

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 19 January 2016 (East)
Planning Application Report of the Planning and Development Manager

Application address: Land in The Eastern Docks at Trafalgar Dry Dock and adjoining land, Platform Road			
Proposed development: 1) Relocation and consolidation of Red Funnel facilities to Trafalgar Dock, including demolition of and works to listed structures and fixtures/fittings, construction of a ferry terminal building of 2,123 sqm (GIA), a marshalling area for the queuing of ferry traffic with a four level decked car park above to replace existing surface parking and car storage, new vehicular, cycle and pedestrian access arrangements, including bus stops and a drop off and pick up area, a storage and operational area and associated infrastructure including two electricity sub-stations, a foul pumping station, gantries and marine-related infrastructure (Environmental Impact Assessment development). 2) Listed Building Consent sought for demolition of the above ground structure of the pump house and erection of a new ferry terminal building above the pump well. New ramped structure within the dry dock to provide access to a multi-deck car park with associated works.			
Application numbers	1) 15/00408/FUL 2) 15/00409/LBC	Application type	1) FUL 2) LBC
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	05.02.2016 (Agreed extension of time)	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning and Development Manager due to strategic importance	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker
Called in by:	N/A	Reason:	N/A

Applicant: RPW (Southampton) Limited	Agent: Terence O'Rourke Ltd
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Recommendation Summary	<p>1) That the Panel confirm the Habitats Regulations Assessment in Appendix 3 to this report.</p> <p>2) Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.</p> <p>3) Delegate to Planning and Development Manager to grant listed building consent subject to conditions.</p>
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Community Infrastructure Levy Liable	No - on the basis that the proposed cafe use would be ancillary to the ferry terminal use.
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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 has taken into account the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The Council accepts the methodology used in the Environmental Statement and its conclusions and is satisfied that the development can be controlled through planning conditions. A Habitats Regulations Assessment has been undertaken and the Council endorses its findings. The Council has also considered the significant regeneration benefits associated with the development. The Council has considered the impact of the development on the setting of the adjoining conservation area and listed buildings and found the impact to be acceptable. The Council is satisfied that the transport impact of the development can be satisfactorily mitigated through obligations within the Section 106 agreement. Other material considerations do not have sufficient weight to justify a refusal of the application. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies SDP1, SDP4, SDP5, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT10, CLT11 and TI2 of the City of Southampton Local Plan Review (amended 2015).

CS1, CS3, CS6, CS9, CS12, CS13, CS14, CS18, CS19, CS20, CS22, CS23, CS24 and CS25 of the City of Southampton Core Strategy (as amended 2015).

AP1, AP4, AP14, AP15, AP16, AP17, AP18, AP19 and AP23 of the City Centre Action Plan (March 2015).

Appendix attached			
1	Development Plan Policies	2	Transport Team Comments
3	Habitats Regulations Assessment		

Recommendation in Full

1. That the Panel confirm the Habitats Regulations Assessment in Appendix 3 to this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions, or direct works towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy

(as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) to include the following:

- a. alterations to the Dock Gate 5 access and associated works including pedestrian and cycle works to provide for wider left turn lanes;
 - b. alterations to highway movements at Orchard Place;
 - c. the applicant paying for the necessary Traffic Regulation Orders;
 - d. measures for introducing traffic controls on the internal port road network in connection with the works and to manage efficient movements of Red Funnel and other traffic including connection to SCC traffic systems and CCTV;
 - e. measures for ensuring appropriate drop-off facilities at the new terminal building including taxi rank provision and other stopping and waiting facilities;
 - f. measures to ensure the site is adequately connected to public transport facilities;
 - g. provision of measures for pedestrians and cycles to access the terminal facilities including along the terminal access road, the shared pedestrian/cycle link from Platform Road and management of pedestrians and cyclists crossing in front of the ferry ramps and vehicles disembarking.
- ii. Provision of, and maintenance of public access to, the waterfront footpath in perpetuity.
 - iii. 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.
 - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vi. Provision of Public Art in accordance with the Council's Public Art Strategy.
3. Delegate to the Planning and Development Manager to grant listed building consent with conditions to be determined by officers.
 4. In the event that the legal agreement is not completed within two months of the Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
 5. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission

being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. The site and its context

