1 and would comprise 3,978 sq.m of floor space within a building that is 15m high and 60m in length and depth. This building also incorporates a mezzanine level of 397 sq.m. To the west of the building, a service yard of 1,500 sq.m is located and adjacent to this is a car parking area containing 40 spaces. The service yard provides access to 3 loading bays within the west elevation of the building. A stand-alone cycle storage providing space for 24 cycles is also provided.
- 3.7 **Unit 3** is a standalone building located to the south of the site and accessed via a new vehicular access which is positioned broadly halfway along the Test Lane frontage of the site. Unit 3 would be the largest building on site with a 15m height, 108m in length, 49m depth and providing 5,813 sq.m of floorspace. The building also includes a 581sq.m mezzanine level. The narrowest end of the building would face Test Lane. To the north of the building, unit 3 would be served by a 4,300sq.m service yard providing access to 4 loading bays and 5 dock levellers. A car parking area containing 100 spaces would be located to west. This unit is also served by a purpose-built cycle store for 36 cycles.
- 3.8 The buildings are designed with shallow hipped roofs and profiled metal clad elevations with three types of detailed cladding. The entrances to the buildings are demarcated by double-height glazing with coloured framing and further glazing is provided to the mezzanine levels.

3.9 The landscaping to the site edges would be remodelled. This includes the removal of 320 existing trees and its replacement by 1,219 native tree species together with new hedgerow planting. An eastern section of part of the earth bund to the site frontage will be removed with retaining walls constructed to support the remaining bunding and vegetation on it.

#### **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 2**.

4.2 The site is safeguarded for light industrial and research and development purposes (Use Classes B1b and B1c) by policy REI11 (ix) of the saved Local Plan. The policy confirms that ‘In any redevelopment proposals, general industrial and storage and distribution uses and offices (Class B1(a), B2 and B8 of the Town and Country Planning (Use Classes) Order 2005 will not be permitted in these locations.’ Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. The proposal is, therefore, a departure from this Policy and has been advertised as such.

4.3 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.

#### **5. Relevant Planning History**

5.1 The Daily Echo printworks and offices were originally granted planning permission in 1995 (our reference 940840/W). There were subsequently a number of planning applications for minor alterations and additions to the site, although none directly relevant to this application.

#### **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 (12.02.21) and erecting a site notice (12.02.21). At the time of writing the report **11 representations** have been received including comments from surrounding residents, the Redbridge Residents Association, the City of Southampton Society, and a joint objection from all 3 ward Cllrs (pre-election). The following is a summary of the points raised:

#### **6.2 Cllr McEwing, former Cllr Whitbread and Cllr Spicer – Objection**

Having carefully considered the above application we wish to submit a joint objection from all 3 Labour Redbridge Ward Councillors

The decision to include two points of access to the site would further increase the loss tree coverage in an area which already suffers disproportionately from poor air quality and would increase disruption to both pedestrians and cyclists.

We concur with representations made by the Redbridge Residents Association around the design of the point access and careful consideration should therefore be given to design the access point in such a way that prevents vehicles turning right in to the site off Test Lane and prevent, both Cars and Lorries, turning Left out of the Site.

**Officer Response:**

*Officers initially advised at the pre-app stage that the principle of redevelopment is acceptable and encouraged the applicants to explore a single access point. Developing the site with a single point of access has been explored in detail by the applicant and the Council's Highway Team. The applicant has submitted detailed information to demonstrate that two access points would not represent a highway safety issue for users of Test Lane. The Council's Highway Team agree with this conclusion. Furthermore, the access points have been designed to provide priority for pedestrians and cyclists on Test Lane, including a change of surfacing which stresses the continuity of the Test Lane cycle route. The central islands within the access would also improve the crossing environment for cyclists and pedestrians.*

*There would be the same level of disruption to pedestrians and cyclists were the proposal to reduce the number of access points to one, since a single point of access would not reduce the overall number of vehicles entering and leaving the site. The applicant has also submitted a detailed justification for providing two points of access which essentially relates to operator requirements and the need to design and operate the three sites independently from one another (please see **Appendix 3**)*

*In terms of the effect of the proposal on tree and vegetation – and subsequent visual amenity - the application would retain 80% of the existing planting on site. Whilst 320 existing trees would be removed, these would be replaced by 1,219 native tree species, together with new hedgerow planting which would provide an increase of 9.6% when compared with the existing situation. Conditions are suggested to secure 'feather and whip' tree planting which also provides a natural landscape character to the site. The suggested landscape condition will also secure larger tree species that have the potential to fully mature on this site. A management plan would also be secured which would ensure that the landscaping is not managed too intensively to enable it to mature successfully.*

*As such officers, including the Council's own Highways Team, have been persuaded that 2 access points can be safely accommodated on this occasion.*

**6.3 City of Southampton Society – Support**

Support the application. The proximity to the motorway system makes it ideal for use as a storage/distribution hub. Having said that, it is essential that traffic flows into and out of the site are only from the north and commercial vehicles must not be allowed through the residential area to the south. We note that the design of the entry/exit points prevent access/departure to/from the south but the new management of the site MUST also be held responsible for 'driver education'. This should be included as a Planning Condition. Similarly, we expect usual conditions

be applied to protect the environment (noise control, pollution control etc) and provide suitable green screening of the site on an ongoing basis.

#### 6.4 **Third Party Comments – Objections**

**The proposal for two points of access into the site would increase the risk of a traffic incident. A single point of access would be safer for users of the adjacent road and pedestrian footway.**

**Officer Response:**

*See response to ward Cllrs above. Swept-path analysis has been provided which demonstrates that vehicles can enter and leave the site in a safe manner. The accesses into the site have been designed with sufficient visibility of users of the adjoining Test Lane. Similarly, Test Lane users would benefit from good visibility of vehicles departing the site. Similarly, the access islands would accommodate crossing cyclists and pedestrians which is also an improvement on the existing pedestrian crossing arrangements.*

#### 6.5 **The loss of mature trees, shrubs & hedgerow to create the second entrance way is poor and will take years to recover if replaced.**

**Officer Response:**

*It is accepted that the proposal will result in the loss of trees and landscaping however, the application proposals an overall gain in the amount of hedgerows and trees which would be managed to ensure a positive landscape character that promotes biodiversity. The landscaping will take time to mature, although it will have an immediate impact, and the management plan that will be secured will ensure long-term benefits to the proposed landscaping scheme.*

#### 6.6 **Will the current traffic regulation order (TRO) in place that prevents ALL traffic from turning left into Test Lane out of the site be retained and better enforced? The application doesn't seem to prevent cars, vans and other small vehicles turning left out of the site/right into the site and the previous 'no left turn' signs were ignored.**

**Officer Response:**

*The application proposes physical measures to prevent HGVs and vans from turning left out of and right into the site. Tracking diagrams have been provided to demonstrate that the suggested design will achieve this. The tracking information provided shows that this manoeuvre would be possible for cars, although tight. Signage would be secured through the section 106 agreement to further deter this manoeuvre from taking place. Currently, the site is served by 310 car parking spaces without restriction, whereas the application proposes 210 car parking spaces. Typically, offices, such as currently exists on the site, generate higher private car movements when compared with the range of uses proposed. The application is, therefore, considered to represent an improvement in this respect.*

### **Consultation Responses**

#### 6.7 **SCC Highways – No Objection Location and principle**

The site is accessed off Test Lane which is closely connected to the M271 to the north. As a result, the site is very assessible by vehicular modes due to the proximity of the motorway but is not the best in terms of sustainable connectivity

especially with regards to bus and train. The site is surrounded by a mix of industrial and commercial uses with a residential area further to the South and therefore the proposed uses are generally in keeping with the surrounding area. Therefore, the development is considered to be acceptable in principle with measures to promote sustainable travel.

### **Access**

In addition to the existing access, a new access is being proposed off Test Lane to the south. Although the Transport team's preference was to retain only one access, this was considered to be not viable for the applicant as they needed to meet operator needs where each service yard needed to be separately enclosed for safety and security reasons. Further design options were discussed and explored but a reasonable solution could not be found without having harmful impact to the landscaping, earth bund or the overall design to the scheme. The existing access will be improved and along with the new access, will ensure that no HGV's can turn left out of the site as well as providing a better design for pedestrian and cycle crossing facilities. Initial designs have been done with tracking diagrams have been providing to demonstrate that any HGV's (smallest sized HGV tracked being a 7.5tonne box van) are unable to turn left out due to a new central island and junction works to the accesses. Only average domestic cars can in theory turn left but will still be very tight and awkward.

The cycle crossing facilities will need to be in line with Government guidance as set out in the LTN1/20. The finer details, including signage, can be agreed as part of the Section 106 process.

### **Parking**

The proposed parking quantum does exceed policy standards. Although the Transport Statement does suggest this is only by a 'negligible' amount of 6 spaces, the maximum standards figure is set and should be applied regardless of the amount. If however, it is decided to be accepted based on a balanced planning decision, all spaces above the maximum spaces should be Electric Charging spaces as a compromise - this would be on top of the proposed 20% EV provision.

### **Cycle Parking**

The level of cycle parking is considered acceptable but in order to promote as much modal shift as possible, the level of provision should be considered to be increased. This could be considered as part of the travel plan which will be required. Notwithstanding this, details of the design of the stores will be needed and should be covered and fully enclosed (meaning that cycles would be protected from wind-blown rain; as defined by the Parking SPD). Furthermore, it should be considered that visitor and staff cycle spaces could be separated and have visitor spaces located nearer to the visitor entrances of each unit in order to provide better surveillance and being more accessible.

### **Servicing**

Tracking is provided for HGV vehicles which is identified as likely to be used by the units. All servicing are intended to take place within secure and enclosed



service yards separate to the staff/visitor parking and off the highway. Again, due to the design of the accesses, HGV can only access the site via a 'left in only' and 'right out only' arrangement. This should deter any HGV's travelling past the more residential streets to the south of the site (e.g. Gover Street). Furthermore, a condition can be secured to ensure that the intended routes for vehicles should be to and from the (J1) M271 roundabout.

### **Trip Generation and Trip Impact Assessment**

In general the proposed use would result in lower trip rates than the existing uses on site, with the exception of parcel/postal distribution uses which does result in increased trip generation.

Due to the introduction (Parcel) B8 assessment and the level of increase in vehicular trips it showed, it was requested that an hourly impact assessment was conducted with traffic data outside the lockdown period. The submitted Transport Assessment sets out that no data is available. Officers have reviewed the Transport Assessment for the development to the south of this site which does provide traffic data along Test Lane. The data did not show a significant volume of traffic on a daily basis but obviously this does not include the trips that the John Lewis site now generates. Although it may not represent real life data that is generated by the uses in situ now, the predicted trips within that same Transport Assessment can still provide an idea of traffic flows along Test Lane.

In summary, due to the difficulty of obtaining good survey data in current times, we can only assess the likely impact based on the net trips when compared to the permitted use. During the network peaks, the net increase is not considered to be significant (increase of 58 PM peak trips being worst case). However, there is more of a significant increase just after (137 trips between 18:00pm-19:00pm). This level of impact is not considered to be significant on Test Lane, when looking at the predicted traffic flows of Test Lane and available data. Although it is understood that Highways England have raised no objections to this application previously, it is recommended that the latest TAA and trip data should be forwarded to them (as well as Hampshire County Council) to ensure they are satisfied – as the larger impact would be on roads/junctions within their boundary.

It is agreed that a parcel distribution headquarter site could be omitted from the assessment in order to provide a more 'even' dataset for B8 (postal) trips. Although, it should be demonstrated that a headquarter site could not be operated in the submitted design.

### **Summary**

Overall, the proposed development is considered acceptable subject to the following conditions:

- 1) Cycle Parking. Details of cycle parking to be submitted and agreed in writing by the local planning authority.
- 2) Sightlines. Ensure that any boundary treatment and landscaping is managed so that nothing exceeds 600mm in height within any of the visibility splays for either vehicular access.
- 3) Car Parking. The level of car parking needs to be either reduced to meet the Council's maximum parking standards or the spaces above the

maximum would need to be Electric Vehicle charging spaces – on top of the proposed 20% EV provision across the site.

The following are other planning conditions but it is understood that these will be preferred to be secured via the Section 106 agreement (note: this is not the exhaustive S106 requirements):

- 1) Servicing/Delivery management plan
- 2) Construction Management Plan

#### 6.8 **SCC Tree Team – No objection subject to conditions.**

The level of tree loss across the site is broadly acceptable, the most significant being the group of Poplars (W14) on the bank adjacent to the current access road. Generally, the level of mitigation planting on site is acceptable with planting of mixed native woodland making up the bulk of this.

The position of protective fencing as outlined in the impact assessment looks fine, trees being retained protected within an exclusion zone by way of a standard protection plan fence line and some placement of 'no-dig' cellular confinement system along the Northern edge, within the RPA of G1 and near the front entrance where a proposed footpath crosses a protected tree (T12) Root Protection Area (RPA).

We will need a method statement to detail the specifics of the protection plan and all Arb related matters for the demolition and construction. Any intended new service runs be identified at an early stage to ensure minimal impact to trees.

Conditions are suggested to ensure the protection of retained trees throughout and some level of supervision surrounding the Arb sensitive matters, particularly the installation of cellular confinement within RPAs, the excavation of sections of the external bank and installation of new retaining walls (if applicable) and the installation of fencing.

#### 6.9 **SCC Ecology – Concerns raised**

The submitted bat survey established that the majority of bat foraging activity is taking place on the western side of the site. However, the proposals result in a net loss of habitat from the western side and replacement on the eastern side where it is less useful. In addition, the retained habitat on the western side is being fragmented.

The new highway hedgerow which was planted to mitigate the loss of well-established hedgerows caused by the development to the south is now being fragmented by the new vehicle entrance. The loss of 36m of the hedgerow is a significant section along a boundary where the vegetation inside the site is also being thinned out and fragmented. Although replacement planting is being provided, this will be located within the development site and outside the management control of Southampton City Council the owner of the highway hedgerow. The concern is that the new planting will be managed too intensively and will not be allowed to achieve its full potential as a proper native hedgerow, 2-3m in height (this was the height of the highway hedgerow that was removed to accommodate the development to the south). This effective loss of habitat will result in an adverse impact on bats.

Having reviewed the lighting plan I am concerned that the light levels in the service yards of Units 1 and 2 are so high that the bat foraging value of the adjacent vegetation will be completely negated resulting in an effective loss of habitat. In addition, it's not clear from the lighting plan whether the presence of roadside lights along the northern edge of the John Lewis site has been factored into the calculations, i.e. is the light level along the southern edge of the site actually 0 lux. I have a light diagram from the John Lewis development which shows light levels up to 10 lux along this boundary. Again, this would negate the bat foraging value of the vegetation.

In terms of the mitigation planting, I would expect to see some of it being managed as scrub to maintain the varied habitat structure. I would also expect to see a habitat management plan, covering scrub and grassland, rather than simply a woodland management plan.

Subsequent to the above comments being made, the following has been agreed with the Council's Ecologist:

- The replacement hedgerow will be between 2 and 3 metres in height with a management plan to avoid intensive cutting. This will be secured by planning condition.
- The landscape will benefit from a greater variety of native species planting, including the opportunity of some larger tree species which have the opportunity to develop to maturity in this location. This will be secured by planning condition.
- Security fencing would be screened by climbing plants to reduce light spillage, improve biodiversity and the landscape character of the site. This will also be secured by the landscape condition.
- Further information has been provided regarding the proposed lighting and potential for light spillage (see **Appendix 4**). This demonstrates that the hedgerow would not be unduly affected by light spillage from the development.

Following a review of the updated Air Quality information, the Council's Ecologist has advised that Habitats Regulations Assessment will need to include the increase in NO<sub>x</sub> emissions. Appropriate air quality mitigation measures proposed which need to be secured. In terms of general biodiversity, it is recommended to include some fixed-point monitoring of bat activity once the development is complete and a financial contribution to secure replacement highway hedgerow planting off-site.

The applicant's report to inform the Habitats Regulation Assessment has been updated and the recommended mitigation measures which include a Travel Plan, Construction Management Plan and the provision of electric vehicle charging points will be secured by the section 106 agreement and planning conditions.

**6.10 SCC Sustainability Team – No objection subject to conditions.**

A BREEAM pre-assessment has been submitted which indicates that Excellent can be met, however this is with a relatively small buffer so it is recommended

that additional buffer credits are sought to ensure that the policy requirement of Excellent is met.

It is unclear what the energy strategy for the site will be, however it is indicated that this will include photovoltaic panels. In combination with a green roof, the functioning of the panels will be optimized, therefore it is recommended that is investigated. A green roof may also help contribute to biodiversity net gain requirements.

**6.11 SCC Flood Risk Team – An objection is raised.**

Ordinary Watercourse Land Drainage Consent has not yet been obtained to allow for the diversion of the culverted watercourse on this site. It will not be appropriate to complete any ground works until this has been resolved, as it is vital that this infrastructure is protected to prevent a potential increase in flood risk within areas elsewhere that are reliant upon this watercourse as a means of drainage. The drainage strategy for management of surface water is deemed to be insufficient for full planning stage as it is unclear what the proposed method for management of runoff rates and volumes are, and what degree of betterment will be achieved. This objection may be overcome by including the relevant consents, and detailed drainage strategy.

This site is currently located within Environment Agency flood zone 1 (ie. having a less than 1 in 1,000 annual probability of river or sea flooding), however as per the National Planning Policy Framework, a Flood Risk Assessment is required due to the size of the site exceeding 1 hectare. This has been reviewed as part of the application. The site is deemed to be vulnerable to surface water flooding as there are areas within the present day 1 in 30 year risk zone.

At present, the site is currently landscaped to include an earth embankment around the perimeters, which will act as a form of tidal flood defence to this site given the proximity to the River Test. Whilst the site is currently deemed to be within flood zone 1 at present, modelling of future flood risk is likely to have included this bund allowing the lower risk to the site to be maintained. Although it has not been modelled, removal of the bund to create a second entrance onto the site may create a flood flow route and increase the risk of flooding to lower lying areas within this site, in particular as areas of the site immediately adjacent to the south of this site are marked as within an area of flood risk by 2075.

**Officer Response:**

*A pre-commencement condition can be imposed to ensure that ordinary watercourse consent is obtained prior to any groundworks commencing on the site. A condition is also suggested to secure revised drainage strategy. The existing bund on site was not designed as a flood defence and is not a continuous feature that would act as a flood defence.*

**6.12 SCC Environmental Health (Pollution & Safety) – No objection subject to conditions.**

The proposed lighting scheme is acceptable. The submitted and updated Noise Assessments are acceptable. Securing fixed plant noise level in accordance with

the submitted Noise Report is also supported. A Construction Management Plan will also be required.

**6.13 SCC Air Quality – No objection subject to conditions.**

The methodology of the submitted Air Quality Assessment is acceptable. A Dust Management Plan is will be required as part of a Construction Management Plan which should also require servicing vehicles during construction to meet at least Euro VI equivalent standards and detail routeing to avoid congestion. The operational mitigation measures are acceptable and an Air Quality Mitigation Statement should be secured.

**6.14 SCC Environmental Health (Contaminated Land) – No objection subject to conditions.**

There is the potential for historic land contamination to exist on the site. A contaminated land investigation together with any necessary remediation will be required.

**6.15 SCC City Design – No objection.**

The landscaped area in front of units 1 and 2 would benefit from more native species planting including the opportunity for ultimately much larger species as there appears to be the space for such trees to fully develop to maturity in this location. Screening of security fencing to the service yards is recommended, such as the climbing plant system that was utilised at Mountpark, Wide Lane.

**6.16 SCC Archaeology – No objection or conditions suggested.**

The site has been much affected by gravel extraction in the early 20<sup>th</sup> century, the construction of the adjacent M271 in the 1970s and used for landfill in the 1950s. Investigations in 1992 revealed that the site had been landfilled. Furthermore, the construction of the Daily Echo facility included further cut and fill. As such, it is likely that the site has no surviving archaeology.

**6.17 SCC Employment and Skills – No objection**

An Employment and Skills Plan obligation will be required for this development and applied via the section 106 Agreement.

**6.18 Southern Water – No objection subject to conditions**

Details of measures to protect existing water trunk mains on site must be secured prior to the commencement of development. Details of foul and surface water disposal will also be required prior to development commencing.

