

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 24 June 2014
 Planning Application Report of the Planning and Development Manager**

Application address: Mayflower Park, Herbert Walker Avenue			
Proposed development: Erection of a Spitfire Monument and Memorial on the river frontage of the park.			
Application number	14/00636/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	5 minutes
Last date for determination:	03.06.2014	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider public interest	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: National Spitfire Project - Mr A Jones	Agent: Nick Hancock Design Studio
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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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. The Council is satisfied that the development would not adversely affect the character or appearance of the Old Town Conservation Area or adjoining listed buildings. The development would not result in the loss of open space and the impact on other activities within Mayflower Park can be mitigated through planning conditions and other measures. 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 be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9, SDP12, SDP17, NE4, HE1, HE3, CLT11, MSA1 and MSA4 of the City of Southampton Local Plan Review (March 2006) and CS6, CS12, CS13, CS14 and CS21 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is within the south-western corner of Mayflower Park on the River Test frontage. The location of the proposed Spitfire Monument is at the position on the site where the existing Mayflower Park meets the area which is proposed to be reclaimed from the river as part of the Royal Pier project.
- 1.2 The surrounding area is mixed, although predominantly commercial in character with the Port of Southampton, Western Docks, directly adjoining to the west at Berth 101. The application site is not within a conservation area, the boundary of the Old Town West Conservation Area runs along the line of the Town Walls to the north-east of the site.

2. Proposal

- 2.1 The application proposes a 1:5 scale replica of a Spitfire aircraft mounted on a curved 'vapour trail' mast. To the highest point the structure would be 40 metres and would be finished in stainless steel.
- 2.2 The base of the structure would be approximately 32 metres in diameter and would partially project over the river to be supported by piles into the riverbed. The base of the structure would be a viewing platform incorporating a ramp for disabled access and a public seating edge. At the centre there would be a memorial pool, Tribute Roundels of the Allied Air Forces and a series of Tribute Plaques to the designers, constructors and test pilots of the aircraft.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. Mayflower Park falls within site allocation Policy MSA4 which, together with an extensive area of adjoining land, is allocated for a major mixed use development.
- 3.2 The emerging City Centre Action Plan allocates the area of Mayflower Park, Royal Pier and Town Quay for a major mixed use development which could include cultural and leisure attractions, a range of commercial uses and improved public open space to create a high quality waterfront destination.

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

4. Relevant Planning History

4.1 There is no planning history directly relevant to this proposal in Mayflower Park. However, planning permission was granted in December 2011 for an identical proposal at Trafalgar Dry Dock within the Eastern Docks (reference 11/01670/FUL). This permission remains valid until December of this year.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (16.04.2014) and displaying a site notice (25.04.2014). At the time of writing the report **0** representations have been received from surrounding residents. The following comments have been submitted by adjoining owners and other interested parties.

5.2 **Associated British Ports** - ABP have an interest in the land as they are responsible for the maintenance of the revetments that protect the sea wall along the boundary of Mayflower Park where the proposed monument would be located. The proposed monument includes piled foundations into the revetments to support the concourse, which is proposed to extend over the water. There is insufficient information of the construction methodology to demonstrate to ABP how the revetment will be protected and maintained both during and after construction. Without this information ABP have no alternative at this stage but to maintain an objection to the proposal as it stands. If the Council is minded to grant consent ABP request that a planning condition is imposed requiring the submission and approval of details concerning the construction methodology including the protection and maintenance of the revetment. (Note - a planning condition is recommended).

5.3 **National Boat Shows** (Organisers of the Southampton International Boat Show Ltd - SIBSL) - If the proposal goes ahead it should only be constructed as part of, and in time with, the overall waterfront development scheme. If the monument was to be considered on the existing Mayflower Park layout it would have a very serious negative impact on the future of the Boat Show. At present the SIBSL is competing in a competitive market of worldwide boat shows from existing established shows and from new boat shows being launched annually in emerging markets such as the Middle East, China and South America. Marine companies, particularly boat manufacturers from the UK, Europe and USA make careful considerations as to which boat shows they invest in to maximise the return on crucial expenditure. In doing so they are demanding that the boat shows in which they participate are able to provide a suitable and appropriate event where they can present their brand to deliver maximum presence and display the type of boats required to meet their customers' expectations. If a boat show is not able to deliver that platform then such companies will either participate at another show or reduce their presence at the show unable to meet their demands.