- 1.1 The application site comprises approximately 7.8 hectares of land and water within the Eastern Docks near the newly improved and widened Dock Gate 5. The land area is 3.7 hectares with some 4 hectares of water area. The site includes Trafalgar Dry Dock, a Grade II listed structure and ABP Berth 50. A significant part of the former dry dock has been infilled and is used, as is the adjoining land, for surface level car parking for cruise passengers and in connection with other dock related uses including the import/export of vehicles through the port.
- 1.2 The immediate surroundings of the application site are predominantly commercial and port related in character. To the east of the site is operational port land including the Ocean Cruise Terminal and associated vehicle parking. To the north-west are four-storey office buildings with surface level car parking which adjoins the Triangle and Marina car parks. The nearest adjoining residential properties are to the north on Lower Canal Walk, and to the north-east at Admiralty House, Platform Road which is a Grade II listed building. The application site is not within a conservation area, although the northern extent of the site directly adjoins the Canute Road Conservation Area and forms part of its setting.

2. Proposal

- 2.1 The application proposes the relocation of the Red Funnel ferry terminal from its current location at Royal Pier and Town Quay to this site. All the current ferry facilities, the vehicle ferry, 'Red Jet' and Hythe ferry facilities would be moved to this site. The proposed new terminal building would be at the southern end of the site. This would be a 2-storey building of 2,123 square metres floorspace and would include various facilities: at ground floor level terminal operations, contact centre, ticketing, help desk, cafe, seating and queuing areas etc; at first floor level Red Funnel offices, meeting rooms etc. There will also be an external viewing platform and a festival queuing area. The proposed external materials are intended to complement that of the adjoining Ocean Terminal building with the use of profiled metal rainscreen cladding, powder coated metal louvres, powder coated aluminium doors and windows.
- 2.2 The planning application has been amended since it was first submitted. The most significant change is in relation to the proposed multi-storey car park. As originally proposed the multi-deck had two levels above the Red Funnel marshalling yard and a single deck over the whole of the former dry dock. As amended, the multi-deck car park is confined to the area above the marshalling yard in a four deck structure rather than partly within the dry dock. The access arrangements are via a spiral access ramp in the north-east corner of the car park. The maximum height of this ramp structure would be 7.95 metres (12.05 m AOD). The maximum height of the car park would be 18.15 metres (22.25 m. Above Ordnance Datum (AOD) with the lift cores extending up to 22.05 metres 26.15 metres (AOD).
- 2.3 The main site access for Red Funnel traffic will be via a new signalised junction off the existing Ocean Terminal access road from Dock Gate 5. The new highway will be

one entry lane and two exit lanes. The queuing arrangements will be a four lane zone that will allow access to the marshalling yard after passing through the ticket booths. Two small electricity substations are proposed at either end of the multi-deck car park. The car park will be accessed via the existing Ocean Terminal access at Dock Gate 4. All traffic leaving the multi-deck car park will exit via Dock Gate 5. The privately owned vehicular access from Platform Road which serves the slipway into the marina will be retained and improved. There would be no new car parking for Red Funnel staff or visitors; the adjoining 'Triangle' car park will continue to provide car parking for users of the ferry services.

- 2.4 In terms of pedestrian access to the terminal building this would be alongside the new access road and there would be a new shared footway/cycleway along the edge of the quayside between Platform Road and the ferry terminal building. This footway would be a minimum width of 3 metres where it adjoins the Red Funnel operational compound. There would be three wider 'layby' areas containing seating and the walkway will be 6 metres wide at its southern end.
- 2.5 The application also includes alterations to the marine environment with new berthing facilities, new linkspan structures, additional dredging and piling works and the demolition of two dolphins. These works are subject of an application for a marine licence submitted to the Marine Management Organisation which is an agency of central government (Defra). This part of the waterfront currently accommodates the historic vessel MV Calshot. The application does not make arrangements for retaining this vessel which would be removed to make way for the new Red Funnel berths.
- 2.6 The application is accompanied by an Environmental Statement which assesses the impact on both the terrestrial and marine environment. The impact of the proposal is considered under various topic headings: estuarine processes; marine and terrestrial ecology; contamination; water quality; flood risk and drainage; landscape, townscape and visual effects; heritage; traffic and transport; noise and vibration; air quality and navigation.
- 2.7 There is a separate application for listed building consent (reference 15/00409/LBC). This application proposes demolition of the above ground structure of the pump house; the erection of a new ferry terminal building above the pump well; and the new ramped structure within the dry dock to provide access to the multi-deck car park.