**6.19 Environment Agency – No objection subject to conditions which assess and remediate potential contamination on the site; to secure an assessment to the risk to controlled waters and ensures that no surface water drainage infiltrates to the ground.**

**6.20 Natural England – Without appropriate mitigation the proposal would have a significant effect on the nearby Solent and Southampton Water Special Protection Area and Ramsar site and the Solent Maritime Special Area of Conservation. An Appropriate Assessment is required together with details of surface water disposal.**

**Officer Response:**

*The attached Habitats Regulations Assessment ensures that the scheme's impacts are properly considered and mitigated in this respect.*

**6.21 Highways Agency – No objection**

Having examined the application and in particular the Transport Assessment we note that there is a predicted net decrease in vehicle trips in the peak hours, even in the Sensitivity Test which uses the higher trip generating Industrial category (Use Class B2) as opposed to Commercial Warehousing (Use Class B8), of 66 and 65 vehicle trips in the AM and PM Peak hours respectively, with a daily reduction of 346 vehicle trips. However, there is an increase in daily HGV trips of 45 (up from 37 to 72), which is more than offset by the reduction of 376 daily vehicle trips.

Due to this we do not offer an objection to the proposal. However, due to the site's location we request that the applicant provides a Construction Environmental Management Plan (including a Construction Traffic Management Plan) which seeks to minimise construction vehicle trips during the busy weekday peak periods. We also request that any lighting close to the M271 points downwards and remains so in perpetuity so that it does not adversely impact the safety of users of the M271.

**7. Planning Consideration Key Issues**

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

- The principle of development;
- Design and effect on character;
- Trees, ecology and landscape impacts;
- The effect on residential amenity;
- Parking, highways and transport
- Air quality and the Green Charter;
- Mitigation of direct local impacts and effects on designated habitats.

**7.2 Principle of Development**

7.2.1 The site is safeguarded for light industrial and research and development purposes (Use Classes B1b and B1c) by saved policy REI11 (ix) of the Local Plan. Policy REI11 does not support the uses proposed (B2 and B8) in this location. As such, the application proposal represents a departure from Policy REI11. Policy CS6 of the Core Strategy safeguards all existing employment sites and allocations in the Local Plan. Similarly, CS7 of the Core Strategy safeguards existing employment sites, although builds in flexibility for alternative uses where they can be justified. Policy CS7 seeks to ensure that safeguarded sites remain in employment use and confirms that "Where a site is released from safeguarding, the requirement will be for a mix of uses to include suitable B1, B2 and / or B8 employment." The proposal would accord with this aim.

7.2.2 The site allocation under saved Policy REI11 is based on evidence gathered prior to 2006, when the Local Plan was originally adopted, and market demand will have inevitably changed since this time, as has the local and national planning policy framework. It is also important to note that the previous use of the site was also not

in accordance with the policy allocation. The site has been marketed actively for the allocated uses for a period of 6 months without any substantial interest. As such, requiring the policy uses on the site could result in the long-term vacancy of this employment site within a part of the city which has higher unemployment rates than the city average. The application also confirms a market demand in the city for the uses proposed, whilst recognising that urban nature of the city presents limited opportunity for delivering large format warehousing. At pre-application stage, the Council's Planning Policy Team advised that they were supportive of the proposed approach for alternative employment uses on this site, in recognition of the contribution that the scheme would make to the city's economy. This approach should be supported.

7.2.3 Having regard to the provisions of policy CS7 of the Core Strategy, which provides flexibility for alternative employment-generating uses to the policy allocation, and the justification provided with the application, the departure from RE11 is considered to be acceptable. Also relevant are the benefits that the proposal would bring in terms of regenerating a vacant employment site and generating some 224 jobs within a context of rising unemployment resulting, in part, from the covid-19 pandemic. On this basis, the redevelopment of the site for the uses proposed is considered to be acceptable.

7.3 Design and effect on character

7.3.1 The site lies within an area which has a commercial character and includes a number of large format warehouse-style buildings. The scale and massing of the proposed buildings are compared with other recent warehouse developments within the city in the table below:

	Floorspace sq.m	Height metres	Length metres	Width metres
Application site (Proposed)				
Unit 1	4,887	15	70m	62
Unit 2	3,978	15	60	60
Unit 3	5,813	15	108	49
Application site (Existing)				
Office	5,655	2-storeys		
Printworks	6,812	12		
Lidl Distribution Depot	42,820	17.3	311	124
Test Lane South		12-14		
Unit 1	10,860		143	7
Unit 2	4,640		80	40
Unit 3	3,630		103	42

7.3.2 The proposed buildings would be set back from the boundaries with landscape planting to filter views of the buildings. Whilst Units 1 and 2 are conjoined, the stepped built form ensures that the massing wouldn't appear excessive. The largest building, Unit 3, is positioned so that the narrowest end would face Test Lane to ensure that the massing does not appear excessive when viewed from public vantage points. The longest side of the Unit 3 would benefit from screening by the neighbouring development on the warehouse site.

7.3.3 The buildings themselves have been designed with care to present a positive commercial character to the area. Different types of cladding will be used to add interest to the elevations, with elements of colour. In addition to this, the large sections of glazing will add articulation and activity to the elevations which can often be missing from warehouse buildings of this nature. As such, it is considered that the proposal strikes an appropriate balance between visual interest and function. Overall, the proposal is considered to complement the commercial character of the area and the requirements of the Council's design policies, including LDF Policy CS13.

#### 7.4 Tree, Ecology and Landscape Impacts

7.4.1 The existing vegetation to the site boundaries was established in the late 1990s when the site was originally developed for the Daily Echo. The vegetation has matured and naturalised since then to provide an extremely pleasing, verdant character. The application proposal has evolved through pre-application discussions to retain as much as the existing landscaping to the edges of the site as possible. The proposal enables the retention of 80% of the existing woodland on site with a detailed scheme for replacements and enhancement of the existing landscaping which would result in an 9.6% increase in hedgerows on site and the 320 trees lost being replaced by 1,219 native tree species within the development site (greater than 3:1 replacement). A landscaping scheme has been provided with the application, although it is recommended that further improvements are secured by condition to address comments by the Landscape and Ecology officers. These improvements include feather and whip tree planting in front of Units 1 and 2, the inclusion of larger tree species and the provision climbing plants to security fencing which will screen the service yard. Also, to address the Ecology Officer's comments, a Management Plan will be secured to ensure that hedgerow is maintained at a height of between 2-3 metres and to ensure that the landscaping is not intensively managed to ensure it has a biodiversity benefit.

7.4.2 The Council's Ecologist has raised concerns relating to the impact of lighting on the hedgerow adjacent to Units 1 and 2. Additional information provided from the applicant confirms that light spillage onto the hedgerow would be between 0.0 and 0.4 lux. This falls within the maximum luminance tolerance of 0.5 lux which the Council's Ecologist has indicated would be acceptable. The information provided within **Appendix 4** sets out that the lighting strategy provided would include controls that would ensure that lighting would be dimmed in areas of reduced operation to avoid the need for all lighting to operate simultaneously, which could result in some locations of excessive luminance. Subject to a condition to secure the details of the lighting strategy and the increased service yard screening, the proposal is, therefore, considered to be acceptable in this respect.

#### 7.5 Effect on Residential amenity

7.5.1 The nearest residential properties to the application site are approximately 250 metres to the south of the site on Gover and Coniston Road with the intervening commercial uses on the neighbouring warehouse site. There would also be approximately 270 metres separation between the application site and neighbouring residents within Porlock Road with the intervening M271 and open space. Given the separation distances, the buildings themselves would not give rise to adverse impacts on nearby residents in terms of outlook, daylight, sunlight or privacy. The key issue in this respect is, therefore, the impact of the operations of the warehouses, particularly in terms of noise.



7.5.2 The World Health Organisation Guidance sets out that, for residents to have a good night's sleep, indoor sound levels should not exceed 45 dB LAFmax more than 10-15 times per night. This translates to an external target façade noise level of 60dB LAFmax when a correction of 15dB is taken into account, which is the effect of an open window. A Noise Assessment has been submitted with the application. This sets out that the maximum noise levels associated with the use of the site are likely to relate to impulsive elements such as HGVs picking up trailers. The highest maximum noise levels associated with these events are likely to be in the region of 86dB at a distance of 10 metres. When taking account of the distances between service yards, the nearest residential properties and the intervening structures, the highest maximum noise levels are predicted to meet the 60dB criterion set out in the WHO Guidelines for Community Noise at nearby residential properties which would achieve the internal environment of 45 dB LAFmax. The report concludes that, based on the separation distance, the proposed layout, existing screening and topography together with existing background noise levels, that any distinctive tonal, impulsive or intermittent noise would be imperceptible at the nearest residential properties. The Council's Environmental Health Team agree with this conclusion. In addition to this, the noise limits from fixed plant on the development would be restricted to a maximum of 40Db within the day, 34dB during the evening and 28dB during the night. A condition is suggested to secure this and, as such, the proposal is therefore considered to have an acceptable relationship with nearby residential properties.

## 7.6 Parking highways and transport

7.6.1 A key consideration for this application is the routing, particularly of HGV traffic, to and from the site in order to avoid HGVs from utilising the residential streets to the south of the site. Currently, the site incorporates signage to deter vehicles from turning left out of the site. As set out, the proposed accesses to the site are designed with central islands which would physically prevent a 7.5 tonne box van or larger vehicles from turning right into the site or left out of the site, to avoid the residential streets to the south. Whilst the manoeuvre would be difficult for cars, it would not be impossible. However, given the reduction in car parking spaces when compared with the existing site, the proposal would represent a betterment over the existing situation, particularly having regard to the physical measures that would be secured for larger vehicles. In addition to this, the section 106 agreement will also secure a servicing management plan which will further reinforce the routing of servicing vehicles together with new signage.

7.6.2 As set out above, the design of the access points into the site are considered to be acceptable from a highway safety perspective and measures are incorporated that would also provide priority to cyclists and pedestrians using Test Lane over vehicles entering and exiting the site.

7.6.3 In general, the range of uses that could be accommodated within Use Classes B2 and B8 would not result in an increase in trip generation when compared with the range of uses that could currently operate from the site. The exception to this being postal/parcel distribution uses, such as a Royal Mail depot, which could result in increased trip generation. That said, the Transport Team is satisfied that this increase would not be detrimental to the safety and convenience of the users of the surrounding public highway. The Transport Team have highlighted that the transport effects of a postal headquarter use being operated from the site has not been assessed and could result in significantly higher trip generation. The applicant has responded by confirming that the application specifically seeks permission for

three individual units, each with dedicated servicing, and support facilities. The two points of access are also designed to enable the units to be operated independently from one another. As such, the design is not set up to enable a single headquarter use to be established on the site since the applicant's marketing information did not indicate a demand for this type of facility. The applicant notes that further planning consent would be required for such an operation, which would require design changes to the scheme. This is considered to be a reasonable conclusion and, as such, it is not recommended to impose a condition to prevent a single operator from taking on all three units since this would be neither necessary or reasonable.

7.6.4 The level of car parking spaces proposed does exceed the maximum adopted standards by 6. To mitigate this, it is recommended that 6 additional electric charging points are provided. Whilst, secure and enclosed cycle storage will be provided, the detailed design of this will be secured by condition and this will include distinction between visitor and cycle parking. Finally, a staff travel plan can be secured via the s.106 and all buildings show staff showers.

## 7.7 Air Quality and the Green Charter

7.7.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

7.7.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive. The application site itself lies approximately 700 metres from the nearest Air Quality Management Area; the Redbridge Road and Millbrook Road Air Quality Management Area.

7.7.3 An Air Quality Assessment has been provided with the application. The Assessment examines the air quality impact arising from both the construction and operational phases of the development. In terms of construction, the assessment concludes that the proposal is considered to have a low to medium risk of impacts on residential properties relating to dust soiling and particulate matter concentrations and a high risk of effects on the adjacent protected habitats. These effects will be mitigated by a Demolition and Construction Management Plan which will secure measures to address dust disturbance; ensure construction vehicles are Euro IV standard and to secure the timing and routing of construction traffic to minimise congestion.

7.7.4 Detailed dispersion modelling has been used to assess the impact of operational traffic associated with the development on local air quality. The assessment has predicted a negligible impact on NO<sub>2</sub> (nitrogen dioxide) particulate matter concentrations at nearby residential receptors both outside and within the AQMA.

7.7.5 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing

emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth.

7.7.6 The application addresses the requirements of the Green Charter by incorporating the following measures:

- The re-use of previously developed land;
- The provision of enhanced tree planting and landscaping;
- The attainment of BREEAM Excellent and the use of solar panels;
- The provision of electric charging points for 20% of total car parking spaces;
- Freight deliveries will be timed and routed to avoid congestion and;
- A Travel Plan will be developed for the site incorporating measures aimed at encouraging more sustainable travel and reducing single occupancy vehicle use.

7.7.7 The Council's Air Quality Team have raised no objection to the application, subject to securing the measures set out and the application is, therefore, considered to be acceptable in this respect.

## 7.8 Mitigation of direct local impacts and effects on designated habitats

7.8.1 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.

7.8.2 The site lies 29m to the east of sections of the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site, the Solent Maritime Special Area of Conservation (SAC) and the Lower Test Valley Site of Special Scientific Interest (SSSI). The development is likely to involve a range of activities which could lead to adverse impacts on the designated sites. These include noise and vibration during the construction phase and light and air pollution during the operational phase. In accordance with Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) an Appropriate Assessment of the Development is required before planning permission can be issued. This Assessment is provided in **Appendix 1** of this report and concludes that the development would not have significant adverse effects on the protected habitats.

## 8. Summary

8.1 The application proposal would bring a vacant employment site back into active use, providing a modern and attractive warehouse facility that would generate additional employment opportunities, representing a benefit to the city's economy.

The application has evolved through pre-application discussions to minimise the impact on the existing vegetation on the site, which is a valued characteristic in the local area. Through a considered and comprehensive landscaping scheme and management plan the effect on the existing landscaping and vegetation is considered to be suitably mitigated. The proposal has been designed to minimise its impact on nearby residential properties and includes physical measures to ensure the routing of commercial vehicles entering and leaving the site avoids residential streets to the south. Subject to the schedule of planning conditions attached to this report and the recommended measures in the section 106 agreement, the effects of the development are considered to be suitably mitigated.

## **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 01/06/2021 PROW Panel**

## **PLANNING CONDITIONS to include:**

### **1. Full Permission Timing (Performance)**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

### **2. Details of building materials to be used (Pre-Commencement)**

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.

### **3. Site Levels (Pre-Commencement)**

No development shall take place (excluding demolition, site set up and preparation work) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

### **4. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)**

Notwithstanding the submitted details, before the commencement of any site works, excluding site clearance, demolition and preparation works, a revised 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, external lighting, structures and ancillary objects (refuse bins etc.);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate to include feather and whip planting within the landscape area to the west of units 1 and 2 and climbing plants to screen service yard security fencing;
- (iii) An accurate plot of all trees to be retained and to be lost together with replacements to include a greater variety of native trees species and to include large tree species;
- (iv) details of any proposed boundary treatment, including retaining walls and;

- (vi) a landscape management scheme which includes a woodland management plan for retained and replacement trees and vegetation on the site which shall ensure replacement and existing hedgerow be maintained at a height of between 2 and 3 metres and a cutting regime which shall avoid cutting of hedgerows within the site.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for following its complete provision, with the exception of boundary landscaping which shall be retained as approved for the lifetime of the development.

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.

#### **5. External Lighting Scheme (Performance)**

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with the details set out in Designs for Lighting Technical Report December 2020 and the email submitted from Designs for Lighting dated 6<sup>th</sup> April 2021. The lighting shall thereafter be retained and operate fully in accordance with the agreed details.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

#### **6. Arboricultural Method Statement (Pre-Commencement)**

No development shall take place until a site specific Arboricultural Method Statement has been first submitted to and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

- (i) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (ii) Specification for the installation of any additional root protection measures;
- (iii) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas;
- (iv) Specification for the construction of hard surfaces where they impinge on tree roots;
- (v) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
- (vi) An arboriculture management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.

(vii) Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

The Arboricultural Method Statement shall be fully adhered to throughout the course of the development.

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

### **7. Tree Retention and Safeguarding (Pre-Commencement)**

Prior to the commencement of any development, including site clearance and demolition, details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be provided in accordance with the agreed details before the development commences and retained, as approved, for the duration of the development works. No works shall be carried out within the fenced off area. All trees shown to be retained on the plans and information hereby approved and retained pursuant to any other condition of this decision notice, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations.

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

### **8. No Storage Under Tree Canopy (Performance)**

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

### **9. Restricted Use (Performance)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument amending, revoking and re-enacting these Orders, the buildings hereby permitted shall be used for the uses listed in the description of development and shall not be used for postal and/or parcel services falling within Use Class B8.

Reason: The effect of postal/parcel storage and distribution has not been fully assessed for its effect on the surrounding road network. Since these uses can generate significantly more trips than other uses that fall within Use Class B8, such uses must be fully assessed and adequately mitigated before operating from the site.

### **10. Ecological Mitigation Statement (Pre-Commencement)**

Prior to development commencing, including site clearance, the developer shall submit a revised programme of habitat and species mitigation and enhancement measures 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. The revised statement shall include details fixed point monitoring of bat activity once the development is complete. The agreed mitigation measures shall be thereafter retained as approved.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

#### **11. 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 first submitted to and 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

#### **12. Noise - plant and machinery (Performance)**

The noise limits for fixed plant and machinery within the development hereby approved shall not exceed the following:

40Db within the day

34dB during the evening

28dB during the night.

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

#### **13. Hours of work for Demolition / Clearance / Construction (Performance)**

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

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.

#### **14. Drainage Strategy (Pre-commencement)**

Prior to the commencement of the development hereby approved, excluding site clearance, demolition and preparation works, a drainage strategy should be submitted to and agreed by the Local Planning Authority which includes the following:

- Site details and Site constraints
- Assessment of the proposed changes to impermeable area on the site
- Justification of the proposed discharge method(s)
- Peak discharge rates and volumes (existing and proposed) for the 1 in 1, 1 in 30, 1 in 100 and 1 in 100 plus allowance for climate change
- Identification of the proposed discharge location (i.e. specific watercourse or manhole where connection to a public sewer is proposed or already exists)
- Mitigation for any proposed increase in discharge volumes, if applicable
- Details of the proposed approach and design of the drainage system (including layout plan detailing SuDS components), including methods to ensure that receiving water bodies (surface and groundwater) are not at risk of contamination from runoff.
- Requirements for the long term operation of SuDS including flood risk within the development, including exceedance and flow paths to direct water to less



vulnerable areas on site, construction plan and structural integrity of the proposed system.

- If infiltration is found to be suitable at the site, confirmation that the appropriate infiltration tests have been undertaken at the location, depth and head of water that replicates the proposed design. Infiltration of surface water to the ground must be supported by an assessment of the risks to controlled waters.
- If infiltration is not proposed, details and evidence to provide sufficient justification ' this may require a ground investigation report to confirm that site conditions are not suitable for infiltration.
- A suitably detailed management and maintenance plan setting out who will be responsible for the management of the SuDS System and the frequency and requirements for maintenance of each element to the design to ensure it remains in working order for the design life.
- Details of cleaning/filtration treatment features/steps

The development shall proceed in accordance with the agreed details.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015) and to ensure the nearby waterways are not adversely affected by pollution.

#### **16. Ordinary Watercourse Consent (Pre-commencement)**

Prior to the commencement of any development, excluding site clearance, demolition and preparation works, the relevant Ordinary Watercourse Consent shall be obtained to allow for the diversion of the culverted watercourse on this site.

Reason: To ensure the existing infrastructure is protected to prevent a potential increase in flood risk.

#### **17. Demolition and Construction Management (Pre-commencement)**

Prior to the commencement of demolition of the existing buildings on site a Demolition and Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall include:

1. Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water.
2. Details on the storage and disposal of waste on site
3. Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water
4. Details of Biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.

The demolition and construction will operate in accordance with the agreed details.

Reason: To avoid pollution to the adjacent waterways.

#### **18. BREEAM Standards (Pre-commencement)**

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard , in the form of a design stage report, is submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

### **19. BREEAM Standards (Performance)**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard, in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

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

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

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

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

### **21. Electric Vehicle Spaces (Pre-Use)**

Prior to the development hereby approved first coming into use 48 parking spaces with charging facilities for electric vehicles shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The spaces and charging infrastructure shall be thereafter retained as approved and used only for electric vehicles.