- 5.4 The key for any leading boat show is to retain its profile by retaining its key major companies ie. exhibitors showing key brands, with the lead being taken by the world's leading boat manufacturers. If they are not at a boat show or only in a less than significant presence this will have an impact on other companies exhibiting, ie, from the supply chain, which then will make the show less appealing to visitors. Losing major companies/brands will lead ultimately to a show's decline. The PSP Southampton Boat Show (PSP SBS) is owned by the British Marine Federation, the trade association for the UK Leisure, Superyacht and Small Commercial Marine industry. An industry of 4,200 businesses, many based in the South of the UK, generating an annual revenue of £2.8b, of which over £1b is export trade, and employing 31,000 employees. The PSP SBS is a major part of the industry's marketing and sales activity to deliver the revenue together with being an ideal event to encourage growth to boating participation and thus boats and equipment.
- 5.5 The PSP SBS is ranked in the top 'ten boat shows in the world' and SIBSL is currently able to retain the show's major exhibitors by meeting their demands as to what the PSP SBS needs to deliver. These challenges are being met at present with the present boat show site (Mayflower Park and surrounding areas) and with the added benefit of the capability and flexibility of the current marina installation. The marina is the unique selling point of the PSP SBS and at present is able to accommodate not only some of the largest boats on the market and can host world launches of new models, but also present one of the largest temporary boat show marinas in the world. The combination of such is critical for the continued success of the PSP SBS. However, the present site has very little in reserve to expand or to produce additional or suitable space.
- 5.6 The space available to the PSP SBS within Mayflower Park is limited and any disruption or reduction in the existing capacity to the land or marina space will have a detrimental effect on the PSP SBS. It is considered the proposed SM on the existing Mayflower Park will significantly impact on the space available and impede the ability of SIBSL to deliver the boat show of the profile and status required to assure its future.
- 5.7 **City of Southampton Society** - The society heartily endorses the application for a Spitfire Monument at the western end of Mayflower Park. It is a particularly suitable site overlooking the River Test on Council owned land. The Society would hope that access to the monument will be possible at all times, even when the Royal Pier Development Project by Morgan Sindall takes place. We would recommend a footpath directly to the monument from Herbert Walker Avenue, near Dock Gate 8. CoSS also draws your attention to the need for a two-way view of the monument, to and from the Old Town Walls.
- 5.8 **Southampton Common and Parks Protection Society** – SCAPPS supports the proposal to locate the Spitfire monument in Mayflower Park. Changes in circumstances means the rationale for choosing the site where permission was granted in 2011 no longer applies. Mayflower Park is a better site because the monument would be more visible from the City Centre and would be set in a context where it can be enjoyed and appreciated. It would be a welcome addition to the attractions and attractiveness, of Mayflower Park. It would be a major visitor attraction and a very visible 'destination' drawing visitors to the far end of the

Park. It would provide the 'landmark structure' which the City Centre Action Plan (CCAP) proposes should be included in the Royal Pier Waterfront development and should certainly not be visually challenged, rivalled or masked by another tall structure within the scheme. There should be public access to the monument throughout construction of the Royal Pier Waterfront development.