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). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord

with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

- 3.4 Site Policy AP23 (Royal Pier Waterfront) in the City Centre Action Plan is relevant to this application. Although this site is outside the boundary of the Royal Pier Waterfront site allocation, the relocation of the Red Funnel services is a pre-requisite of this larger scale redevelopment project. Policy AP23 recognises that the ferry services occupy a key position between Royal Pier and Town Quay. The policy states that to deliver a comprehensive scheme and maximise the potential of the site, the ferry facilities should be relocated to an alternative position preferably within the Port.

4. Relevant Planning History

- 4.1 Trafalgar Dry Dock was constructed in 1905 and enlarged in 1913 and 1922. From 1924 onwards the larger Cunard liners began to be serviced by a large floating dock and after 1933 by the King George V Graving Dock. The Dry Dock was listed as a building/structure of special architectural and historic interest in 1988 for its connection with the earlier ocean going liners.
- 4.2 In 1999 listed building consent was granted on appeal for filling in the dry dock with dredged material.
- 4.3 In 2008, listed building consent was granted for various alterations around the dry dock in connection with the proposed Ocean Terminal to be constructed on the adjoining land (reference 08/00940/LBC).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures and the Environmental Impact Assessment Regulations was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (27.03.2015) and erecting a site notice (27.03.2015). At the time of writing the report **6** representations have been received from surrounding residents. The following is a summary of the points raised:

The previous proposal was acceptable but the revised application is an ugly monster of a car park and a terrible blot on the landscape of the Town Quay area of Southampton. The height of the structure is the equivalent of a 7-storey building due to the marshalling yard for HGV's at ground level. Southampton has very few world class views to be proud of but the one from Queens Park and the surrounding flats and the shipping in Southampton Water is one of the best. The proposed car park would obliterate this view to the detriment of residents and the many visitors who walk through this area. A better solution is possible if people work harder at it. Approval of this development would set a dangerous precedent for other developments around the park. It would be more sensible to make all the surface car parking double storey, thus doubling the number of cars able to park without any obstruction of views.

Response

The new car park would be a significant structure measuring some 105 metres x 65 metres and 18 metres in height. As it would be constructed on what is currently an

open part of the docks it would be a highly visible structure. There are several multi-deck parking structures within other parts of the eastern docks so this would not be out of character with the area. These other multi-decks have been carried out by ABP under their 'permitted development' rights and a similar structure could be built here without the need for planning permission were it not that other aspects of this development are EIA development. Other options have been considered for providing sufficient space for the necessary car parking but these options were considered to be unacceptable for heritage reasons and resulted in the amendments being made to the application. There is no private right to a view from adjoining properties.

- 5.2 **Pollution due to excessive transport, including lorries, cars and other public vehicles needs to be taken into account as the emissions into the atmosphere and the additional noise local residents and local communities will experience is totally unacceptable. This does not even include the normal cruise traffic when cruise ships are in port. There are major delays on the dual carriageway now, which will only become unnecessarily worse. Local residents have had to put up with two years of disruption while Platform Road was redeveloped and this proposal will make the situation worse. The ferry terminal should be located elsewhere in the city.**

Response

Traffic levels are high along Platform Road but it should be borne in mind that this proposal is for the relocation of existing ferry facilities from its current Town Quay/Royal Pier location to this new site; it is not a totally new development for the city. The car parking numbers for the cruise industry and general port use are quite similar to the existing, but configured in a different way to improve the ease of use.

- 5.3 **The proposed development would be extremely detrimental to the environmental aspect of the area which would be greatly affected, including sealife and the general wellbeing of local residents and members of the public.**

Response

The application is accompanied by a comprehensive Environmental Statement (ES) as required by the Environmental Impact Assessment Regulations. The ES assesses the impact on marine and terrestrial issues. The planning application and an application for a marine licence were submitted at the same time and discussions have been held with the Marine Management Organisation (MMO). As the ecological impact is more relevant to the marine environment, the MMO have prepared the necessary Habitats Regulations Assessment which is appended to this report. No Ecology objection has been raised.

- 5.4 **The former Red Funnel tug/tender 'MV Calshot' was originally incorporated but now does not appear on the site plan. This was to have formed part of the visitor attractions to the site, bringing in people who may not be travelling on the ferries, but who would make use of the Red Funnel facilities, for example the cafe. With the repositioned maintenance berth there appears to be no site for this historic vessel. It is pleasing to note that some of the listed bollards and keel blocks will be relocated around the Red Funnel site. The amended application seems to have proposed demolition of a third dolphin which was not part of the original application. This dolphin is associated with the former**

flying boat terminal and, although not listed, is of considerable heritage significance.