Reason: In the interest of reducing emissions from private vehicles and improving the city's air quality.

### **22. 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 report of the findings of an additional exploratory site investigation, characterising the site and allowing for potential risks (as recommended in the Ground Investigation Report, GWPR3530/GIR/October 2020) to be assessed.
2. 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 (2) 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.

### **23. 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.

### **24. Unsuspected Contamination (Performance)**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

### **25. Parking (Performance)**

The parking and access for each respective unit shall be provided in accordance with the plans hereby approved before the respective unit first comes into use and thereafter retained as approved for the lifetime of the development.

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

### **26. Cycle storage facilities (Pre-Use)**

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 details shall include both visitor and staff cycle storage. The storage shall be thereafter retained as approved for the lifetime of the development.

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

### **27. Sightlines specification (Performance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or any Order amending, revoking or re-enacting that Order 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 and landscaping shall be maintained to a height below a height of 0.6m within the sight line splays.

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

### **28. Surface / foul water drainage (Pre-commencement)**

No development approved by this permission shall commence, excluding site clearance, demolition and preparation works, until a scheme for the disposal of foul water and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

### **29. Water Trunk Mains protection (Pre-commencement)**

Prior to the commencement of development, excluding site clearance, demolition and preparation works, details of the measures to protect the water trunk main from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the water trunk main.

### **30. Approved Plans (Performance)**

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.

**Application 21/00087/FUL**

**APPENDIX 1**

### Habitats Regulations Assessment (HRA)

Application reference:	21/00087/FUL
Application address:	Newspaper House Test Lane Southampton SO16 9JX
Application description:	Redevelopment of the site. Demolition of existing buildings and the erection of three buildings for use as either general industrial (Use class B2) and/or storage and distribution (Use Class B8) with ancillary office accommodation, together with associated access, parking and landscape and infrastructure works (departure from the Development Plan)
HRA completion date:	19/05/2021

#### HRA completed by:

Lindsay McCulloch  
Planning Ecologist  
Southampton City Council  
Lindsay.mcculloch@southampton.gov.uk

#### Summary

The project being assessed would lead to the development of three buildings providing approximately 15,000 square metres of industrial and/or storage and distribution space in close proximity to sections of the Solent Maritime SAC and Solent and Southampton SPA/Ramsar site.

The site is approximately 5ha and currently comprises two large buildings with associated hard standing parking areas and broadleaved plantation around the boundaries. The development, during its construction phase, is likely to result in higher levels of noise, dust generation and lighting. There is also a risk of contaminated surface water flow. During the operational phase elevated light levels and the risk of contaminated surface water will remain however, levels of noise and dust generation should diminish.

The findings of the initial assessment concluded that a significant effect was likely through a number of impact pathways. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that **the significant effects which are likely in association with the proposed development can be overcome.**

## Section 1 - details of the plan or project

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

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city

council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

## Section 2 - Assessment of implications for European sites

### Test 1: the likelihood of a significant effect

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

The proposed development is located 50m to the west of a unit of the Solent and Southampton Water SPA, Ramsar site and the Solent Maritime SAC and 1km from the Solent and Dorset Coast SPA. The designated land also forms part of the Lower Test Valley Site of Special Scientific Interest (SSSI) and lies within the Lower Test Marshes Nature Reserve which is owned and managed by the Hampshire and Isle of Wight Wildlife Trust (HIWWT)

The Solent Maritime SAC is designated for a range of habitats including tidal rivers, estuaries, mud flats, and salt marshes. The Solent and Southampton Water SPA and Ramsar site are designated for a range of breeding and over-wintering wetland bird species and for a significant assemblage of over-wintering wetland birds. The Solent and Dorset Coast SPA is designated as foraging habitat for breeding terns listed on the Solent and Southampton Water SPA. A full list of the qualifying features for each site is provided at the end of this report.

The development could have implications for these sites which could be both temporary, arising from construction activity, or permanent arising from the on-going impact of the development when built.

The site is not immediately adjacent to the designated sites nor does it support any regular foraging or roosting activity by species for which the Solent and Southampton Water SPA and Ramsar site are designated. Direct impacts are therefore unlikely.

Reports submitted in support of the planning application identified the following indirect effects:

- Noise;
- Light;
- Air quality;
- Contaminated surface water run-off.
- Recreational disturbance

A number of avoidance and mitigation measures have been proposed which are summarised as follows:

- A Construction Environment Management Plan covering:
  - construction methodologies
  - Timing of works
  - Noise levels – construction techniques and machinery;
  - Control of surface water runoff
  - Dust suppression
  - Control of light levels

- A detailed lighting plan;
- Implementation of a SuDS scheme compliant with CIRIA SuDS Guidance (C753).

#### Conclusions regarding the likelihood of a significant effect

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

The project being assessed would lead to the development of three buildings providing approximately 15,000 square metres of industrial and/or storage and distribution space in close proximity to sections of the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The site is approximately 5ha in size and currently comprises two large buildings with associated hard standing parking areas and broadleaved plantation around the boundaries. The development, during its construction phase, is likely to result in higher levels of noise, dust generation and lighting. There is also a risk of contaminated surface water flow. During the operational phase elevated light levels and the risk of contaminated surface water will remain however, levels of noise and dust generation should diminish.

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

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

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

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

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

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



contribution to achieving Favourable Conservation Status of each of the qualifying features.”

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

## TEMPORARY, CONSTRUCTION BASED EFFECTS

### *Noise disturbance*

#### **Solent and Southampton Water SPA/Ramsar Site**

The SPA and Ramsar site are designated primarily for supporting a significant assemblage of over-wintering birds. Wintering birds are known to be susceptible to noise disturbance, particularly sudden loud noise associated with activities such as piling, which can cause birds to cease feeding or take flight. This in turn leads to a reduction in the birds’ energy intake and an increase in expenditure of energy which can affect their survival.

Studies of birds’ response to noise associated with other developments have established that below 50decibels (dB) there is little effect, between 50dB and 70dB there is moderate to high effect (head turning, scanning, reduced feeding) and above 85dB there is the maximum response of flying away. It has also been established that where sound is regular, birds will become habituated to it even if it is significantly higher than 85dB. Natural England in their comments dated 17/2/21 stated a noise level in excess of 69dbAmax., measured at the sensitive receptor during the bird overwintering period (i.e. October to March inclusive), as the key threshold. They state that the sensitive receptor is the nearest point of the SPA or any SPA supporting habitat.

A survey of wintering bird distribution within 500m of the Site was carried out by the Ecology Practice in 2020/21. The study found two species from the European site feature ‘Waterbird Assemblage’, mallard and wigeon, present within 30m of the western boundary of the proposals.

The results of a noise assessment undertaken in support of the development are shown in the table below. The noise levels have been assessed for their significance at the eastern edge of the European site’s closest point to the site to clarify the effect following NE’s consultation (17/2/21).

#### **Maximum noise levels, dB LAFmax (Resound Acoustics 2021)**

Phase	Source	Maximum Noise Level at SSSI	
		Receptor Height = 4m	Receptor Height = 0.5m
Demolition	Buildings	70	70
	Breaking-up yard	84	80
Construction	Excavator (building)	69	64
Operations	HGV airbrakes	63	60

	HGV trailer pick-up	66	61
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The proposals do not include piling therefore construction stage impacts that are considered include use of an excavator to dig the foundations prior to concrete pour, building demolition, ground break-up and general construction machinery plant.

The noisiest activity is break-up of the existing hardstanding which will generate significant noises up to 80dB. This exceeds the thresholds provided by NE (69dB) thus requiring mitigation to alleviate the likely significant effects. The demolition of buildings has been assessed to not exceed 70dB, which is just above NE's consultation figure of 69dB. Again, mitigation should be provided during that the building demolition process.

Measures such as commencing noisy activities gradually so that the noise level builds up to the maximum over several minutes, locating noisy activities on the eastern side of the site first to allow birds to become habituated, avoiding noisy activities during very cold weather and use of appropriate screening around the site can all help to ensure that the 70dB level is not exceeded. These measures would need to be detailed in the CEMP.

*Light disturbance*

**Solent and Southampton Water SPA/Ramsar Site**

Lighting associated with the construction phase of the development has the potential to affect wetland birds feeding and roosting within the nature reserve. Measures to control site lighting will be included within the CEMP.

*Air quality;*

**Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

The most significant air quality risk from the construction phase is the generation of dust which can smother habitats. The air quality assessment (Kairus 2021 Air Quality Assessment, Test Lane) assessed the designated sites as being of high sensitivity to dust emissions however, as they are located over 20 m from the site boundary, the overall sensitivity was reduced to 'medium' in relation to earthworks and construction but high in relation to 'track-out'.

The predicted construction programme likely to generate dust, including the demolition and civils works and associated track-outs only runs for four months. Whilst this is not long term, to minimise risks a number of mitigation measures including site screening, locating machinery and dust causing activities as far away from the designated sites as is practical, damping down dusty surfaces and covering piles of construction materials will be incorporated into a Construction Environmental Management Plan (CEMP).

*Water quality – surface water drainage.*

### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

The development is situated within 20m of watercourses feeding into and running through the European sites. A drainage strategy supporting the application (Bradbrook Consulting 2021) shows that the proposals will drain surface water drainage into the existing drainage network that feeds into these watercourses. There is therefore potential for contaminants in surface water (e.g. hydrocarbons, oils, grit salts and other chemical pollutants associated with traffic, chemicals such as enriching fertilisers or herbicides/insecticides, detergents) to negatively impact on these watercourses and the features for which the protected sites are designated.

The Site lies close to Annual Vegetation of Drift Lines and Atlantic Salt Meadows which are a feature of the Solent Maritime SAC; and Estuaries as a Marine Site feature and a feature of the Ramsar and saltmarsh generally which is a supporting habitat for the SPA. Natural England Supplementary advice states that maintaining the quality and quantity of water supply will be critical for all four features.

The demolition works and drainage from the site during construction is likely to cause a reduction in water quality reaching the neighbouring European site to the extent that drainage will need to be controlled by a Construction Environment Management Plan (CEMP). This will include measures to ensure polluted waters do not enter local water courses; measures to control spills; storage restrictions; welfare facility restrictions; and compliance with BS for Earthworks. With these measures in place likely significant effects can be avoided.

### **PERMANENT, OPERATIONAL PHASE IMPACTS**

#### *Noise*

#### **Solent and Southampton Water SPA/Ramsar Site**

Noise levels on the edge of the designated site were assessed as being around an average of 60dB – 61dB. This is below NE's 69dB threshold and, bearing in mind that the birds are already likely to be exposed to regular high levels of noise from trains using the adjacent railway line, it is unlikely that the noise emanating from the development will lead to adverse impacts.

#### *Light disturbance*

#### **Solent and Southampton Water SPA/Ramsar Site**

Once complete, the development will result in a higher level of lighting on the site. This lighting is likely to be in operation throughout the night.

A lighting plan has been provided by Holophane 202030, showing the lux effect of the main proposals including that of the new proposed junction. The lux plan with the lighting proposals show that lux levels will be at zero at the eastern boundary of the European site. Provided the lighting is installed to the standard set out in the lighting plan no significant

effects are likely. A planning condition will be required to secure implementation of the lighting plan.

#### *Air quality*

#### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

The proposed use, Storage & Distribution (non-parcel distribution), will result in an increase in the number of heavy goods vehicle (HGV) movements into and out of the site, however the impact of these will be offset by a substantial reduction in overall vehicular movements. The air quality assessment showed that for general industrial (Use Class B2) storage and distribution (Use Class B8) there are likely to be increases in NO<sub>x</sub> concentrations of 0.1-0.2 µg/m and less than 0.1 kgN/ha/yr for nitrogen deposition. These levels are both less than 1% of the critical loads (CLO) for the affected habitats, the accepted threshold for adverse impacts, and are not, therefore, significant.

An alternative use as a parcel distribution centre was also modelled and produced the following results:

- 0.29 ug/m<sup>3</sup> which is 1% of the CL (E1)
- 0.38 ug/m<sup>3</sup> = 1.3% of the CL (E2)
- 0.34 ug/m<sup>3</sup> = 1.1% of the CL (E3)

Given that overall NO<sub>x</sub> concentrations within the European Site at 0m are predicted to be less than 75% of the objective limit of 30 ug/m<sup>3</sup>, a level usually considered 'well below' the objective when considering human receptors there is no reason to regard this slight increase as significant.

As a secondary feature of the proposals, future end-users would be actively encouraged to adopt sustainable travel patterns through the implementation of a TP containing a mixture of 'hard' infrastructural and 'soft' information-led measures for various journey purposes, further minimising the impact of the development proposals on the local highway network. Accordingly, there is a minimal risk of significant adverse effects from air pollution arising from the proposals on the Conservation Objectives of the neighbouring European site cluster.

#### *Water quality – surface water run-off*

#### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

During the operational stage there is a risk of contamination from small amounts of hydrocarbons, e.g. diesel, oil etc. arising from vehicles as they move around the site. There is also potential for a sudden pollution event such as spillage of diesel from an HGV. To protect the water quality of receiving surface waters and groundwaters effectively over the lifetime of the development the proposals feature the use of SuDS. These will include appropriate treatment measures, as set out in the Flood Risk Assessment & Drainage Strategy (FRA), Bradbrook Consulting 2021, a maintenance strategy and monitoring proposals. This will ensure that water quality runoff discharged from the site is compliant with CIRIA SuDS Guidance (C753) as requested by NE.

With these measures in place there is not likely to be any significant effect from the operational proposals on water quality grounds.

#### *Water quality – eutrophication*

The Solent European Marine Sites are currently experiencing significant effects as a consequence of elevated levels of nutrients, principally nitrates, entering the system. These nutrient inputs come predominately from agricultural sources or wastewater from existing housing and other development. The elevated levels lead to a range of impacts including the growth of dense mats of green algae which impact on the Solent's protected habitats and bird species.

The Site lies adjacent to Annual Vegetation of Drift Lines and Atlantic Salt Meadows which are a feature of the Solent Maritime SAC; and Estuaries as a Marine Site feature and a feature of the Ramsar and saltmarsh generally which is a supporting habitat for the SPA.

In general, commercial development not involving overnight accommodation is not included when considering eutrophication in the Solent. However, the LPA requested clarification that the proposals do not contribute significantly to the issue. The proposals are that foul water from the proposed development will be discharged via the existing pumping station and the network. The FRA states at 5.3 that as the proposal is for warehouse/industrial units compared to the existing office and warehouse, the peak discharge rate from the industrial development will be minimal and the impact will be insignificant (Bradbrook Consulting 2021). It is therefore unlikely that the proposals will contribute towards the eutrophication of the Solent and any in-combination effect with residential housing development is not predicted.

#### *Displacement of recreational activity and trampling of habitats*

#### **Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site**

The proposals will generate additional employment attracting up to 387 extra employees to the area. European sites are vulnerable to land-based recreation, with activities such as walking causing disturbance to bird communities whilst additional footfall can bring an increase in abrasion resulting in physical damage to a site

A survey of wintering bird distribution within 500m of the Site was carried out by the Ecology Practice in 20-20/21. The study found two species from the European site feature 'Waterbird Assemblage' present within 30m of the western boundary of the proposals. Breeding birds are also particularly sensitive to disturbance. Although breeding bird distribution was not available, NE state that the sensitive receptor is the nearest point of the SPA or any SPA supporting habitat, rather than any particular bird.

Previously, development pressures have been centred around displacement of dog walking activity whereas the current proposals involve redevelopment of an existing employment site with no recreational access. Any recreational activities resulting from the proposals are

likely restricted to lunchtimes and the extra employees are unlikely to be accompanied by dogs. They would not, therefore, lead to an increase in dog walking activity.

In addition, the employees would not be new residents so either [a] their recreational activities at weekends or evenings would not be additional to this area, or [b] should they become locally resident, their impact would be dealt with at the residential impact level not to be double-counted as a result of the proposals. On balance, therefore, the increase in people as a result of the proposals is unlikely to result in significant effects from recreational disturbance.

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

The findings of the initial assessment concluded that a significant effect was likely through a number of impact pathways. As such, a detailed appropriate assessment has been conducted on the proposed development, incorporating a number of avoidance and mitigation measures which have been designed to remove any likelihood of a significant effect on the identified European sites.

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites. It has also considered the effectiveness of the proposed avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, **the significant effects which are likely in association with the proposed development can be overcome.** The mitigation measures which are detailed below, should be secured through a legal agreement or planning conditions:

- A Construction Environment Management Plan covering:
  - construction methodologies
  - Timing of works
  - Noise levels – construction techniques and machinery;
  - Control of surface water runoff
  - Dust suppression
  - Control of light levels
- A detailed lighting plan;
- Implementation of a SuDS scheme compliant with CIRIA SuDS Guidance (C753).

As a result, there should not be any implications as a result of this development in relation to either the conservation objective of the SPAs to "avoid the deterioration habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring that the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive" or to the conservation objective of the SACs to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

Reference



## European Site Qualifying Features

### Solent and Dorset Coast potential Special Protection Area

The Solent and Dorset Coast potential Special Protection Area is being proposed to protect the following species which are listed on Annex 1 of the Birds Directive:

- Sandwich tern, *Sterna sandvicensis*;
- Common tern, *Sterna hirundo*
- Little tern, *Sternula albifrons*

### Solent and Southampton Water SPA

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

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

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

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

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

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

### Solent and Southampton Water Ramsar Site



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

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

### **Solent Maritime SAC**

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

- Estuaries (primary reason for selection)
- *Spartina* swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- *Salicornia* and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

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**Application 21/00087/FUL**

**APPENDIX 2**

### **POLICY CONTEXT**

#### Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
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
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
SDP17	Lighting
SDP22	Contaminated Land
RE11	Light Industry
TI2	Vehicular Access

#### Supplementary Planning Guidance

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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25 March 2021

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Dear Jenna

## **LPA Ref: 21/00087/FUL – Former Newsquest Building, Test Lane, Southampton**

We write to you in relation to the aforementioned planning application and following the submission of most of the formal consultee responses to date, the vast majority of which have been no objection, subject to conditions. These responses have been received on the planning application since it was registered and validated on the 29<sup>th</sup> January 2021.

This is in addition to pre-application consultation that the applicant undertook between December 2020 and January 2021, which included bespoke public engagement with the Redbridge Residents Association (RRA) and the wider community.

From our review of current comments, we can see that there remain eight objections from the public consultation and one letter for support. This is in the context of 155 consultations being circulated, with wide further exposure via the RRA Facebook page and a number of face to face sessions via Zoom. LSH and the applicant's design and technical team have been in constructive consultation with relevant agencies since submission in January 2021.

We understand that the broad scope of the extant objections relates to four main points, namely:

1. The loss of mature trees on the boundaries;
2. The inclusion of a second access into the subject site;
3. The details of the no-left turn on to Test Lane; and
4. There is no demand for further employment uses.

Further to a positive and continued dialogue with the ward councillors and the Redbridge Residents Association (RRA) on the 15<sup>th</sup> March 2021, we understand that there is continued concern with the proposal but following the discussion it was clear that is mainly on the basis of the second access that the applicant is seeking to provide off Test Lane. We can confirm that this will provide dedicated service access to units 2 and 3 of the proposed development. This is in addition to the retention of the existing access into the site that will serve unit 1.

The proposed accesses also need to be considered in the context that the proposed development will result in less traffic movements, as shown in the transport evidence submitted, the level of movement reduces by 85% and the level of designated car parking reduces by 35% to the current land use.

In the meeting on the 15<sup>th</sup> March, the design team and client confirmed the position of items 1, 3 and 4, and we felt that the RRA and ward councillors were more content with the position of the proposed no left-turn arrangements. LSH can confirm that these have been agreed with the LHA and Highways England as acceptable. We can also confirm that there is no change to the existing TRO (SN280) that sits along Test Lane to the south of the application site and these restrictions will remain in place to protect Redbridge from any HGV traffic. The applicant has also made further minor amendments to the two junctions that would further deter private vehicles from exiting left on to Test Lane. This is in the context of significant reduction in private car usage from the current legal land use and that there is currently no such restriction on the Newsquest site. This has to be considered extremely favourable.

We also confirmed the significant bio-diversity improvements that the proposed development would be facilitating, despite the removal of some trees to facilitate the development and the second access location. The point on item 4 is unsubstantiated and the submitted planning statement has dealt with this in detail.