- 5.9 The Spitfire monument would mean more people visit Mayflower Park. SCAPPS has already expressed concern that visitors approaching the Park from the Old Town/Bugle Street have to contend with crossing chaotic vehicle movements in and out of the Red Funnel ferry terminal. Increased numbers of pedestrians mean the City Council should explore with ABP/Red Funnel ways to improve the situation for pedestrians to the Park and monument and not leave the issue unresolved in the hope that the eventual Royal Pier Waterfront development may result in some improvement.
- 5.10 **BAA** – Southampton International Airport has no objections to the proposal. Should any height or lighting details change, this application must be resubmitted for a full assessment.
- 5.11 **English Heritage** – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 5.12 **Natural England** - (Comments submitted for the previous application at Trafalgar Dry Dock). **Assessment under the Conservation of Habitats and Species Regulations 2010:** In Natural England's opinion this proposal in its current form is unlikely to have a significant effect on the interest features of the SPA/Ramsar site (Solent and Southampton Water) and therefore does not require appropriate assessment in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 provided conditions to the effect of the following are attached to any planning permission granted:
- Given the bird sensitivities in the area, the proposed construction will need to be timed and undertaken in a suitable way to minimise disturbance to overwintering and nesting birds, therefore it will be necessary to:
 - Ensure best practice is in place for operating machinery to reduce unnecessary noise;
 - No percussive piling or works with heavy machinery occur within the waterfowl overwintering period, 1 October to 31 March inclusive. Heavy machinery constitutes, for example, use of pneumatic drills or excavators.
- Advice under S28I of the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000)**
- It is Natural England's advice that the adjoining SSSI (Hythe to Calshot Marshes) is unlikely to be adversely affected by the above proposal provided conditions to the effect of the above are attached to any planning permission granted.
- 5.13 **Ministry of Defence** – There are no safeguarding objections to this application
- 5.14 **Environment Agency** - no objection to the proposed development in terms of flood risk. The applicant should contact the agency to make the necessary arrangements for Flood Defence Consent.

- 5.15 **Southern Water** - No objection as the proposed means of surface water drainage is via a watercourse.

6. **Planning Consideration Key Issues**

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

- The principle of this form of development
- The height, design and appearance of the structure and any impact on key views
- The impact on other activities within the park especially the annual Southampton Boat Show.

6.2 Principle of Development

The principle of a large landmark structure to commemorate the Spitfire and its importance to the City on a waterfront site was established by the permission granted for an identical form of development at Trafalgar Dry Dock. Circumstances have changed and it now transpires that the site within the eastern docks is required for the future relocation of the Red Funnel terminus as a result of the Royal Pier development. The alternative location subject of this application is considered to be preferable as it would be a better location for permanent public access, being within a park, rather than within the operational docks. The structure would be visible from many viewpoints around the city and would represent a tourist destination for one of the main publicly accessible parts of the city's waterfront. The principle of this development is therefore acceptable.

6.3 Height, design and appearance of the structure

The proposal to create a Spitfire monument on this site accords with planning policy objectives to provide an attractive waterfront. Saved Policy SDP9 of the Local Plan supports the principle of tall structures at the waterfront. The proposed structure would have an elegant profile and its positioning on one of the key public spaces in the city would make a positive addition to the city's skyline. The submitted Design and Access Statement demonstrates that a high-quality public realm would be created at the base of the monument. Given the 'open nature' of the surroundings the monument, being 40 metres in overall height, would be visible from views into and out of the Old Town Conservation Area. However, the profile and nature of the structure is such that it would result in a positive impact. The Town Walls are some 250 metres from the structure. Consequently it is considered that the revised location for this monument would not be detrimental to the character or appearance of the conservation area or the setting of the various listed buildings within the Old Town.

6.4 Impact on other uses of Mayflower Park including the boat show

Mayflower Park is used extensively for a range of public events including circuses, firework displays etc in addition to the closure of the park for the annual Southampton International Boat Show. It is a key public open space in the city. The proposed monument would add an important public attraction without reducing the area of open space; in fact the area of publicly accessible open space would effectively be enlarged due to the deck extending out over the water.