Response

See the comments of the Council's heritage team in paragraph 5.20 of this report. There are no planning controls precluding moving of the Calshot vessel. The application has been amended on two occasions and the application now proposes to remove only two of the dolphins. The retention and installation of the bollards and keel blocks will be secured through the listed building consent.

5.5 The original application showed Hythe Ferry using the Red Jet facility, but there is nothing on the revised plan to indicate that White Horse Ferries will be included

Response

The application drawings do include a berth for the Hythe ferry.

5.6 White Horse Ferries (operator of the Southampton - Hythe ferry) - have a number of concerns:

- foot passengers who walk to work, shop or simply visit Southampton will have a greater distance to travel which may discourage use;
- passengers wishing to access bus services will have to cross in front of vehicles boarding or alighting Red Funnel car ferries;
- there will be conflict with the Red Funnel car ferry service which arrive and depart around the same time. The conflict between the two services attempting to manoeuvre into their berths at the same time will cause delays and impact on the reliability of the service;
- other than a simple bus type shelter there are no passenger facilities proposed for Hythe ferry passengers.

Response

The Hythe ferry currently has the benefit of sharing the facilities with the Red Jet services at Town Quay. That would no longer be the case and it is correct that all the ferry services would be a little further from other facilities in the city centre. However, it is intended that the CityLink bus service would continue to service the new ferry facilities. Any disadvantages to users of the Hythe Ferry has to be balanced against the overall benefits of the Royal Pier Waterfront project of which this application is an essential first step.

5.7 Associated British Ports - (comments on the application as originally submitted in March) whilst ABP is supportive in principle of the Royal Pier development, the proposed relocation of Red Funnel to the Eastern Docks will place considerable pressure on ABP and its existing customers within this part of the Port. ABP objects to the application due to concerns about traffic and transport and pedestrian access. ABP does not consider that it is currently possible to fully determine what the impacts on the Port and its access will be. The applicant will need to carry out further work on traffic matters, including a safety audit, an analysis of the Dock Gate 5 road layout and analysis of port demand/growth projections.

- 5.8 In terms of pedestrian access, the walkway between the new terminal and Platform Road is shown as being 6 metres wide. This will result in consequential impacts on the proposed layout, design and operation of the ferry terminal: with a restriction on the area available to turn HGV traffic; a restriction in the operational storage and handling area for freight business with a reduction in the efficiency of managing embarkation of vehicles.
- 5.9 ABP are therefore not satisfied that the proposal in its current form is acceptable in traffic and transport terms in respect of both the current and future operations of the Port. (A subsequent letter from ABP received in December stated that there are a number of significant issues still to be resolved, in particular the design proposals for the multi-storey car park and Dock Gate 5).

Response

These comments were made several months ago and the application has been amended in an attempt to address these concerns. A verbal update will be provided at the Panel meeting. The pedestrian walkway has been reduced in width to 3 metres over the majority of its length. A detailed highways response is attached at Appendix 2.

- 5.10 **Carnival UK** - (Comments on the application as originally submitted). The majority of the application site is land leased from ABP to Carnival UK under a 20 year agreement which runs until March 2030. The land is critical to Carnival's continued cruise operations within the Eastern Docks at both the Ocean and Queen Elizabeth II cruise terminals. In 2015 the Carnival Group has 281 cruise vessels calling in Southampton with approximately 1.3 million cruise passengers embarking, disembarking or in transit. This activity makes a significant contribution to the regional economy. Carnival UK is also a significant local employer with more than 1,300 staff based at the Southampton office.
- 5.11 Carnival have two principal concerns. Firstly, the loss of this land will require the provision of suitable replacement facilities immediately adjacent to the Ocean Terminal. Providing a suitable replacement facility is provided at no cost to Carnival, this may satisfy concerns regarding loss of the existing parking. Secondly, concerns about traffic management and potential traffic congestion at peak times at both Dock Gate 5 and the wider city traffic network. These problems are inevitable at peak times with the existing road layout and this will need to be amended to mitigate such congestion. The current road layout on exit from Dock Gate 5 prevents safe two lane traffic when any HGV is occupying one lane and this should be amended by easing the turn radii to keep two left hand turns available at all times, particularly during traffic peaks.
- 5.12 In addition, Carnival have requested additional traffic modelling to take account of latest peak time traffic forecasts. This modelling should include situations where two cruise ships of 4,000 passenger capacities are in port as well as peak time relocated ferry traffic and other eastern dock peak rail, lorry and transporter traffic.

Response

The applicant, ABP and the Council's Transport Team have been working to address these issues for several months and the application has been amended to address some of these concerns. A verbal update on the current position will be provided at

the Panel meeting.