In fact, the opposite is the case and particularly in Southampton there is a paucity of good quality employment space either existing or proposed. It is worth focussing on this point momentarily as we have all come to appreciate the key role of these economic uses to our economy and personal lives throughout the pandemic and structural changes that Brexit will create. High quality new employment uses are the key to economic prosperity and central to the 'levelling up' approach supported by the Government and reflected in the success of Southampton gaining Freeport status. The best companies gravitate towards the best space and it is vital that the Southampton and the Solent region can offer what is needed in this regard to attract jobs and inward investment. Occupiers are increasingly demanding well designed accommodation that meets their own ESG agenda and green initiatives. This includes Royal London who are committed to climate change and sustainability, as set out in the planning statement their funding and development criteria is geared towards achieving these objectives.

LSH submitted a response to the RRA on the 17<sup>th</sup> March set out the current position of the site, to date, we have not received any further response from the RRA.

From our understanding of the issues raised, we believe that the main remaining concern is the second access to the subject site. The applicant has continued to re-iterate the importance of the business and operational requirements for this second access arrangement. Industrial and distribution uses depend on clear highways arrangements both internally and externally and the success of these schemes often hinges on what the transport manager thinks of the highways and service yard arrangements.

As provided in the Planning Statement, the limitation to one access would render the proposed facility unviable from an operational and functional position. Most national logistic operators require self-contained premises with separate, secure and managed access road and yard areas. This is to make efficient use of the service areas and to ensure on-site congestion is minimalised.

We consider that having two vehicle accesses will help further '*traffic calm*' Test Lane and make the highway safer, but will still provide priority to pedestrian and cyclists. As considered by local agents, retaining just one access point (see Appendix 6 and 6 of the Planning Statement) will cause congestion on both the internal service road and Test Lane which will have a negative impact on both occupiers and residents in Redbridge. The limitations of one access point have been highlighted in another scheme in Southampton (Eling Wharf) which has led to tail-backs and congestion on the

main highway. Therefore, the second access will reduce the propensity for congestion in and out of the site as it will dilute HGV movement on the site. Our highways team are confident that the proposal works on a technical basis.

Without duplication of the evidence set out in the submitted planning statement, it is confirmed that the buildings have been designed to offer a functional and high quality business product which will satisfy the future occupier's requirements whilst simultaneously contributing towards the areas strong identity as a location for economic development. The proposals will build on the already excellent reputation of this strategic corridor for high quality employment premises. The proposals have been designed with input from experienced letting agents in terms of size of units and specification to ensure they meet the needs of the Southampton and wider regional market.

The layout of the proposals has been influenced and constrained by the retention of the existing tree coverage of the site. This priority for tree retention has meant that the developable area is restricted but is equally efficient in maximising the redevelopment of a previously developed site into active economic use. It is important to consider that the proposal will create new employment opportunities for the city of Southampton and the wider Solent area. It is critical to create an efficient, flexible and productive space to facilitate a functional and commercially viable scheme that future operators will want to invest and take space in.

The need to provide sufficient space for HGV movement both in and out of the site but also within the site is critical to future tenants operations, as this will ensure that vehicle movements are controlled within the proposed service roads and allow efficient logistics within the curtilage of the proposal. It will also minimise the likelihood of congestion within both the site itself and outside the site on to the public highway network during peak periods.

The proposal provides sufficient size and dedicated service yards for each of the three proposed units, which will allow them each to have sufficient and minimum space to manage vehicle and good movements in the off and peak periods. This removes the risk attached to sharing space which would be simply not acceptable to operator due to obvious security of goods and conflict with users.

The applicant has been open-minded to the option of a single access point and has challenged the professional design and agency team to reconsider this. In addition, the LHA team has kindly put some thoughts as to optionality for consideration.

From review of Option 1 provided by the LHA (see below) the introduction of a 5.5 metre internal road for private motor vehicles will reduce the size of the service yard from 40 metres to 32.5 metres (when you take into account construction detailing and landscape impact), which would result in a 20% reduction in the service area and remove the minimum 40 metre service yard requirement for high quality operators. Our agents have confirmed that this would significantly impact on the future lettability of unit 1 and as shown would immediate prejudice the ability of HGV to manoeuvre in the assigned service area. Option 1 also includes the closing off the existing access into the site, and this would provide little benefit to the overall scheme especially in terms of bio-diversity improvement as the access in existence currently and is considered safe. The option would also have an adverse effect on Unit 2 as it would reduce the service yard smaller and inferior to that proposed.

The closing off of the existing access would also create an inferior environment for Unit 1 where staff and visitors would need to navigate past the proposed service yard and this arrangement would provide an unacceptable cul-de-sac environment which would raise possible security concerns to

future tenants as it would reduce the natural surveillance benefits that the current proposals provide. It would also increase the level of possible vehicle conflict within the overall site between staff and HGV movement, which would inadvertently increase risk to potential incidents on site.

The agents are also clear that the proposed options by the LHA would compromise the profile, image and perception of prospective occupiers of Units 1 and 2 and the access arrangements would simply create a constrained design response that would not generate the qualitative advantages of creating a Class A grade B2 and B8 accommodation in a primary employment location.

Further, Option 2 that has been provided by the LHA still creates two access points into the site, and given the changes to the internal arrangements of the operation, would not be acceptable to the applicant and future operators due to the reasons set out already. Given the concerns from residents it would also not be acceptable to them. Therefore, it cannot be considered an acceptable solution or have any benefit to all interested parties and should therefore be discounted.

The applicant would like to stress that we are collectively appreciative of the efforts made by the Council's highways team to challenge the design – however, the main impact that adversely affects the viability of the scheme is the reduction in size of service yards which means the scheme goes from what is considered best in class facilities to B grade and the effect that will have on the type of occupier that can use and operate the scheme.

We believe that the proposals provided by the LHA clearly demonstrate that the optimum solution and location for the access into the site is actually the new proposed access. Therefore, the submitted proposal demonstrates that the design by the applicant is appropriate and best suited to deliver a safe and acceptable development and further reinforces the robustness of the submitting planning application whilst delivering the economic benefits that the proposal will deliver to the Solent region.

Both access points are technically compliant and there is no precedent in highways terms for consolidation when there is a compliant and safe scheme. The scheme will generate the same amount of traffic whether there is a single point of access or two access points. In particular, the new proposed second access will have the effect of slowing cycle speeds on the downhill stretch before the South Central entrance which must bring benefits, as well as limiting speed on what is a shared surface with pedestrians. However, the changes to the scheme will ensure that cyclists and pedestrians retain priority and HGV and private vehicles will need to give way to these users therefore the integrity of this corridor is retained.

We contend that amending the proposed access into the site and reducing the scale of the service yards will only serve to prejudice the attractiveness of the units to the market. Given Southampton's successful Freeport status as announced in the HM Government's budget in mid-March, it will be imperative that high quality stock is created that serves the tenants well and provides long term industrial stock that can ensure the effective running of the Freeport.

Notwithstanding the consideration of a number of options provided by the LHA, we can confirm that there has been no objection from Highways England or the Local Highway Authority to the proposed second access and this is purely driven by reservations by the residents. The LHA have confirmed that there are no severe impacts on road safety or on highway capacity as a result of the proposed development that is submitted. As such the proposed development meets the requirements of the NPPF and importantly the market sector that this is designed to respond to.



In conclusion, we believe that following our reflection on the alternatives presented that the scheme as submitted remains the best overall balance for the scheme and the surrounding area. We have concerns that if the suggestions were pursued it would only serve to create an inferior product to that submitted by the applicant and would prejudice the economic (and environment) benefits of the proposals. The applicant is committed to delivering a high quality Class A development that will secure high quality tenants and create prosperity to the wider community as part of a wider recovery package in response to the COVID19 pandemic and the UK's wider global ambitions.

We believe that the qualitative improvements that the Class A accommodation will create match the global ambitions of the city of Southampton and its new found Freeport status. This has to be considered in light of the limited amount of development sites within the existing and well established economic hubs such as Nursling and Yeoman industrial areas.

Our client has advised that this is the best located scheme Salmon has worked on in recent years but at the same time the application site has presented more technical challenges to deal with than any other. Salmon have been committed to the Newsquest site for well in excess of 12 months and has had to balance the physical constraints of the site – shape, levels, ecology and proximity to the Test SSSI whilst bringing this vacant land back into a purposeful economic use. This has been a huge challenge but equally very rewarding as we believe that the collective efforts by SCC and the design team to date have created an exemplar employment product that on balance meets economic and environment requirements. Salmon and Royal London see the site as a showcase for how to deal with all of these challenges and present a scheme that serves the City and those who choose to do business in it as well as the residents and their environment.

On balance we feel that the scheme we have submitted, collectively challenged, together with a number of amendments in terms of highways design, tree retention and bio-diversity enhancement and protection is the best balance of all of these elements.

The economic benefits facilitated by the proposal have to be balanced against the environment improvements that we have also been able to put forward in response to the mitigation and these measures have remained a cornerstone of the proposed design approach.

We trust that the Council can place significant weight on the economic and job creation opportunities that this development will bring to Southampton and more importantly the Redbridge Community.

Yours sincerely,



**Paul Shuker**  
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### **Additional Lighting Information**

DFL (the applicant's independent lighting consultant) has reviewed the lighting related comments regarding issues of light spill associated with the proposed development (Ref: 21/00087/FUL).

Lighting levels for the service yards has been proposed by Holophane in accordance with BS EN 12464-2:2014, which sets out the minimum recommended lighting levels for outdoor work places and associated tasks requiring lighting. To reduce the potential for light spill and other components of obtrusive light to occur, luminaires that can be mounted flat (I.E with 0-degree tilt) have been proposed, to ensure light is focussed where required for work-place safety. The lighting calculations have included the junctions with Test Lane within them between the application site and Test Lane. Note that Test Lane itself is not lit, although the pedestrian / cycle route is lit with Local Authority owned lighting. It is unlikely that additional lighting will be required for the junctions.

In terms of light spill onto habitats adjacent to Unit 1 and Unit 2, luminaires on the building façade been carefully selected to ensure they emit light in a downward distribution only and contain this to the perimeter footprint of the building, to reduce the potential for light spill onto the east boundary vegetation (between the application site and the M27 motorway), as well as to the south of the application site (between the application site and the John Lewis development).

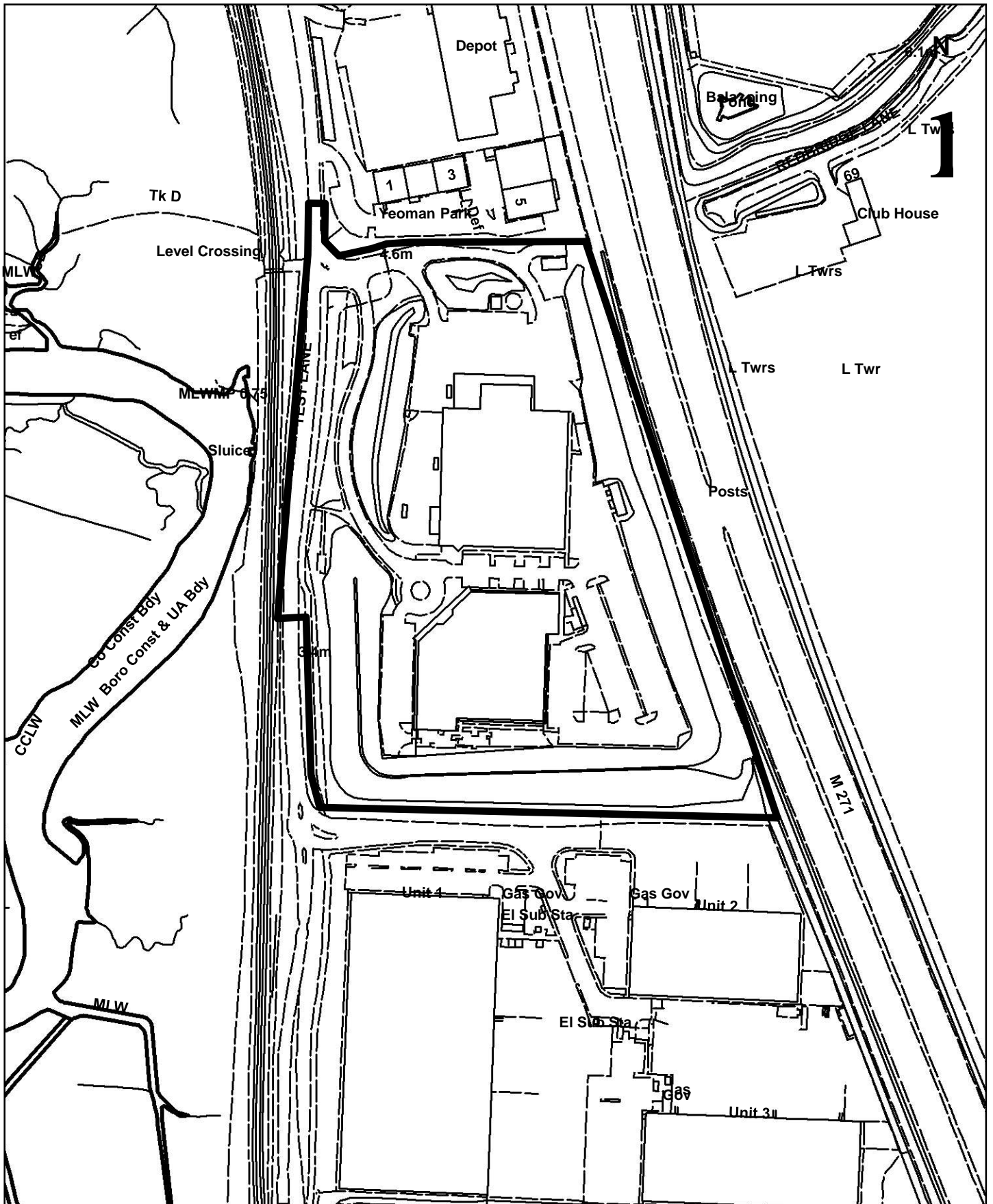
Vertical light spill shown on Holophane drawing: *P155-2081-Rev H1 Vertical Calcs* demonstrates light spill onto the east boundary would typically fall between 0.0 and 0.4 lux, with the exception of a small number of individual calculation points nearest the service yard of Unit B. However, this demonstrates the maximum adverse scenario when all lighting operates simultaneously. The lighting strategy outlined in DFL technical report: *1753-DFL-LA-001-C* explains in Section 4 of the document that lighting controls would be implemented, to ensure that lighting would be dimmed in areas of reduced operation. Such as, above unoccupied loading bays.

Lighting has been designed to ensure that lighting towards the designated sites (SSSI and SAC) west of Test Lane are unlikely to be subjected to adverse levels of increased light spill as a direct result of lighting associated with the proposed development. Whilst Holophane drawing *P155-2081-Rev H1* does not consider the existing street lighting levels, the Local Authority owned lighting appears to provide lighting for the footpaths specifically, rather than for the road itself. This is apparent through the low mounting height and considerable distance that the lighting columns are set-back from the carriageway. Therefore, the light spill levels demonstrated on the vegetation / foliage immediately west of the application site provides an absolute worst case light spill level in accordance with the Institution of Lighting Professionals' Guidance Note 08 – Bats and Artificial Lighting in the UK, which states: *'Where absolute darkness is required on a feature or buffer is required, it may be appropriate to consider this to be where illuminance is below 0.2 lux on the horizontal plane or below 0.4 lux on the vertical plane.'*

Considering the adjacent John Lewis Site to the south, Holophane Drawing: *P155-2081-Rev H1 Horizontal Calcs* demonstrates ground level light spill to not exceed 0 lux over an approximate buffer of 5 metres, between Unit 3 and the south boundary of the application site. Whilst the lighting calculations have been unable to take the adjacent John Lewis site lighting into account within the results provided, the drawing demonstrates a 0 lux increase on the baseline when all lighting is fully operational. Again, this does not consider the reduction in lighting levels associated with dimming as outlined within the technical report.

As mentioned above, luminaires have been meticulously selected to prioritise the reduction of obtrusive light, and allow flexibility in the lighting levels across the site so they can be dimmed in accordance with operations. Luminaires have been focused into the site and shielding options have not been modelled in order to demonstrate the absolute worst case scenario on the light spill drawings.

This information has been provided to help clarify the queries raised regarding the proposed lighting approach and the supporting lighting assessment, and to provide confidence to the ecologist that the lighting scheme has been designed in accordance with the necessary British Standards and ILP Guidance. The proposed design allows for the use of lighting controls, which would see post installation light spill levels lower than those presented on the drawings when dimming was implemented. It should also be noted, that the drawings do not take into consideration any shading effects of landscape features or the topography, which would also provide light blocking effects that would give rise to minor reductions in the light spill levels presented on drawings: *P155-2081-Rev H1 Horizontal Calcs* and *P155-2081-Rev H1 Vertical Calcs*.



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**Planning and Rights of Way Panel 1<sup>st</sup> June 2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 93 - 99 Belgrave Road Southampton			
<b>Proposed development: Use of site for recycling of metals including erection of workshop building and use of land for siting of temporary offices.</b>			
<b>Application number:</b>	20/01235/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	8 <sup>th</sup> June 2021 (extension of time).	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Cooper Cllr Mitchell Cllr Savage
<b>Referred to Panel by:</b>	N/A.	<b>Reason:</b>	N/A
<b>Applicant:</b> South Coast Metal Recycling Ltd		<b>Agent:</b> Luken Beck	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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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 including noise impact and adjacent residential amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS6, CS13, CS20, CS22 and CS23 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP16, SDP17, SDP22, HE6, and RE10 of the City of Southampton Local Plan Review (Amended 2015). Policies 1, 25 & 29 of the adopted Hampshire Minerals and Waste Plan (2013); and as supported by the NPPF (2019).

<b>Appendix attached</b>	
1	Development Plan Policies

## **Recommendation in Full**

### **Conditionally approve**

#### Background:

This application for use of the site for recycling of metals has been amended following consultation with the Council's Environmental Team around the noise impacts associated with the proposed metal recycling activities. There is a growing need for this type of facility with the underlying drive towards effective recycling. The site is located within an industrial estate that is allocated in the Local Plan for industry and warehousing (uses B1c, B2 and B8) under policy RE110 (vii) and the proposed B2 use is acceptable in principle. The site has been the focus of recent planning enforcement action.

A noise report setting out appropriate noise mitigation measures has been received, along with conformation that end of life vehicles will no longer be processed at the site. Furthermore, the proposed hours of operation have been reduced to 08:30 to 18:00 Monday to Friday only. In addition, no tipping of any metal articles will be carried out on site; all metal articles shall now be removed from transport vehicles by hand or crane/material handler fitted with a clamshell grab. The crane/material handler fitted with a clamshell grab is expected to be fitted to the back of a lorry with its hydraulic power generated by the vehicles motor. The main recommendations set out in the noise report are as follows:

- Re-orientation of bays and uses within the site (amended plans now represent this recommendation);
- Erection of a 6m high acoustic barrier.
- Provision of acoustic insulation within the workshop building.
- A commitment to keep doors and windows within the workshop closed when plant is operated internally;
- Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

These amendments are discussed in more detail within the Planning Considerations section of this report.