- 6.5 The importance of the boat show to the city is very significant. The operators of the boat show are understandably concerned about the future of the boat show but it does not necessarily follow that this proposal would reduce the area available for the boat show or make it more difficult to operate. The area of the park affected is relatively small: the base of the monument takes up approximately 400 square metres of existing parkland. The applicants have submitted an indicative drawing to show that the base of the monument could be used as a corporate entertainment area or similar during the boat show event.
- 6.6 The application does lack detail at this stage relating to issues such as the structural works necessary to support the monument and the impact on the river wall. ABP's concerns can be met by imposing a condition covering the structural integrity of the development. Other issues raised relating to access to the monument via a separate footpath and the stability of the structure can be dealt with by the Council as landowner once an application is made for the necessary licence. The use of planning conditions can ensure that impacts on Ecology and the nearby designated sites can be managed and mitigated against. Concern has been expressed that the monument should only be constructed as part of the wider Royal Pier project which will involve land reclamation on the river frontage. However, this planning application needs to be considered on its own merits and the location chosen demonstrates that the monument can be constructed on the site as existing or with the enlarged park. Planning permissions are normally granted for a 3 year period. In this case a 5 year consent would seem appropriate given the need to raise funds for the project and to ensure greater certainty over the wider Royal Pier project.

7. Summary

- 7.1 The principle of this form of development on the waterfront has been established by the previous permission at Trafalgar Dry Dock. The new location in Mayflower Park is considered to be preferable in terms of public access in a key location. The development would not adversely affect the Old Town and its many heritage assets. Other concerns about structural impact and the effect on the operation of the boat show can be dealt with by conditions or through the Council's role as landowner.

8. Conclusion

It is recommended that permission be granted subject to conditions

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 3(a), 4(d), 4(g), 4(r), 6(a), 6(c), 7(a), 9(a) and 9(b).

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PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin not later than five years from the date on which this planning permission was granted.

Reason:

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

02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

No work for the construction of the structure hereby permitted shall commence unless and until details and samples of the materials and finishes to be used have been submitted to and approved in writing by the Local Planning Authority. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Construction Environmental Management Plan [pre-commencement condition]

Notwithstanding the information already submitted, the applicant shall submit a Construction Environmental Management Plan (CEMP) to the Local Planning Authority for approval in writing prior to the commencement of development. The CEMP shall set out procedures to ensure that there are no adverse effects on the integrity of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC). The plan should include details of mitigation including measures to avoid disturbance to waterfowl and migratory salmon, including timetabling works to avoid sensitive periods for such species. The plan shall include monitoring procedures and shall be reviewed and agreed annually with the Local Planning Authority and Natural England, and more frequently if required, by these parties. Works shall be implemented in accordance with the agreed details and maintained thereafter.

Reason:

To ensure that the natural conservation interests of the site and surrounds are adequately safeguarded.

04. APPROVAL CONDITION - Piling Method [pre-commencement condition]

Prior to the implementation of the development hereby approved, the applicant shall submit in writing to the Local Planning Authority the proposed method of piling to be used in the construction of development. No development shall commence until the submitted details have been agreed in writing by the Local Planning Authority. Development shall be implemented and proceed only in accordance with the agreed details.

Reason:

To satisfy the requirements of Natural England and the Environment Agency, and to ensure that an appropriate form of piling is undertaken for each phase in the interests of protecting residential amenity and the habitat of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site,

the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC), whilst ensuring that any piling methods used do not cause pollution, harm or nuisance.

05. APPROVAL CONDITION - Lighting Scheme [pre-commencement condition]

Prior to the commencement of the development hereby approved a detailed lighting scheme shall be submitted to the Local Planning Authority for approval. The scheme shall be implemented in accordance with the approved details prior to the development first coming into occupation.

Reason

To ensure that the lighting does not adversely impact on local biodiversity.

06. APPROVAL CONDITION - Details of river wall (Pre-Commencement Condition)

No development shall commence until details of the construction methodology, including the protection and maintenance of the revetment and sea wall, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved by the Local Planning Authority.

Reason

To ensure that the construction details are satisfactory to safeguard adjoining land and in the interests of maintaining flood defences.

07. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS6	Economic Growth
CS9	Port of Southampton
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk

City of Southampton Local Plan Review – (March 2006)

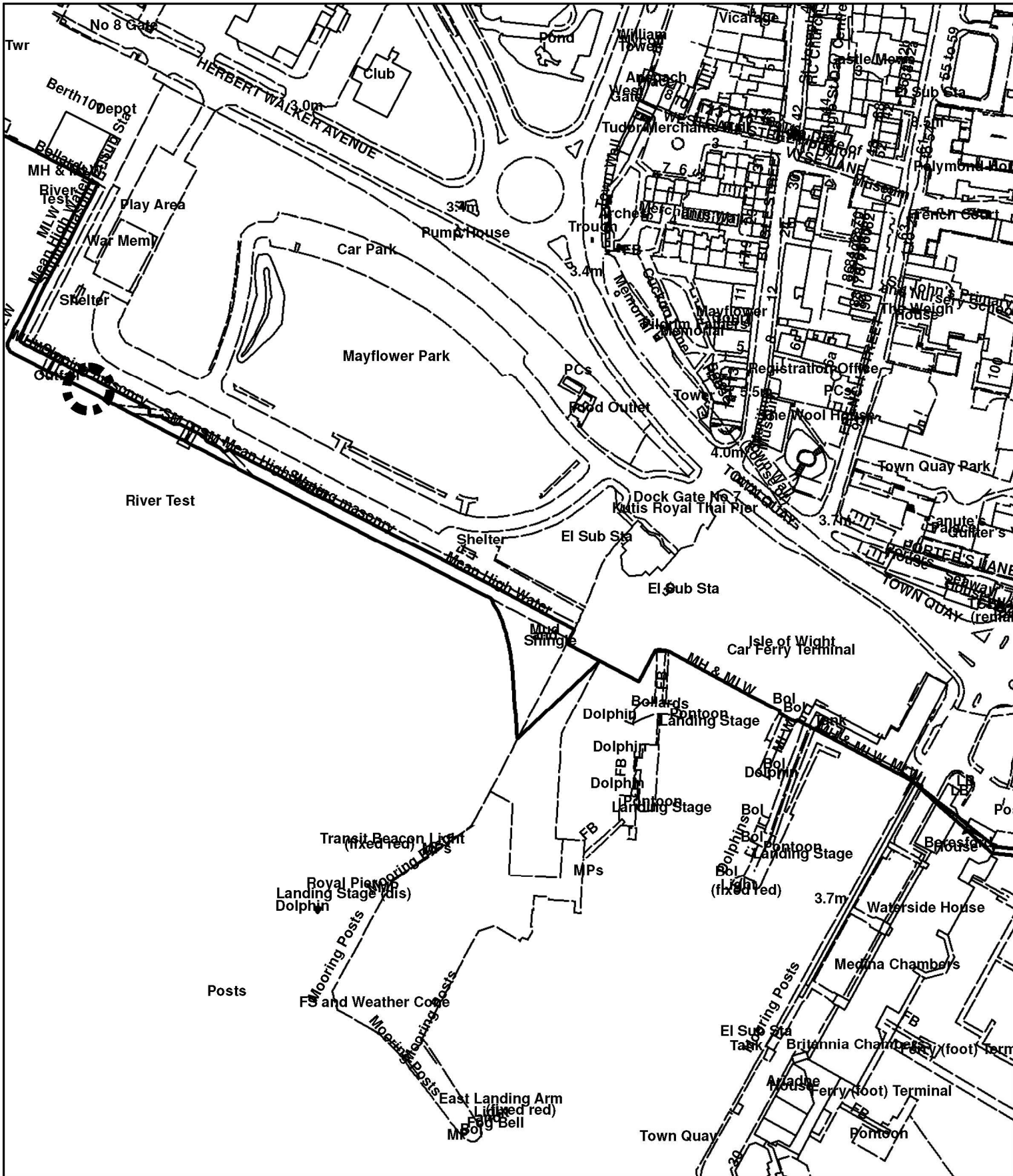
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT10	Public Waterfront and Hards
CLT11	Waterside Development
CLT12	Waterside Open Space
MSA1	City Centre Design
MSA4	Royal Pier and Town Quay

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



Scale: 1:2,500

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