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

- 1.1 The site is located within Belgrave Road Industrial Estate, which is allocated in the Local Plan for industry and warehousing. The application site is situated at the northern end of the industrial estate and has an area of 0.14 hectares and is mostly concrete surfaced. Currently the site is vacant, however previously the site was used as a builder's yard where building materials were stored in the open



- 1.2 Belgrave Road Industrial Estate is located in the Portswood area of Southampton and is accessed from Portswood Road to the north and Kent Road to the south. The estate is comprised of several industrial units of various ages and construction types, a mix of Industrial units together with a number of trade retail premises, storage and distribution.
- 1.3 The application site is bordered immediately to the west by an area of open storage beyond which is the residential development of Roxan Mews, 442 – 462 Portswood Road, which was approved in 2004. Roxan Mews is constructed over four floors and is elevated above the site. Roxan Mews, at its closest, is approximately 12m from the application site. Directly to the north the site is bordered by Clark Lane Engineering. The east is bordered by Belgrave Road from where the site is accessed and to the south the site is adjacent to a vacant storage building with trade counter. Thomas Lewis Way and the railway lie beyond.,

## **2. Proposal**

- 2.1 The proposal seeks a change of use of the site for metal recycling – use class B2 - and the amended application proposes operating hours of 08:30 – 18:00 Monday to Friday only. As submitted Saturday trading was also proposed (08:00-13:00) but has since been removed.
- 2.2 The site will be used to separate, sort and dismantle metal articles ready for reprocessing. Frequently received metal articles will originate from building demolition sites and will include metal frames, corrugated metal sheeting, plumbing related pipe work and electrical cables. The business receives metal waste in a number of different ways but will most often collect waste bins themselves. The bins themselves will range in size and shape but will likely range in size from metal skips to 25-yard metal bins. Vehicles returning from sites with full bins will likely then deliver empty bins to new demolition sites. To carry out this operation the business has a 26 tonne, ridged lorry with 3 axels.
- 2.3 Ferris Metals (steel and iron) will arrive at the site in bulk (by skip or 25 yard bin) or by private vehicle (e.g. transit van) and will be offloaded into the reception bay positioned behind an acoustic barrier. Unloading will occur by either hand or a crane/material handler fitted with a clamshell grab. Contrary to the noise report the applicant has now agreed not to tip any materials onto the floor from delivery vehicles. Had tipping been proposed, and allowed, the maximum frequency was predicted to be once an hour and the process was expected to take approximately 10 minutes, this was also anticipated as being the loudest operation that would have taken place on site by as identified by the noise report.
- 2.4 Once unloaded materials will be sorted (by hand) and some cutting will take place using oxyacetylene tools outside of the building but behind an acoustic barrier where it is too large to be cut inside the workshop building. No angle grinders are proposed to be used. The final 'product' will be loaded into skips either by hand or by using a crane/material handler fitted with the clamshell grab and then taken off site once the skips/bins are loaded onto the back of the transport vehicle.

- 2.5 The applicant does not expect more than 4 lorry movements (into the site) each day associated with this operation. All loading/unloading operations will take place behind the acoustic barrier and within the ferrous metals bay.
- 2.6 The acoustic barrier will measure 6m in height and 15m in length where it will run at right angles to the northern site boundary. The barrier will also span 4.5m in length along the northern site boundary.
- 2.7 Nonferrous metals, including aluminium, copper, lead, zinc and tin, is expected to arrive on site in smaller loads than ferrous and as such will mostly arrive on smaller lorries (no more than 2 axels) and skips. All materials will be offloaded by hand on site. Material's will be pass through weighing scales before being processed. It is not intended to tip materials or require the crane material handler when unloading.
- 2.8 The materials will then be sorted and graded by hand, sheared using a hydraulic shear inside the workshop building and placed in bulk container skips within the non-ferrous bays for onward distribution off-site once sufficient material is collected to make the onward journey economically viable. It is not likely that there will be the need to transport more than one skip containing non-ferrous metals off site each week.
- 2.9 It is also expected that the crane will operate for no more than 50% of the time during which processing ferrous material occurs. It is further assumed that there will be an additional single vehicle travelling moving materials around on site which is expected to be a fork lift truck. Materials will also be moved around the site by non-motorised pump truck and trolley.
- 2.10 The application also seeks permission for the erection of a workshop building to be used for the processing of metal articles. This will include stripping of cables. The building will measure 10m by 10m and will have a maximum height of 6m at the ridge; the eaves would measure 4.4m.
- 2.11 In addition, two portacabins are proposed, one on top of the other, which would measure a maximum height of 6.4m. The port cabins would be used as office space and staff room.
- 2.12 Processing of batteries is not proposed on site but there may be a small number stored for short time periods.
- 2.13 Support for the development would secure employment of 2 full time staff with the potential for a further 2 – 3 part time staff.

### **3 Relevant Planning Policy**

- 3.1 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF

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

- 3.2 The NPPF states in section 6. 'Building a strong, competitive economy' paragraph 80: *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*
- 3.3 The NPPF, in section 2, *'achieving sustainable development'* seeks a presumption in favour of the sustainable development; recycling schemes help to achieve sustainable development by creating an economic benefit through local employment opportunities and by reprocessing finite resources. The social objective of sustainable development would be achieved provided that the development is suitable in its location close to residential properties without causing noise, odour and dust nuisances.
- 3.4 The NPPF also seeks to ensure that planning decisions: Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise.
- 3.5 The Noise Policy Statement for England (NPSE) sets out the long-term vision of government noise policy, to promote good health and a good quality of life through the management of noise. The policy statement seeks effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development and seeks to:
- avoid significant adverse impacts on health and quality of life;
  - mitigate and minimise adverse impacts on health and quality of life; and
  - where possible, contribute to the improvement of health and quality of life.
- 3.6 The NPSE defines the concept of a *'significant observed adverse effect level'* (SOAEL) as *'the level above which significant adverse effects on health and quality of life occur'*. The following guidance is provided within the NPSE: *"It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available."*
- 3.7 The National Planning Practice Guidance (NPPG) reflects the NPSE stating that noise needs to be considered when new developments may create additional noise. It also states that opportunities should be taken, where practicable, to

achieve improvements to the acoustic environment. The NPPG states that noise can over-ride other planning concerns but should not be considered in isolation from the other economic, social and environmental dimensions of the proposed development

- 3.8 The adopted Hampshire Minerals and Waste Plan (2013), in policy 1, acknowledges that Hampshire Authorities will take a positive approach to waste development that reflects the presumption in favour of sustainable development unless material considerations indicate otherwise.
- 3.9 Waste recycling, as acknowledged by policy 25 of the Minerals and Waste Plan, which identifies that the objective should be to minimise residual waste currently sent to landfill and encourage waste to be managed at the highest achievable level within the waste hierarchy. The hierarchy starts with reducing waste in the first place, then prioritises reuse followed by recycling then recovery (e.g. energy) and finally disposal.
- 3.10 Policy 29 identifies that industrial estates can be considered to be used for waste management purposes including recycling activities and will be supported if those sites are deemed suitable.
- 3.11 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**.
- 3.12 Paragraph 2.3.14 of the LDF Core Strategy acknowledges that Southampton needs to be more environmentally sustainable and paragraph 2.3.15 goes on to say addressing climate change will include improving recycling and waste management.
- 3.13 Policy SDP1 of the Local Plan requires development be acceptable in terms of amenity for the city’s citizens with policy SDP16 directly referring to noise impact and identifies that permission should not be granted where it would cause an unacceptable level of noise impact.
- 3.14 It must also be considered that the site is located within an industrial estate that is allocated in the Local Plan for industry and warehousing (uses B1c, B2 and B8) under policy RE110 (vii) and as such the use is acceptable in principle being that the proposed use falls within the B2 (general industrial).

#### **4 Relevant Planning History**

- 4.1 The previous use appears to have been ‘Covers’ timber and builders’ merchants. Having checked various mapping systems which include historic maps from between 2008 to the present day, where photographic evidence is provided, the evidence indicates that a timber/builder’s merchant is likely to have been

operating from the site over this time period. The 'covers' website identifies that the company is a retailer of timber and building supplies to the public and trade.

- 4.2 Further evidence for the historic use of the site also comes in the form of planning permission 990098/W which was granted in 1999 for the construction of the adjacent Clark Lane Engineering building positioned to the north at 101 - 121 Belgrave Road. The plans submitted show that the area of land to the south (the application site) was at that time a 'builders' yard'. Similarly, to the above a 'builder's yard' is considered to be an A1 use if it has sales associated with it or, alternatively, if it's mainly a storage operation it's a B8 use.
- 4.3 The planning history relating to the site to the south is also useful. In 1996 planning permission (960021/W) was granted for a change of use to the site (73-81 Belgrave Road) for a change to vehicle hire depot with office accommodation.
- 4.4 Then in 1999 a temporary two-year planning permission was granted (99/00844/FUL) for the change of use of the application site to a vehicle storage area associated with the vehicle hire business (TLS) to the south. The planning file does not however, identify the use of the site prior to the application being submitted nor does it identify the specific use that the land should have reverted back to following the expiry of the temporary permission. The correspondence included with the application does however state that the reason the temporary permission was granted, rather than permanent, was to ensure that the long-term use of the site is protected for industry, warehousing and port relates uses.
- 4.5 Earlier planning history for the site indicates that prior to being used as a timber and builders' merchant, or as a vehicle storage area, the site formed part of a larger site for the storage of, or processing of, scrap metal.
- 4.6 Roxan Mews was constructed following permission being granted in 2005: 04/00429/FUL - Redevelopment of the site by the erection of 3 no. 4-storey residential blocks to provide 39 flats with under croft car parking.

## **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 (02.10.2020). At the time of writing the report **81 representations** have been received from surrounding residents, 42 of which were objections and 38 were in support (one letter is neutral). The following is a summary of the points raised:
- 5.2 ***Not compliant with predominantly light industrial and retail operations of the industrial estate as well as the previous use of the site. There are more suitable alternative locations for the proposed use. The proposal is a contravention of existing planning policy.***  
**Response**

The development plan designation of the site under policy REI 10 (vii) allows for general industry (use class B2) within Belgrave Industrial Estate. As such, in principle, this is an acceptable location for the proposed metal recycling use subject to appropriate & relevant controls and mitigation.

- 5.3 ***Unacceptable operations near residential properties with balconies and windows facing directly towards the application site. Generation of harmful noise by movement of metal objects, machinery and vehicles. Impact on ability of residents to work from home and/or sleep after night shifts.***

**Response**

The site and industrial estate are allocated for industrial and warehousing uses. The site has historically been occupied as uncontrolled timber and builders' merchants (A1 retail or B8 storage and distribution use), an uncontrolled scrap metal yard (*sui generis* use) or an uncontrolled metal recycling centre (B2 use). Therefore, the application provides the opportunity for the Council to place restrictions on the land use including hours of operation, noise and lighting mitigation measures.

- 5.4 ***The agent asserts that the proposed use is B2. While some of the operations proposed may be B2 use, the first stage recycling of end-of-life vehicles is specifically highlighted by the Use Class Order as a Sui Generis use. This is materially different to the previous use and has a higher level of impact.***

**Response**

The proposal no longer includes first stage recycling of end-of-life vehicles. The principle of changing the use away from the existing use is not opposed. Impact can be mitigated.

- 5.5 ***The site is not suitable for the proposed use as per the Environmental Data service agency that quotes the following. "Scrapyards are held to be materially different to B2 use and a poor neighbour to residential flats".***

**Response:**

The proposal is not for a scrap yard (*sui generis* use) where storage is the primary function; rather the use proposed is for an industrial process (B2 use) associated with metal recycling.

- 5.6 ***Idling lorries used to operate the mechanical/hydraulic lifts/crane. Negative impact on air quality.***

**Response**

Separate legislation is used to manage air quality generated by transport vehicles.

- 5.7 ***From July 2020 the site operated as a scrap metal dealership despite not having planning permission or Environment Agency consents licences/permits. Enforcement action from the Planning Enforcement Team and the Environment Agency led the operation to cease.***

**Response**

Since the enforcement action took place the metal recycling use of the site has paused. The unauthorised use of the site for metal recycling purposes does not carry material weight and so should not be considered as part of the decision-

making process. The planning system allows the submission of retrospective applications.

- 5.8 ***No confidence is held that the operator will undertake the work in compliance with environmental protection legislation and/or planning conditions.***

**Response**

It rests with the Local Planning Authority to impose appropriate and enforceable control measures.

- 5.9 ***Potentially polluting operation that can also be harmful to human health associated with dismantling of end of life cars and air conditioning units.***

**Response**

Separate legislation manages harm to the natural environment and human health. No objection has been raised by the Environment Agency. In addition, the application no longer includes the dismantling of end of life vehicles.

- 5.10 ***Effecting wildlife habitats including the protected River Itchen.***

**Response**

Separate legislation protects the natural environment from the effects of the proposed use. If planning permission is granted the applicant would subsequently need to check whether an environmental permit is required prior to first operation. The Environment Agency do not object to the principle of the development.

- 5.11 ***The dismantling of electric powered vehicles could increase the potential for the release of pollutants.***

**Response**

The applicant has agreed to no longer include the processing of end of life vehicles as a result of the number of concerns raised by residents and the Environment Agency. If batteries are stored on site, the applicant would need to check whether an environmental permit would be needed.

- 5.12 ***Visual appearance.***

**Response**

The visual appearance of the site must be considered in context within a designated industrial estate and the previous use of the site (timber and building merchant).

- 5.13 ***Loss of light caused by workshop building effecting lower floors of the adjacent flatted block.***

**Response:**

The proposed building is over 12m from the closest residential properties. The maximum height of the structure is also just 6m and the closest residential building is also positioned on raised ground compared to the application site, owing to the change in levels across the two sites. There is also already boundary treatment enclosing the ground floor of the adjacent flatted block. Taking the above into

account it is not anticipated that there would be significant harm as a consequence of the proposed workshop building.

5.14 ***Overlooking.***

**Response**

Obscure glazing can be introduced to windows facing west within the proposed office accommodation which would be placed over 30m from the closest residential property (Roxan Mews). The existing boundary treatment, proposed buildings, enclosures/storage bays and 6m high acoustic barrier will reduce the opportunity for staff and customers on site to observe neighbouring residents. Notwithstanding the physical structures proposed the application site is also at a lower level than the flatted block meaning that overlooking would be harder to achieve. The proposal therefore represents a betterment over the existing situation on site.

5.15 ***When operated without permission in the summer of 2020 workers were verbally aggressive.***

**Response**

Behaviour of staff/customers cannot be managed by land use planning; separate legislation must be used to address any unreasonable/anti-social behaviour.

5.16 ***Dust generation.***

**Response**

The submission of a planning application provides the opportunity to control the use on site including dust control.

5.17 ***Having witnessed the operation during one of the noise surveys, the amount of material loaded onto site was much smaller than previously took place in July 2020 prior to any enforcement action.***

**Response**

The noise report has the support of the Council's Environmental Health Team. Any significant exceedance of noise predicted by the report would need to be investigated and enforcement action taken if it's found that the noise survey inaccurately predicts the noise generated by the operation and mitigation measures are found to be inadequate to prevent significant harm. If a statutory noise nuisance is also generated by noises exceeding the limits set out by the noise survey the environmental health team have separate powers that can be exercised.

5.18 ***Inadequate mitigation in the form of an acoustic wall as noise can travel around walls. Noisy activity should occur inside buildings.***

**Response:**

The mitigation proposed has been supported by the Council's Environmental Health Team so it would be unreasonable to dismiss the mitigation measures as ineffective.

5.19 ***Para 6.1 of the noise statement states that they will be dealing with end of life vehicles.***



**Response:**

The amended noise report (6<sup>th</sup> February 2021) no longer references end of life vehicles. The applicant has confirmed that they will no longer use the site to decommission end of life vehicles. This will be condition if approval is granted.

- 5.20 ***Difficulty in enforcing noise assessment mitigation measures, for example doors remaining closed.***

**Response**

All planning conditions will need to be enforceable. A condition requiring the doors of the workshop to be closed when machinery is being used inside would achieve the tests of conditions being both reasonable, necessary, relevant to both Planning and this scheme and enforceable.

- 5.21 ***Tax paid collectively by Roxan Mews residents should likely outweigh that of the scrap business, and that the former should therefore be logically prioritised in terms of council finance sourcing.***

**Response**

This is not a material planning consideration.

- 5.22 ***Vermin.***

**Response**

Separate legislation covers vermin and is managed by the Environmental Health Team.

- 5.23 ***Fire.***

**Response**

Separate legislation covers fire risk and is not managed through the planning process.

- 5.24 ***Property value.***

**Response**

Impact on property value is not a material planning consideration.

- 5.25 ***Letters of support; the majority of which are not from within the same ward.***

- 5.26 ***Recycling is essential to help conserve the natural environment.***

- 5.27 ***Job creation and associated economic benefits.***

- 5.28 ***Residents would have been aware of the industrial estate prior to deciding to move into the adjacent development.***

- 5.29 ***Land designation is industrial, and the proposed use is industrial. If noise mitigation measures prevent harm the application should be supported.***

## **Consultation Responses**

5.30

<b>Consultee</b>	<b>Comments</b>
Archaeology	There is the opportunity for archaeology to be present below ground level. Apply recommended conditions.
Environmental Health	<p>Following an initial objection an acoustic report was provided. Having been through the report the objection is removed as although the acoustic environment will be different that does not mean it is harmful to health. Provided that the following appropriate controls, including mitigation and management of activities, are controlled by condition undue detriment to the residents is not anticipated:</p> <ul style="list-style-type: none"> <li>• Management plan.</li> <li>• Closure of doors and windows to the building when machinery is in use.</li> <li>• Detail of extraction from the unit if required to protect workers from poor indoor air quality.</li> <li>• All recommendations of the noise report including 6m tall acoustic barrier, working hours, offloading by hand or crane;</li> <li>• and good site management.</li> </ul>
Contamination	<p>The proposal is for the construction of workshop and temporary office. This is not regarded as a sensitive land use, however, the mobilisation of contaminants that may be present on the site could present a risk to human health and/or the wider environment during the construction phase.</p> <p>No objection subject to the recommended condition.</p>
CIL	This type of development is not CIL liable.
Flooding	No requirement for conditions from a Flood Risk management perspective. The site remains in FZ1 for the lifetime of the commercial development, it is in an area of medium-high surface water flood risk but this is managed through EA conditions on pollution.
Highways	No objection is raised on the basis of trip generation which is not expected to differ significantly or significantly increase over and above the previous use of the site.

## **6 Planning Consideration Key Issues**

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

are:

- The principle of development;
- Residential amenity;
- Design and effect on character;
- Parking, highways and transport;
- Pollution control and Green Charter; and
- Employment.

#### Principle of Development

- 6.2 The site is allocated for industrial and warehousing uses by amended Local Plan (2015) policy REI10 (vii) of the development plan and the proposal falls neatly into the general industrial 'B2' use class which is allowed on the site subject to appropriate measures to prevent harm to neighbouring land users.
- 6.3 The proposal for a waste recycling centre (in this case based on metal recycling) is also supported by policies 1, 25 and 29 of the adopted Hampshire Minerals and Waste Plan (2013). Policy 1 stating that Hampshire Authorities must take a positive approach to waste development. Policy 25 acknowledges recycling's position within the waste hierarchy which aims to reduce the volume of waste sent to landfill; and policy 29 specifically identifies that industrial estates can be considered to be used for waste management purposes including recycling activities.
- 6.4 These policies are supported by the overarching National Planning Policy Framework (2019) which, in section 2, confirms that recycling schemes help to achieve sustainable development by creating employment as well as reprocessing finite resources. Section 6 of the NPPF identifies that planning decisions should help to create the conditions for successful businesses and significant weight needs to be attributed to economic growth and productivity
- 6.5 As such the principle of the development is considered acceptable, subject to the development having an acceptable impact on highway safety and adjacent land uses; including the closest residential block to the west (Roxan Mews).

#### Residential amenity

- 6.6 The potential impacts that the development could have on neighbouring residents include noise, visual, privacy, dust and lighting; each of which are discussed in turn below.
- 6.7 Noise: The business model used by South Coast Metal Recycling Ltd includes the delivery of mixed metals to site before being separated which can include decommissioning and dismantling of metal products before being collected for further reprocessing offsite. These operations will have a noise impact but so too do previous uses of the site.
- 6.8 By the nature of the industrial use, the noise generated on site will mainly occur as a result of the following:

- vehicle movements, including delivery vehicles and vehicles moving metal articles around the site.
- Loading and unloading of vehicles used to transport metal articles to and from the site by hand or a crane/material handler fitted with a clamshell grab prior to sorting.
- Sorting of metals into separate classes and grade by hand,
- Decommissioning products with mixed materials through the use of various tools within the proposed workshop building.
- Cutting of ferrous metal products with the use of oxyacetylene tools.
- Loading skips and metal bins containing sorted and graded metals onto lorries for further processing off site.

6.9 Through negotiation the application has now been supplemented by a technical report that has measured existing back ground noise levels during the proposed periods of operation and calculations have been undertaken to determine the likely noise level associated with the associated plant and vehicle movements. When the context of the site is taken into account noise impact on weekdays is considered to be low. Furthermore, the applicant has agreed to additional measures to mitigate the noise impact further. The Council's Environmental Health Team have also confirmed that they can support the proposal on the basis of the full implementation of those mitigation measures and the applicant would need to implement the mitigation measures prior to metal recycling taking place on site.

6.10 The submitted report has identified that the loudest activity anticipated would be the tipping of ferrous metals from delivery vehicles or from skips onto the ground, expected to last no more than 10 minutes and the maximum frequency once an hour. The applicant has however since agreed that the tipping of material onto the floor for sorting will no longer form part of the operation. Instead metal articles will be unloaded by hand or a crane/material handler fitted with a clamshell grab in order to reduce noise impact on nearby residents. Metal articles will then be placed onto the ground and not dropped from height or thrown.

6.11 As a result of the report the acoustic consultant recommended the re-orientation of bays and uses within the site to minimise noise impact. The changes put forward have since been included as amended plans accompanying the application. In addition, the following mitigation measures are recommended:

- Erection of a 6m high acoustic barrier within the site which will fully eliminate line of sight between the offloading/ working area and all receptors in Roxan Mews;
- Provision of acoustic insulation to the site workshop building.
- A commitment to keep doors and windows to the site building closed when plant is operated internally;
- A commitment not to undertake any works externally to the building on Saturday mornings (other than routine vehicle movements);\*
- Following recent correspondence with Southampton City Council a further commitment has been undertaken not to recycle vehicles at the site.

- Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

\*The hours of operation have been revised and are now 08:30 – 18:00 Monday to Friday.

6.12 The applicant has also now indicated that they are prepared to accept the following restrictions by condition:

- Hours of operation limited to 08:30 – 18:00 Monday to Friday.
- Compliance with the recommendations set out in the noise report.
- A noise management plan to list methods to reduce noise generation at the site and to include details of, but not be exclusively limited to, careful offloading of products into the reception bay by hand or a crane/material handler fitted with a clamshell grab. No dropping or throwing of metal articles on site.

6.13 Taking the above mitigation measure into account the proposal, in terms of noise, is considered to represent betterment over the previous unrestricted use of the site.

6.14 The recommendation of the noise report has the support by the Council's Environmental Health Team. Officers have also taken account of the guidance set out in the Noise Policy Statement for England. Officers have also considered NPPF and NPPG when making the recommendation set out in this report; along with policies set out in the amended Local Plan (2015) and the amended Core Strategy (2015).

6.15 Any significant exceedance of noise levels would need to be investigated and planning enforcement action taken if it is found that the noise survey inaccurately predicts the noise level from the operation and effectiveness of the mitigation measures or if there is a statutory noise nuisance generated from the site operation. In addition, failure to comply with noise limiting conditions would need to be referred to the planning enforcement team.

6.16 Visual: The proposed workshop building is over 12m from the closest residential properties and would be separated by a strip of land accessed from the adjacent site to the south measuring at least 8.5m. The maximum height of the closest building to the neighbours to the west would be 6m at the ridge (the eaves measure 4.4m) which would be at least 17m from the closest residential properties. The acoustic wall, measuring 6m in height, would be a further 5m from Roxan Mews (22m in total) and the portacabin would be 32m away.

6.17 Roxan Mews is also positioned on raised ground compared to the application site, owing to the change in levels across the two sites and there is boundary treatment enclosing the ground floor.

6.18 Taking the above into account it is not anticipated that there would be significant

harm because of the proposed buildings and acoustic wall in terms of overshadowing. The proposed structures would also not appear overbearing or dominant when viewed from Roxan Mews.

- 6.19 The assessment of visual impact must also take account of the historic land use whereby stacks of materials were stored directly on the boundary with no limitation on height or type of building materials stored.
- 6.20 Privacy: The existing boundary treatment, and proposed buildings, enclosures/storage bays; and 6m high acoustic barrier will also limit the opportunity for staff and customers on site to overlook neighbouring residents. The application site is also at a lower level than Roxan Mews and obscure glazing can be added to the west facing windows of the office portacabin. In terms of inter looking the proposals are therefore considered to be a betterment to the existing situation on site whereby there are no physical structures to limit line of sight.
- 6.21 Dust: The submission of the planning application provides the opportunity to control the use on the site during dry periods when dust might become a problem to nearby residents. A condition is recommended to include suppression.
- 6.22 Lighting: The application allows for the opportunity to control the use of lighting on site. A condition is recommended to ensure lights are not directed towards habitable room windows within Roxan Mews.

#### Design and effect on character

- 6.23 Whilst there will be an impact on the appearance of the site, given its position within this industrial context, the nature of the general industrial use and design of the buildings; and acoustic wall, mean that significant harm will not be caused to the visual character of the location. Consideration is also given to the previous use of the site as a building and timber merchant whereby large amounts of materials were stored externally and were no limited in stack height or position.

#### Parking, highways and transport

- 6.24 The site lies approximately half a mile from a high accessibility area. Car parking (4 spaces) and cycle parking can be provided on site. Access remains unchanged from existing and the site provides adequate turning space for vehicles to access/exit the site in forward gear. Planning conditions can be used to secure the above. In terms of trip generation, it is not anticipated that there would be a significant increase in trips generated as a result of the proposal. Highways development management also do not oppose the development on the basis of highways safety or trip generation.

#### Pollution Control and Green Charter

- 6.25 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air

quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

- 6.26 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. Note that the site is not part of an Air Quality Management Area. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.27 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
  - Minimise the impact of climate change
  - Reduce health inequalities and;
  - Create a more sustainable approach to economic growth.
- 6.28 The application seeks to address the Green Charter and air quality impact of the development by aiming to reduce waste and increase recycling close to its source thereby reducing emissions related to excavation/processing of primary non-renewable resources and transport.
- 6.29 Employment: The operation would provide employment for 2 full time staff along with the potential for 2 – 3 part time staff on a site that is designated for employment uses.

## **7 Summary**

- 7.1 The proposals seek a B2 use on an allocated site, and comprise the re-use of this brownfield industrial site and respects the character and appearance of the area. The fallback position for the site would be either an uncontrolled timber and builders' merchants (A1 retail or B8 storage and distribution use), an uncontrolled scrap metal yard (*sui generis* use) or an uncontrolled metal recycling centre (B2 use). Therefore, the application provides the opportunity for the Council to place restrictions on the land use including hours of operation, noise and light mitigation measures.
- 7.2 The proposal also allows the loudest industrial operations to be restricted to take place within the workshop building and behind an acoustic barrier. Other mitigating measures have also been agreed since the original submission

including a reduction in operating hours (now 08:30 – 18:00 Monday to Friday) no processing of end of life vehicles and no tipping of metal when unloading delivery vehicles to reduce noise impact on the occupiers of nearby residential properties. The proposal will not look out of place given the surrounding context of the industrial estate and significant harm to neighbouring residential amenity will be prevented by imposition of relevant conditions. Highways impact is acceptable given the previous use and the operation also helps to achieve the sustainable development objectives of the Development Plan that includes the NPPF and the Hampshire Minerals and Waste Plan.

- 7.3 In addition, support for the application, with the addition of relevant conditions, will secure employment of 2 full time staff with the potential for 2 – 3 part time staff depending on work flow.
- 7.4 Taking the above into account on this occasion it is considered reasonable to restrict the use within the B2 use class so that no other uses can operate without further planning assessments taking place. This is considered reasonable owing to the wide nature of potential uses/business operations which have differing potential impact and that could operate within B2 use class.

## **8 Conclusion**

- 8.1 It is recommended that planning permission be granted subject to 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) 6. (a) (b)

**MP for 01/06/2021 PROW Panel**

### **PLANNING CONDITIONS**

#### **1 Full Permission Timing Condition (Performance Condition)**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

#### **2 Approved Plans (Performance Condition)**

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

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

#### **3 Restricted Use (Performance Condition)**

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the



submitted details, namely metal recycling/processing, and not for any other purpose, including any other use within Use Class B2.

Reason: In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses seek to operate from this site.

#### **4 Details of building materials to be used (Pre-Commencement Condition)**

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

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

#### **5 Archaeological watching brief investigation (Pre-Commencement Condition)**

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

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

#### **6 Archaeological watching brief work programme (Performance Condition)**

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

Reason: To ensure that the archaeological investigation is completed.

#### **7 Hours of Use (Performance Condition)**

The use hereby approved shall not operate outside the following hours:

Monday to Friday 08:30 – 18:00.

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

#### **8 Cycle storage facilities (Pre-Occupation Condition)**

Notwithstanding the approved plans before the development hereby approved first comes into occupation, secure storage for 1 bicycle 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.

Informative: The position indicated for cycle storage on the approved site plan (next to the lorry parking space and in an area where loading and offloading of lorry's will occur is not expected to be convenient once the use is operational, it would make more sense to position the cycle storage nearer to the office and away from where metals will be delivered, loaded/off loaded, sorted and away from where large machinery and

vehicles will be used/manoeuvred.

### **9 Refuse & Recycling (Performance Condition)**

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 (outside of the fenced and gated site boundary).

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

### **10 Delivery operations location restriction (Performance Condition)**

Unless otherwise agreed in writing the turning of vehicles associated with the delivery or collection of metals associated with use hereby approved shall not take place outside of the site and in particular (for avoidance of doubt) shall not use the Belgrave Road public highway for turning manoeuvres.

Reason: To avoid congestion and obstruction of the adjacent highway.

### **11 No processing of vehicles (Performance Condition)**

At no time shall any vehicles (including end of life vehicles) be processed at the site for decommissioning/recycling purposes.

Reason: In the interests of adjacent residential amenity, most notably noise and visual amenity.

### **12 Construction of buildings, acoustic wall and metal bays**

Prior to the commencement of the development hereby approved all physical structures hereby approved, including the buildings, 6m high acoustic wall, 2m high metal bay walls and 2m high boundary walls shall be erected on site to the specification set out in the hereby approved updated noise impact assessment, Technical report R8796-1 rev 1 Dated February 2021 and shall be retained for the lifetime of the development.

Reason: In the visual interests of the area, in the interests of safety and in order to mitigate the noise impact of the development.

### **13 Noise Report - Full compliance. (Performance Condition)**

The development hereby approved will be carried out in full accordance with the noise impact assessment, Technical report R8796-1 rev 1 Dated February 2021 including maximum noise levels generated, all recommendations, equipment and working practices for the lifetime of the development. For the avoidance of doubt the recommendations and working practices include:

- Re-orientation of bays and uses within the site (agreed as set out on the amended plans);
- Erection of a 6m high acoustic barrier within the site which will fully eliminate line of sight between the offloading/working area and all receptors in Roxan Mews; and shall be constructed from an impervious material with a surface density no less than 12 kg/m<sup>2</sup>.
- Provision of acoustic insulation within workshop building.
- A commitment to keep doors and windows to the site building closed when plant is operated internally;
- No recycling of end of life vehicles; and

- Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

Reason: To protect the amenities of nearby residents.

#### **14 Noise management plan (Pre-occupation Condition)**

Prior to the occupation of the site a noise management plan, listing methods to reduce noise generation at the site, shall be submitted to and approved in writing by the local planning authority. All staff members, prior to starting their employment, shall be made aware of the noise management plan and the metal recycling operations on site shall be carried out in accordance with the plan throughout the lifetime of the development. The plan will include details of, but not be exclusively limited to, the points listed below:

- The method of careful offloading of products into the reception bay by hand or a crane/material handler fitted with a clamshell grab.
- Metal articles must be carefully lowered to the ground or into storage containers when using the crane/material handler fitted with a clamshell grab and shall at no time be dropped from height.
- At no time shall metal articles be thrown onto the floor, into piles, bins, skips or any other storage container.
- The specification of acoustic insulation required within the workshop building.

Reason: To protect the amenities of nearby residents.

#### **15 No tipping of any material from delivery vehicles (Performance Condition)**

Notwithstanding the approved noise report at no time shall metal articles be tipped from delivery vehicles onto the floor of the hereby approved metal recycling site.

Reason: In the interests of adjacent residential amenity, most notably noise and visual amenity.

#### **16 Sound amplifying equipment (Performance Condition)**

At no time shall sound amplifying equipment (including radios and stereos) be operated on site that are audible outside of any of the hereby approved buildings.

Reason: To protect the amenities of nearby residents.

#### **17 Metal storage restriction (Performance Condition)**

At no time shall metal be stored outside of the boundaries of the defined metal bays or outside of the building hereby approved on site; and piles of metal shall not exceed a height of 2m and thus shall also not exceed the height of the boundary treatment (2m high wall) defining the metal bays.

Reason: In the visual interests of the area, in the interests of safety and in order to leave sufficient space within the site for vehicle and pedestrian movement.

#### **18 Glazing panel specification (Performance Condition)**

The windows in the west elevation of the portacabin offices hereby approved [serving the rooms indicated as an office and staff room] shall be glazed in obscure glass and shall only have a top light opening above a height of 1.7m above the floor level of the rooms to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

Reason: To protect the privacy enjoyed by the occupiers of the adjacent flats.

**19 Dust Suppression (Performance Condition)**

During times of dry weather, and when metal articles arrive on site which bring with them dust that could be blown off site whilst being processed, dust suppression measures shall be in operation site.

Reason: To prevent dust from blowing from metal articles & the application onto adjacent sites and; in particular, to protect the amenities enjoyed by the occupiers of adjacent residential properties.

**20 Unsuspected Contamination (Performance Condition)**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

**21 External Lighting Scheme (Pre-Commencement Condition)**

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include measures preventing light spillage directly towards nearby residential properties. The approved lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS13	Fundamentals of Design
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk

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

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE6	Archaeological Remains
REI10	Industry and Warehousing
TI2	Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

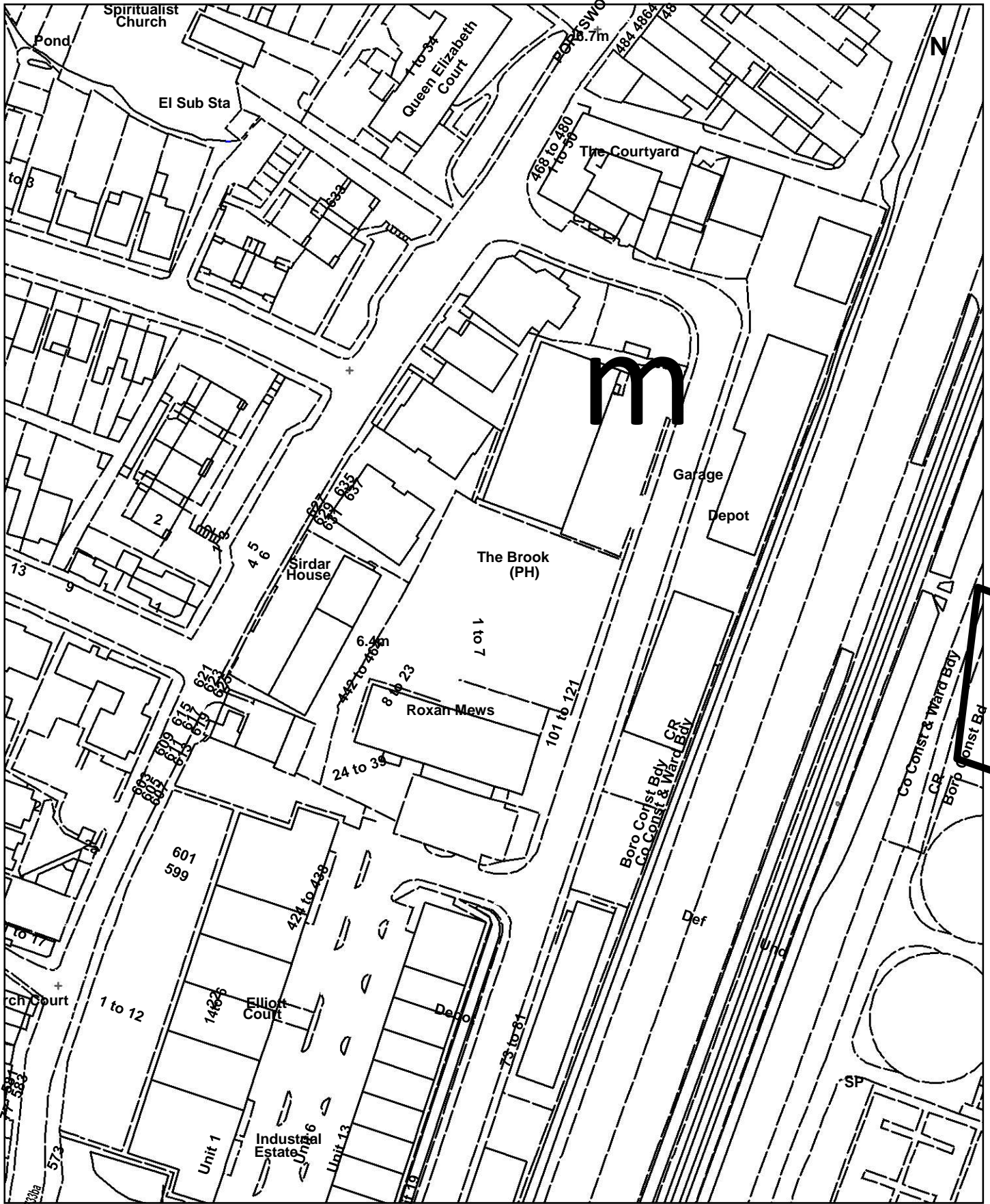
The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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# Agenda Item 7 20/01235/FUL

Appendix 1



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**lightiPlanning and Rights of Way Panel 1<sup>st</sup> June 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> The Stables, 60A The Avenue, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of a 2.5-storey building containing 6 flats (3 x 2-bed, 3 x 1-bed) with associated parking and cycle/refuse storage (Outline application seeking approval for Access, Appearance, Layout and Scale) (Resubmission 20/01054/OUT) (Amended)			
<b>Application number:</b>	21/00044/OUT	<b>Application type:</b>	OUT
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	ETA till 12.06.2021	<b>Ward:</b>	Freemantle
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Leggett Cllr Shields Cllr Windle
<b>Referred to Panel by:</b>	n/a	<b>Reason:</b>	n/a
<b>Applicant:</b> Goldhorse Consultancy Ltd		<b>Agent:</b> Toldfield Architects Ltd	

<b>Recommendation Summary</b>	<b>Delegate to the Head of Planning &amp; Economic Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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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, H1, H2, H7, HE1 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS7, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Appeal decision 39 Archers Road

**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 (i) the submission of a satisfactory bat emergence survey to assess whether there is any potential adverse harm to protected bat species as the result of the building demolition. *In the event that an acceptable survey is not received 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 an acceptable emergence survey,* and (ii) the planning conditions recommended at the end of this report, and (iii) the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
  - iii. 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.
  - iv. A restriction that no parking permits for the surrounding streets be allocated for the future occupants of the development.
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 application site is located to the west of The Avenue in a backland location to the rear of no. 60 The Avenue. The site access has a right of way along a private narrow lane leading to a parking area at the rear of nos. 58-61 which is accessed from the start of Cavendish Grove/The Avenue shared by other adjacent premises. Pedestrian and vehicle access to the site is gained via the existing private lane which both serves the residential car park of Temeraire (north) and the access/parking for the Spiritualist Church/Cavendish Hall and commercial premises of nos. 58 to 61. Cavendish Grove is a private road. The perimeter of the site borders The Avenue Conservation Area To the west in the parallel street Hulse Road, the recently built houses and flats in Moore Close can be seen in the backdrop to the site which ranges from 3 to 4 storeys. There is a strong mix of residential and commercial uses in the vicinity. The Avenue is a central location well served by public transport in and out of the city centre, within 600m walking distance to the city centre and 300m from the entrance of the Common.
- 1.2 The site comprises office buildings known as The Stables, which is formed from two separate 2 storey buildings that address each other via a central courtyard space. To the west, the two buildings are attached to each other via a covered carport area at the far end of the site, currently used for parking cars. These buildings are not listed for their heritage status and with the alterations to the original fabric and features over its lifetime is no longer considered to have any heritage significance of value remaining. The canopy of a large TPO protected Oak tree overhangs part of the southern boundary of the site, and a smaller Sycamore tree on the

western boundary in the rear garden of Forest Lodge care home.

## 2. Proposal

- 2.1 The application seeks outline permission for residential redevelopment comprising 6 flats (3 x 2-bed, 3 x 1-bed) in a 3 storey block (2 storeys with accommodation in the roofspace served by dormers and a well recessed second floor central staircore), with all matters (Scale, External Appearance, Layout and Access) for consideration except landscaping details which are currently reserved for a later submission. Since the validation of the application, the scheme has evolved following officer negotiations to reduce the scale from 3 to 2 storeys (plus rooms accommodation in the roof) and to lessen the mix of 2 bedroom flats (by 2 units) from 5 x 2-bed and 1 x 1-bed. The scheme follows a previously withdrawn application (LPA ref no. 20/01054/OUT) which sought permission for a far more intensive and greater plot coverage which comprised of a part 3-storey, part single storey building containing 7 flats (5x 2-bed, 2x 1-bed).
- 2.2 The proposal is served by 1 parking space to the front of the proposed block. A rear garden provides 185sqm of communal amenity private space (equates to 30sqm per flat – 10sqm/flat above the minimum requirement). The table below sets out the proposed internal flat sizes and whether or not they comply with the Nationally Described Space Standards (NDSS - 1 bed = 39 or (37sqm with shower) & 2 bed = 61sqm).

Floor/Flat	Floor Size sqm	National Standard	Compliance
GF 1 bed	45	39	+6sqm
GF 2 bed	55	61	-6sqm
FF 2 bed	56	61	-5sqm
FF 2 bed	56	61	-5sqm
SF 1 bed	43	39	+4sqm
SF 1 bed	43	39	+4sqm

## 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, placing a press advertisement 29.01.2021 and erecting a site notice 29.01.2021. At the time of writing the report **11 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Lack of off-road parking available as the residents are likely to own cars which will result in residents parking in Cavendish Grove, a private road, where there is an ongoing problem with illegally parked vehicles blocking access to the entire road for residents, delivery vehicles and importantly emergency vehicles etc. This impact will be compounded by another nearby application for the conversion of no. 61 to 6 flats without off-road parking (LPA ref no. 20/01650/FUL granted permission by officers on 27<sup>th</sup> April 2021 with 2 parking spaces at the rear). There could also be issues with residents parking on the private land at the rear of Temeraire, or the private land at the rear of 59, 60 & 61 The Avenue. The access road to the site off the Avenue is via the end of Cavendish Grove which is a private unadopted road. Maintenance of this end is a real issue where much of the damage is caused by vehicles not belonging to residents of Cavendish Grove at all but local businesses in particular. Heavy builders vehicles will probably cause further serious deterioration which should not be the responsibility of Cavendish Grove residents to repair. No consideration of difficult emergency vehicle access along narrow road putting existing buildings at risk of damage. The 90 degree bend with limited visibility and narrow lane leading to the access point on The Avenue/Cavendish Grove is inadequate to cope with increase of traffic, including visitors and delivery vehicles, causing adverse road safety problems.***

**Response**

The Council's Highways Team has raised no objection to the impact on road safety and parking overspill from the development. The site is located within a sustainable location, in close proximity to the City Centre, and is accessible by public transport, bike and on foot. Therefore a level of parking provision below the Council's maximum car parking standards can be supported in this location. The concerns of local residents are acknowledged, however, the Council is unable to enforce against illegal parking on private land and private roads. When considering the overall positives of the development as a whole – particularly in respect of housing delivery whilst maximising previously developed land in a very sustainable location - against the objectives of the relevant national and local planning policies, there is insufficient material weight in this reason alone to warrant the refusal of an acceptable windfall housing site coming forward to help boost housing supply in the city.

5.3 ***Over-development and out of keeping with surrounding properties within the Conservation Area and will be visible from The Avenue and entrance to Cavendish Grove. It abuts Cavendish Hall (ie it lies within the grounds of curtilage of a listed building), which will be in danger of being damaged during either demolition of the existing building or construction of the new one and will adversely harm the buildings historical character. The former stables building should remain because of its historical value. A more sympathetic design of new mews houses/flats or converting the existing building would be preferential to the overbearing high building proposed.***

**Response**

Cavendish Hall is not a listed building and it would be the applicant's own legal responsibility to ensure the safety of building works affecting the party wall of Cavendish Hall. The design and siting of the residential flatted block is not considered to adversely harm the setting of the conservation area and the historical significance of adjacent buildings, nor be out of keeping with the surrounding character and context. The loss of the former Stables building can be accepted due to its low historical value of significance. The Council's Conservation Officer and Design Officer have raised no objection to the scheme following amended plans received to reduce the scale and height of the flatted block.

5.4 **Occupants of 31 Moore Close are concerned about the boundary of the shared wall between their garden and the new development given the safety of the old wall and it might collapse during construction. They have experienced a serious fall of the wall that is shared with the church. Their children were playing close to the wall at that time. The old wall should be reinforced and any replacement wall should be tall enough to protect privacy of garden.**

**Response**

The landowner has a duty of care to ensure boundary walls are safe.

5.5 **Loss of light to neighbouring occupiers due to the height of the building. Increased noise disturbance to local residents from more intensive residential use of the site, where residents of Temeraire have been affected by greater footfall of the Moore Close development.**

**Response**

The comings and goings associated with the 6 flats is not considered to be out of keeping or cause any significant greater disturbance than the existing traffic and movements associated with the existing premises and residential properties using the access lane. The siting and scale of the development is sufficiently spaced from the adjacent residential properties to ensure neighbouring occupiers maintain adequate access to light, privacy and outlook in accordance with relevant standards set out in the Council's approved Residential Design Guide SPD.

5.6 **The heavy traffic and building works will be disruptive to the Spiritualist Church which is a registered charity and this will affect access for wheelchair users to the Church. The agreement for Church parking to use nearby solicitors office at no. 58 will be put at risk.**

**Response**

The applicant confirms they have a right of access across the land and, therefore, any dispute over damage or trespass affecting other landowners would be a civil matter outside the Council's control. A construction management plan condition – including restricted hours for demolition/construction is recommended to ensure the method of construction is undertaken in a reasonable manner to minimise disturbance to neighbouring properties.

**Consultation Responses**

5.7 <b>Consultee</b>	<b>Comments</b>
Ward Cllr David Shields	I wish to object to this planning application with specific regards to safe access and inadequate off-street parking provision. The access route to the proposed development is very tight and there could be congestion with accessing vehicles with increased traffic movement caused by both this and neighbouring development. The proposed development is for six dwellings which is likely to require a need for more parking provision than the one space currently planned which would place pressure on parking in nearby streets such as Cavendish Grove. The provision six cycle parking spaces is welcome. Nor is it clear whether the proposed high population density residential development is in keeping with the special needs of a conservation area.
City of Southampton Society	Objection. The difficulties with this application concern access and parking. The lane leading to the site is very narrow (single lane) and difficulties could arise from

	increased traffic movement. The proposed development is for six dwellings which would be likely to generate a need for more parking provision than the one space planned. This would lead to vehicles being parked inappropriately in roads near to the site, for example, in Cavendish Grove.
Highways	No objection. The principle of development is considered acceptable. The application can be supported, subject to securing measures via the Section 106 agreement, to further enhance the sustainable transport connections for future residents of this mostly 'car-free' development.
SCC Trees	No objection
Archaeology	No objection subject to conditions
Ecology	Objection. The submitted initial bat survey report recommends an emergence survey is undertaken to check potential bat roost features on one of the buildings. The findings of such a survey have not been submitted and as such permission should not be granted until they have. In addition, the submitted bat report is out of date.  <u>OFFICER RESPONSE</u> <i>The applicant has been unable to carry out a further survey until May since receiving the application in January. The Ecologist has accepted to postpone the survey till after a resolution by the Panel to grant planning permission. The survey will take place following resolution to grant permission as per the above recommendation.</i>
Environmental Health	No objection
SCC Contamination	No objection subject to conditions
Conservation Officer	It is acknowledged that the heritage interest attached to these units as individual buildings would be considered low, and as such, it would be difficult to sustain a refusal for their loss from a conservation perspective at this time. A reduction in the overall height of units would be preferred from a conservation perspective so it is not domineering of the Spiritualist Church and Church Hall and, however, should you be minded to approve the proposal in the planning balance, securing the use of good quality materials, joinery and workmanship by way of conditions would be advised.  <u>OFFICER RESPONSE</u> <i>Following the reduction in building height to 2 storeys with accommodation in the roof the Conservation Officer has removed their objection.</i>
SCC Design Officer	No objection following amendments in scale and height
Sustainability	No objection subject to conditions
Southern Water	No objection

## 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;
- Likely effect on designated habitats.

## 6.2 Principle of Development

6.2.1 The site does not have an existing policy allocation and is not safeguarded for office development. The proposed residential redevelopment 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 with an additional 16,300 homes needed 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. It should also be noted that if the existing office accommodation is lawful, then the existing building could be converted in residential accommodation under prior approval provisions.

6.2.3 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 d.p.h, 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 proposal would achieve a residential density of 148 d.p.h which, whilst it does not accord with the range set out above, needs to be tested in terms of the merits of the scheme as a whole. This is considered to be a suitable location for a higher density residential scheme in a sustainable location near the city centre and is not uncharacteristic of other flatted blocks nearby and mixed range of uses in the vicinity. Furthermore, without physically over-developing the site in terms of footprint to plot coverage ratio this scheme seeks to optimise previously developed land to assist housing delivery.

6.2.4 Balancing the positive benefits of making efficient use of previously developed land in an urban area to deliver housing on a windfall site, the loss of the existing commercial premises can be supported given the age and condition of the existing building is not suitable for re-purposing or for re-use. Furthermore, the existing building is not considered to hold significant heritage value nor is protected by The Avenue Conservation Area. As such, the principle of development can be supported.

## 6.3 Design and effect on character

6.3.1 The site is located on the outside edge of The Avenue Conservation Area and does not directly fall under its heritage asset designation. In assessing the harm to the character and context of the local vicinity, careful consideration should be given to i) respecting the spatial pattern of development and hierarchy of building height transition in this backland location from the 3 storey building frontage on The Avenue, and ii) respecting the historical setting and value of the adjacent buildings in the conservation area. The loss of the existing building has been accepted by the Conservation Officer given that the historic assessment of the building (following validation) demonstrates that it holds limited historical value of significance due to the loss and severe alteration of the original fabric over its lifetime. In acknowledging the main concerns of the Conservation Officer, the height and scale of the proposed flatted block has been reduced from 3 to 2 storeys with accommodation in a third storey roof, so it does not adversely harm the setting of the adjacent and nearby buildings in the conservation area, including the Spiritualist Church and Cavendish Church Hall.

6.3.2 The design and appearance of the proposed residential block itself is not out of keeping with the mixed style of buildings in the surrounding area. Especially given the extensive footprint coverage by the existing building, and other adjacent buildings in this backland location of a

similar 2.5 storey scale and height in the conservation area. It should be noted that the recent residential development in Moore Close to the west of the site (Hulse Road) introduced a 2.5 storey backland form of housing next to the conservation area boundary (nos. 25-30 Moore Close). While the site coverage by the existing building is very extensive, the coverage of the proposed development will be significantly less (216sqm). This equates to just over 50% of the development area of the plot and, therefore, would not be considered as an over-development in this urban context and local character.

6.3.3 The Tree Officer is satisfied with the proposed tree protection measures to ensure that the siting of the development would not adversely harm the protected trees to be retained.

#### 6.4 Residential amenity

6.4.1 The siting and orientation of the flatted block provides a sufficient gap between the residential properties directly overlooked to the east (60 The Avenue and recent flats conversion approved for no. 61 under permission no. 20/01650/FUL) and west (Forest Lodge and 31/32 Moore Close) to maintain adequate access to light, outlook and privacy for the neighbouring occupiers. This relationship has been improved further by the reduction in height and scale of the proposed flatted block.

6.4.2 With reference to the table in paragraph 2.2 of the report, the floor sizes of the three 2 bedroom flats are slightly deficient of the nationally described minimum space standards by 5 to 6sqm. Whilst it is good practice to comply with the national floor space standards, the requirement is not adopted policy in the Council's Local Plan so it cannot be insisted upon. In addition, the quality of living conditions for future occupiers should be judged against the acceptability of the internal layout and access to daylight, outlook and privacy. On balance, the well-laid out internal and external layout of the flats are considered to provide a good standard of housing even with the slight deficiency of floor area. The smaller units all comply. Furthermore, the 185sqm of communal amenity private space provides in excess of the minimum standards of 20sqm per household (equates to 30sqm per flat).

#### 6.5 Parking highways and transport

6.5.1 The site is situated off The Avenue via a small stretch of unadopted highway and then private land. There are similar uses in the near vicinity and in terms of trip rates, the existing office and storage uses will likely generate more trips over the peak hours as well as daily trips. The location is outside the city centre but is still within walking distance to it, as well as having close access to sustainable transport and public amenities. The access has been established already and with the reduction in likely trip rates, it is not considered to generate any significant impact on the highway, as vehicles (including servicing vehicles) using this access would likely reduce. Therefore, the principle of development is considered acceptable.

6.5.2 It is noted that the re-submitted plans provide additional lighting to improve pedestrian and cyclist visibility on the bend on the approach to the site entrance, adjacent to the back/side of the spiritualist church (para. 7.1.6 of Design and Access Statement). Due to the narrow space and shared use surfacing, vehicle speeds will be low along the driveway and so the addition of lighting is deemed acceptable as a means of mitigating any existing visibility issues.

6.5.3 There would now be a statutory requirement for the Council's waste team to collect bins from this site because the scheme is for residential development. The access is private and is quite narrow with no guarantee of on-site turning for large vehicles, it is recommended that the Council's waste team would not be expected to go into the site. For this reason, this site would have to be serviced by a private management company where the servicing needs can be tailored for this site. The Highways Officer is satisfied this is the intention from reading section 13 of the applicant's Design and Access Statement.



6.5.4 The Council's adopted parking policy is based on maximum standards (9 parking spaces in this case) so a residential scheme that provides less spaces than the maximum level can be supported in a sustainable location such as this. No parking survey has been undertaken to assess the kerbside capacity for local streets within a 200m radius. This is not an automatic policy requirement but can be helpful to the decision maker. That said, the majority of streets are covered by parking restrictions including permit zones to the east of The Avenue, whilst Cavendish Grove is a private road so future residents are not entitled to park in these locations. The Highways Officer is satisfied the site is within comfortable walking and cycling distances to nearby amenities, employment hubs and the city centre. The site is also close to good public transport links to encourage greater use of sustainable modes of transport. Overall, the site is sustainably located to support car free living for future residents of these 1/2 bed units and, furthermore, would not adversely harm the amenity of nearby residents from the displacement of street parking. Whilst a nearby flatted conversion (4x 1-bed and 2x 2-bed) was recently approved at 61 The Avenue (LPA ref no. 20/01650/FUL) with limited off-road parking available (2 spaces), it would have been necessary to apply the same parking policy principles for a car free/low level ownership scheme. That said, the Council should consider the parking impact of each application according to its own individual circumstances. It should also be noted that a Government Planning Inspector found that provision of less than the maximum car parking standards was appropriate at 39 Archers Road (LPA ref no. 11/01336/FUL – see Appendix 4; refer to paragraphs 16-19) having regard to its highly accessible location close to the city centre.

6.5.5 Car-free use of the site will be further promoted by securing contributions under a S106 agreement to improve connections to nearby public transport stops. This comprises of a £3500 contribution towards bus stop improvements and installation of new Real Time Passenger Information systems on the southbound bus stop along the Avenue (in the near vicinity of the site).

6.5.6 Objections have been raised regarding parking overspill impact on local residential streets (Cavendish Grove – private road) and private parking areas of nearby residential and commercial properties. Prospective residents will be aware that car parking is restricted on the site and that surrounding streets are controlled parking zones, or private roads. Any unauthorised 'overspill' parking on private roads such as Cavendish Grove for example, would be a private matter, out of the control of the local authority. Nevertheless, if the units are sold/let to future occupants on the basis that car parking is not available, then this would not be a desirable place for car owners, instead the properties would likely be marketed at people (young professionals for example) without need to own a car.

## 6.6 Likely effect on designated habitats

6.6.1 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. The requisite contributions will be secured through the S106 agreement.

## 7. Summary

7.1 In summary, the application has the positive benefit of housing delivery over the replacement

of an aging commercial premises which is no longer fit for purpose, and the condition and design of the building is not fit for repurposing. The scale and massing of the development in its backland position is sensitively designed to visually integrate with the scale, appearance and historical value of the adjacent buildings in the setting of The Avenue Conservation Area. With the low significance of the site's heritage value itself, officers are satisfied that the loss of the former Stables building, now turned office premises in its modern era, would not adversely harm local character and the setting of the conservation area. The concerns of illegal parking by local residents in Cavendish Grove and Temeraire are acknowledged, however, Officers are satisfied that this impact would not adversely harm their amenity on the basis that Council transport policies encourage the reduction of car ownership and dependency for environmental gain in this kind of sustainable location, and the Council is unable to enforce against illegal parking on private land or roads.

## **8. Conclusion**

8.1 It is recommended that planning permission be granted outline planning permission 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) 4. (f) (g) (aa) (vv) 6. (a) (b) 7. (a)

**SB for 19/05/21 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. Outline Permission Timing Condition (Performance)**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, and the landscaping (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
  - the landscaping of the site specifying both the hard, soft treatments and means of enclosures alongside its ongoing maintenance.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 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.

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.

**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. External Lighting Scheme (Pre-Commencement)**

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

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

**08. Archaeological watching brief investigation (Pre-Commencement)**

No ground disturbance 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. Arboricultural Method Statement (Performance)**

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement, namely AIA/AMS-KC/STABLES/001 Revision A dated February 2021, including the tree protection measures throughout the duration of the

demolition and development works on site.

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

**11. 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

**12. 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, 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.

**13. 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).

**14. 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).

**15. Window restrictions (Performance Condition)**

Prior to the first occupation of the development, all windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level and the rooflights in the rear roofslope shall be installed to have a minimum cill height of 1.7m from the internal floor level. The windows shall be thereafter retained in this manner.

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

**16. Cycle storage facilities (Pre-Occupation Condition)**

Notwithstanding the approved plans, 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.

**17. 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 and waste collection management plan, 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.*

**18. Access & Parking (Pre-occupation)**

Prior to the occupation of the dwellings, the development shall be implemented in accordance with the approved details including the provision of the access and parking and shall thereafter be retained for the duration of the lifetime of the development.

Reason: In the interests of securing safe access onto a classified road in the interests of highways safety.

**19. Amenity Space Access (Pre-Occupation)**

Before the flats 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 flats.

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

**20. 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.

### Application 21/00044/OUT

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.
Are there any other projects or plans that together with the planning application	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.  Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent

<p>being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>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 (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) 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	£361.00
2 Bedroom	£522.00
3 Bedroom	£681.00
4 Bedroom	£801.00
5 Bedroom	£940.00

Therefore, in order to deliver the 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 10% 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 10% 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.

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### Application 21/00044/OUT

#### POLICY CONTEXT

##### Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
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
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
HE1	Conservation Area

##### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

The Avenue Conservation Area Appraisal and Management Plan (2013)

##### Other Relevant Guidance

The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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### Application 21/00044/OUT

#### Relevant Planning History

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
04/00953/FUL	Change of use of stables building to an office (B1 Use Class) following building alteration/renovation (retrospective application).	Conditionally Approved	10.08.2004
20/00104/TPO	Tree Works	Conditionally Approved	07.07.2020
20/01054/OUT	Erection of a part 3-storey, part single storey building containing 7 flats (5x 2-bed, 2x 1-bed) with associated parking and cycle storage, following demolition of existing buildings (Outline application seeking approval for Access, Appearance, Layout and Scale)	Withdrawn	02.10.2020

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## Appeal Decision

Site visit made on 25 June 2012

**by David Harmston FRICS DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 July 2012**

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**Appeal Ref: APP/D1780/A/12/2171342**

**39 Archers Road, Southampton SO15 2NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Local Planning Authority to give notice of its decision within the appropriate period on an application for planning permission.
  - The appeal is made by Oakdene Construction Limited against Southampton City Council.
  - The application (Ref 11/01336/FUL) was dated 12 August 2011.
  - The development proposed is the erection of a 20 unit flatted development with associated parking and storage areas.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a 20 unit flatted development with associated parking and storage areas at 39 Archers Road, Southampton SO15 2NB in accordance with the terms of the application (Ref 11/01336/FUL), dated 12 August 2011, subject to the conditions set out in the attached Schedule.

### Procedural Matters

2. The appeal is made against the failure of the Local Planning Authority to give notice of its decision within the appropriate period. The Council would have refused planning permission for three reasons which I summarise as follows:
  1. An inadequate level of car parking provision causing a poor level of amenity for the occupiers of the proposed flats with an inadequate degree of surveillance for cars that would need to park in the street. The adjoining residents would experience an exacerbation of the difficulties already being caused because of the overspill of car parking from the development into the street. As such the proposals are contrary to the provisions of Policies SDP1 (i) and SDP10 (ii) of the City of Southampton Local Plan Review (March 2006), the Residential Design Guide SPD (September 2006) (particularly paragraphs 5.2.12 and 5.2.13) and Policies CS13 (4), (10) and (11) of the City of Southampton LDF Core Strategy (January 2010).
  2. The proposed development is poorly designed and as such it would be harmful to the character and appearance of the area and the amenities of the adjoining residential properties because:
    - (i) the elevational treatment of the building appears to have been drawn from the surrounding modern built form (particularly Overdell Court, opposite the site) which is considered to be unattractive;

- (ii) the development would create harmful shading to the habitable room windows in the adjoining building – No 37 Archers Road;
  - (iii) the proposals are therefore in conflict with the provisions of Policies SDP1 (i), SDP7 (v), SDP9 (i and v), SDP10 (ii) and H2 (iii) of the City of Southampton Local Plan Review (March 2006), the Residential Design Guide SPD (September 2006) (particularly paragraphs 2.2.1, 2.2.12 and 3.10.2) and Policies CS13 (1), (2) and (11) of the City of Southampton LDF Core Strategy (January 2010).
3. The proposed development is unacceptable in the absence of a Section 106 agreement securing a number of infrastructure and other benefits. It would therefore be contrary to the provisions of Policy CS25 of the City of Southampton LDF Core Strategy (January 2010) and the Council's SPG on Planning Obligations (August 2005), as amended. Particularly, in its failure to make the following provisions:
- (i) a contribution towards affordable housing (Policy CS15 of the LDF Core Strategy);
  - (ii) site specific transport works for highway improvements within the vicinity of the site (Policies CS18, CS19 and CS25 of the LDF Core Strategy and the SPG);
  - (iii) measures to support strategic transport improvements in the wider area (Policies CS18 and CS25 of the LDF Core Strategy and the SPG);
  - (iv) a financial contribution towards the provision and maintenance of open space (Policy CLT5 of the Local Plan, Policies CS21 and CS25 of the LDF Core Strategy and the SPG);
  - (v) a financial contribution towards the provision of a new children's play area and equipment (Policy CLT6 of the Local Plan, Policies CS21 and CS25 of the LDF Core Strategy and the SPG);
  - (vi) a mechanism to secure a pre and post construction highway condition survey and the consequent repairs that could be necessary, in the interests of the character and appearance of the area and the usability of the local highway network.
3. In reaching my conclusions on this matter, I have taken account of the recently published National Planning Policy Framework (the 'Framework'). The Local Plan was adopted in March 2006 and the Local Development Framework (LDF) Core Strategy in January 2010. As such the local policy context is relatively up to date. Moreover, none of the relevant development plan policies are inconsistent with the Framework. Therefore, and whilst the policies in the Framework have been considered, in the light of the facts of this case, they do not alter my overall conclusions on this matter.
4. In respect of the third intended reason for refusal set out above, the appellant has submitted a signed Unilateral Undertaking dated 22 May 2012. The Council has accepted that the Obligations contained therein satisfy its

expectations and it is stated that '*this reason can be set aside*'. Having studied the terms of the Undertaking and having regard to the relevant policies of the Local Plan, the LDF Core Strategy and the Council's SPG I consider that the planning obligations set out within the Undertaking are reasonably and proportionately related in scale and kind to the development in all respects and that they satisfy the tests set out at Regulation 122 of the Community Infrastructure Regulations 2010. Having regard to the above I consider the intended third reason for refusing the application no further.

### **Main Issues**

5. In the light of the above the outstanding main issues in this appeal are, firstly; by reason of the design and siting of the proposed building, the effects of the development on the character and appearance of the area, secondly; its impact on the living conditions of the occupants of No 37 Archers Road in terms of any undue loss of light, overshadowing or loss of privacy and, thirdly; whether an adequate number of car parking spaces would be provided within the development so as to avoid any excessive overspill of car parking onto the adjoining street(s) to the detriment of the surrounding residents and the occupiers of the proposed flats.

### **Reasons**

6. The development is proposed on a recently cleared site situated at the junction of Archers Road and Northlands Road within a densely developed, primarily residential, suburb of Southampton. It was formerly occupied by a three-storey detached, Victorian building latterly in use as a clinic. Within the immediate and wider area to the site are a number of modern flat developments. These predominate along Archers Road but there are many examples of recently redeveloped sites fronting Northlands Road which contain blocks of flats.
7. The principle of this form of development for the site is acceptable and would accord with the objectives of Policy CS5 of the Core Strategy. I also consider the principle of the development to be in general conformity with Paragraph 14 of the Framework which refers to the presumption in favour of sustainable development where proposals are compliant with the provisions of the development plan.
8. Adjoining the appeal site to the north is a 3-storey block of flats (Durban Court) whilst opposite is Dorval Manor. A 10-storey tower block (Overdell Court) is present facing Archers Road to the west. Further to the north in Northlands Road more of the original dwellings remain. These are often smaller in scale than the earlier Victorian dwellings existing elsewhere in the neighbourhood being two-storey with pitched roofs.
9. The proposal is to erect a part 3-storey, part 4-storey and part 5-storey block of flats on the site with 10 car parking spaces and amenity areas. The building would be in the form of two blocks linked by glazed stairwells and landings. With the basement area, and allowing for the change in ground levels, the appellant states that within the streetscene the building would have the

- appearance of a building having a height of 4-storeys. The top floor would be set back which would assist in mitigating the height, bulk and massing of the structure. The elevations of the building would be articulated and the design has been formulated to respect and reflect the various architectural features of the variety of building styles present in the locality.
10. On the first main issue, less than 50% of the site would be occupied by buildings or hard surfaced areas. This would be in conformity with the prevailing level of site coverage within the area. The block would be between three and five metres removed from the Northlands Road frontage and between 12 and 20 metres away from the pavement in Archers Road.
  11. Nos 37 and 39 Archers Road were unusual in their siting being set well back from the road in comparison to the buildings existing to the east and west. The way in which the design and siting of the block has been conceived would ensure that, by its incremental and staggered formation stepping forward in phases towards Archers Road, it would respect and be in sympathy with the prevailing arrangement of buildings set out along the road frontage, responding positively to the constraints of the site.
  12. Further, with the retention of many of the existing trees and new landscaping and tree planting the appearance of the block would be softened in the streetscape. The visual impact of the development in the streetscenes, notwithstanding the prominence of the site on this important corner plot, would not render the building as being overly-intrusive or markedly out of character with the pattern or style of the building existing locally. Policy SDP9 of the Local Plan accepts that the erection of tall buildings on corner plots can be appropriate subject to other considerations.
  13. The Council has criticised the design of the building as being drawn from the appearance of the surrounding blocks (particularly Overdell Court) which are described as 'unattractive'. The design of the building is contemporary but having regard to the wide variety of building styles and heights within this neighbourhood I consider that the development would appear neither incongruous nor visually offensive on this site. For all of these reasons I conclude that the development would be in conformity with the relevant policies of the Local Plan and the Core Strategy and that nothing within the Residential Design Guide SPD (Paragraph 3.10.2) should preclude the approval of this scheme on this site on this issue.
  14. On the second main issue, the relationship between the proposed development and the adjacent flats at No 37 Archers Road is of primary importance. Bathroom and kitchen windows face the site from this building. Nevertheless, because of the siting of the block one-metre away from the boundary, and its reduction in depth being achieved by staggering the frontage to correspond to the adjoining block, there would be no undue loss of light or overshadowing. The appellant has demonstrated that no additional loss of sunlight would occur than was the case before No 39 Archers Road was demolished. Bearing in mind the impact that the now demolished structure would have had on No 37 Archers Road in these terms, and the fact that the massing of the structure would accord with the 45 degrees angle test set out in the Residential Design

Guide, I do not consider that the situation that would be created in terms of overshadowing would be materially worse than it was previously.

15. With the use of obscured glazing to the windows in the east elevation of the block, any overlooking in that direction would be avoided. The balconies in the flats would have permanently erected screens to their side for the same reason. With appropriate conditions the development could be implemented in a way that would be in compliance with the relevant policies of the Local Plan and the Core Strategy on this issue and no undue harm to the amenities of the residents of the adjoining building would be created.
16. On the third main issue, the Council's up to date and adopted standards set down the maximum number of spaces to be provided within a particular development. Being on the edge of the City centre, with good public transport facilities and where there is easy access to a wide range of shops and essential services, I regard the site as being within a highly sustainable location. In such circumstances, where the reliance on the use of the private car should be minimised, it is appropriate in my conclusion that the number of available car parking spaces within new developments should reflect these considerations. Such an approach is in tune with development plan policies and reflects the guidance set out in the Framework, for instance at Paragraphs 34 and 39.
17. The Highway Authority acknowledges that the provision of the ten spaces proposed in this development would meet the terms of Policy SDP5 of the Local Plan and the Parking Standards SPD and that this number would be acceptable in meeting the Council's aim of encouraging the use of other transport modes such as walking and cycling. Notwithstanding, the Council maintains that the level of car parking provision proposed for the site would be inadequate. There is already a shortage of available spaces on the nearby roads and overspill, on-street parking would be inevitable. This would harm the amenities of local residents and mean that some occupiers of the flats would have poor surveillance of their vehicles from their dwellings.
18. At the time of my site visit around midday there were a number of available parking spaces in Northlands Road. A maximum waiting time of two hours was permissible and in this way commuters to the City centre were not able to park on the road throughout the day. Unrestricted parking is available between 1800hrs and 0900hrs and many of the potential parking spaces available to the occupants of the flats would be visible from their windows.
19. As a general point, both National and Local policy is aimed towards restricting the use of the private car and one of the tools which is available to achieve that objective is a restriction of on-site car parking provision within new developments located in sustainable positions. The adopted policies and SPD of the Council follow this approach and I do not consider that there are any reasons in this case why an exception to established and up to date policy should be made. Subject to the provision of cycle storage areas within the development, and in this highly sustainable location, it seems to me that the level of car parking provision to be made within the development is both appropriate and acceptable. Inevitably some cars will park on Northlands Road but that is insufficient as a reason to resist the development on this issue.

## Conditions

20. I have considered the matter of conditions in the light of those suggested by the Council and the guidance set out in Circular 11/95 (*The Use of Conditions in Planning Permissions*) together with all the circumstances of this case. As the building that was on the site has now been demolished, and for reasons of clarity and succinctness, I have modified and combined some conditions, where appropriate. Apart from the statutory time duration of the permission it is necessary to control the details of the external materials of the development, in the interests of visual amenity.
21. I have specified the approved drawings in the interests of proper planning and for the avoidance of doubt. I have noted some variations in the drawing numbers that were submitted with the appeal and those listed by the Council but I am satisfied that I have the correct ones. I have imposed conditions concerning the landscaping of the site, external lighting, site levels, tree retention, boundary works and the provision of a cycle storage area and refuse and recycling facilities in the interests of visual amenity and to ensure that the development is provided with the necessary facilities.
22. I have imposed conditions requiring the use of obscured glazing and appropriate balcony screens on the eastern side of the building to preserve the privacy of the residents of No 37 Archers Road. A scheme for the approval and implementation of mitigation measures relating to habitat and species is appropriate. The sustainability of the development should be the subject of a condition and a Construction Method Statement should be approved and implemented to avoid undue nuisance from the development during the construction period. Similarly, the hours during which construction can take place should be controlled in the interests of residential amenity.
23. The proposed amenity space should be provided and made available prior to the occupation of the flats and the vehicular access should be controlled in relation to its sight lines in the interests of safety. I have not imposed conditions concerning drainage as this is a matter for other legislation. Although the Council has suggested conditions concerning the possible archaeological value of the site, no substantial evidence has been provided to support such a requirement. Bearing in mind that the building has now been demolished and the site has been substantially cleared, and in the absence of any clear evidence on the point, it is unnecessary to require the imposition of conditions concerning its possible contamination.
24. I have considered and taken into account everything else that has been raised in relation to this appeal. I have afforded weight in the planning balance to all the points made in opposition to this proposal but nothing overrides my conclusions above and the reasons for them.

*David Harmston*

Inspector

## SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be commenced within three years of the date of this decision.
2. Notwithstanding the details shown on the plans hereby approved, before the development hereby permitted is commenced, details and samples of all the external materials to be used in the construction of the flats and the associated building works, including the hard surfaced areas and boundary works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and samples.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos:- 091103/P00; 091103/PO1; 091103/P02; 091103/P03/A; 091103/PO4; 091103/05; 091103/06/A; 091103/PO7/A; 091103/P08/A; 091103/P09/A; 091103/P10/A; 091103/P12; 091103/P13; 091103/P14; 091103/15; TM-540-01; TM-540-02 and TM-540-03.
4. Notwithstanding the details shown on the plans hereby approved, before the development hereby permitted is commenced, a scheme of landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the planting of trees, hedges, shrubs and herbaceous plants and areas to be grassed. The landscaping shall be carried out in the first planting season following the completion of the development and shall be maintained for five years. Any trees, shrubs or other plants which die, become seriously diseased or are damaged during this period shall be replaced during the next planting season with specimens of the same size and species.
5. Pursuant to the above condition details of those trees which are to be retained within the development shall be submitted to and approved in writing by the Local Planning Authority. Any trees which are to be retained as part of the landscaping scheme shall not be cut down, uprooted or destroyed nor shall they be lopped, topped or pruned otherwise than in accordance with details which the Local Planning Authority has approved in writing before the works are undertaken. Any pruning shall be carried out in accordance with BS3998 (*Recommendations for Tree Work*) and in accordance with any supplied arboricultural method statement.
6. Before any development in accordance with this permission is commenced, a scheme for the protection of the retained trees during the construction period shall be submitted to and approved in writing by the Local Planning Authority. This scheme and the arboricultural method statement referred to above shall be drawn up in accordance with the recommendations contained within BS5837:2005 (*Trees in Relation to Construction*).
7. The approved protection works shall be put in place prior to any work commencing on site and thereafter retained until the development is

completed and all materials, plant, equipment or other items associated with the building works have been removed from the site. Nothing shall be stored or placed within the protected area nor shall any fires be started or tipping, cement-mixing or disposal of waste products be carried out within the protected area. No excavation of the ground or alteration to ground levels shall take place within the protected area.

8. Notwithstanding the details shown on the plans hereby approved, before any development in accordance with this permission is commenced, details of the finished floor and ground levels, the means of enclosure and boundary treatment of the site, refuse bins and lighting columns shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
9. Before the development hereby permitted is commenced, details of a programme for habitat and species mitigation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. This shall be fully implemented in accordance with the approved programme before development commences.
10. Before the development hereby permitted is commenced, details of the methods by which the development will achieve a minimum Level 3 of the Code for Sustainable Homes (including at least 15% in category Ene1) shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be fully implemented before any of the flats hereby permitted are first occupied.
11. Before the development hereby permitted is commenced, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This Statement shall include details of:
  - (i) parking of vehicles for site personnel, site operatives and visitors;
  - (ii) loading and unloading of plant and materials and their storage;
  - (iii) treatment of all relevant pedestrian routes and highways within and around the site throughout the construction period and their reinstatement where necessary thereafter;
  - (iv) measures for the suppression of dust and dirt throughout the construction period, including vehicle wheel cleaning facilities;
  - (v) details of how noise emanating from the site during the construction period will be mitigated.

The measures set out in the approved Statement shall be fully implemented and adhered to at all times.

12. The amenity space areas shown on the plans hereby approved, and the pedestrian accesses to them, shall be made available for such use prior to the first occupation of any of the flats hereby permitted.



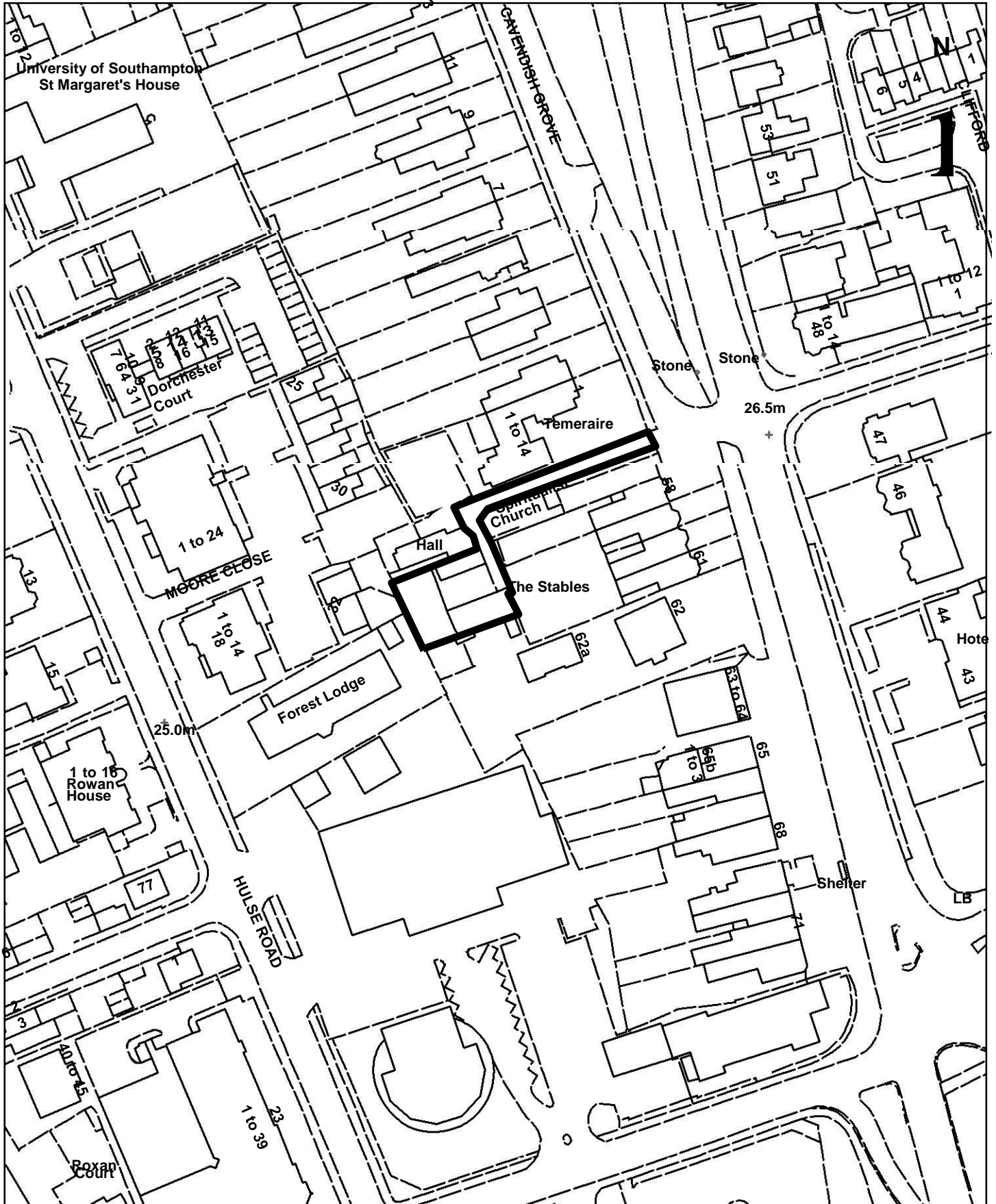
13. Before the development hereby permitted is commenced, details of the provision to be made for the storage of cycles, refuse bins and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details before any of the flats hereby permitted is first occupied.
14. Notwithstanding the details shown on the plans hereby approved, within two metres of the vehicular access into the site, the planting and boundary treatment on the site's northern boundary shall not exceed 600mm in height at any time.
15. No construction works to implement this permission shall be carried out on the site on Sundays or Public Holidays or at any other time except between 0800hrs and 1800hrs on Mondays to Fridays or between 0900hrs and 1300hrs on Saturdays.
16. The windows situated in the east elevation of the building hereby permitted shall be permanently fitted with obscured glass and shall be permanently non-opening to a height of 1.7-metres above internal finished floor level.
17. Before the development hereby permitted is commenced, details of the privacy screens to be erected on the eastern sides of the balconies and roof terraces positioned adjacent to the boundary with No 37 Archers Road shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the approved details before any of the flats hereby permitted is first occupied and shall thereafter be retained in accordance with the approved details.

END

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# Agenda Item 8 21/00044/OUT



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