- 5.13 **Councillor Bogle** - there is no objection to the relocation of the Red Funnel Terminal as this is essential to the Royal Pier project but representations have been made about the proposed multi-storey car park which will block views of the waterfront. It is not clear why this structure is needed given that the existing terminal just has a waiting area for vehicles.

Response

The car parking provision is to replace that existing on site which is used for short and long-term cruise parking and other port related uses including import/export of vehicles through the port. It is not for use by Red Funnel passengers.

Consultation Responses

- 5.14 **SCC Highways** - This application has been the subject of considerable discussion and amendments since it was first submitted. The detailed comments of the Council's Transport Team are given in full in Appendix 2 to this report. These comments address the impact on the adjacent highway network, public transport, pedestrian and cycle accessibility and mitigation issues. The overall conclusion is that the highways authority has no objection to the application subject to addressing the appropriate points and undertaking mitigation works which can be secured through the Section 106 agreement.
- 5.15 **SCC Sustainability Team** – The development is targeting BREEAM 'Very Good' with an overall score of 68.96% (70% is required for Excellent). All 'Excellent' mandatory credits for BREEAM have been targeted, including a minimum 25% improvement in CO2 emissions. The applicants state that the nature of use and the site impose restrictions to achieving 'Excellent'. For example, a number of credits relating to flooding and indoor air quality are unobtainable due to the close proximity to the waterfront and the necessary location of car parking and ships. The applicants state that such an approach will not set a precedent in Southampton, as this is a bespoke building, with very particular requirements, that necessitate a bespoke approach and energy solution. However, it is felt that the additional 1.04% that is needed to be met could be sought and it has not been satisfactorily justified for all the additional credits why they cannot be met. It is therefore recommended that BREEAM Excellent is conditioned if the application is approved. However if the case officer seeks alternate conditions it is vital that the mandatory individual credits for Excellent are secured and as high as possible overall score is also secured.
- 5.16 The development will be designed based on a Fabric First Principle with thermally efficient fabric and low air permeability design. Glazing and solar protection will be selected to help maximise the buildings natural day lighting capabilities as well as reduce the effects of solar overheating. The key building form feature that contributes towards a sustainable design includes the utilisation of the open plan terminal area, which uses cross ventilation, therefore minimising overheating during the summer. The use of high windows will help natural daylight reach all areas therefore minimising the use of artificial lighting.
- 5.17 The consultants recommended that a 25kWp (circa 250m²) Photovoltaic (PV) array is installed together with Air Source Heat Pumps (ASHP) to deliver the heating, hot water and cooling demand of the Terminal Building. The proposed array will generate

about 23% of the total electricity demand of the building and will therefore meet the mandatory BREEAM Energy credits. The PV panels will be mounted on the south-facing roof of the proposed terminal building to maximise the suitability and efficiency of the site. Due to the PV panel being mounted on the roof, the land use of the building will remain unchanged which is very important due to the limited land space available. Payback of the PV system is estimated to be 6 years. Under-floor heating shall be used in all areas which do not have comfort cooling as it will free up wall space and provide an even heat throughout each room, this will be especially effective in the large open plan terminal area. Under-floor heating is ideally suited for low grade heating sources and therefore could be used in conjunction with an ASHP to deliver an efficient low carbon solution.

Response

The applicant is addressing these comments and a verbal update will be provided at the meeting.

- 5.18 **SCC Heritage Team** – While it is clear that considerable progress has been made to resolve the issues raised at the initial application stage (the redesign of the multi-deck car park is particularly welcome), there are still a number of issues that need to be resolved. Some of these can be dealt with through appropriate additional conditions, but some will require further work pre-determination before the scheme can be wholly supported. I agree with the applicants that the impact of the revised proposals when seen from the Canute Road and Old Town Conservations Areas, while significant, are indicative and consistent with that of a working dock. While there is harm I do not consider that the harm cannot be mitigated by a combination of creating greater access to the waterfront, plus design of the buildings and interpretation of the Dry Dock and associated features. More problematic is the impact on the conservation areas and associated designated and undesignated heritage assets of the view from Town Quay. Clearly from this viewpoint the impact of the buildings will be significant, although I believe that the addition of ferries using the terminal would provide a greater understanding of the dock-based activities. As above, I believe that the harm is capable of mitigation.

- 5.19 Dolphins.

The initial application showed the removal of two of the four dolphins to the west of the site. This was (and is) supported. The dolphins were associated with the floating dock, with the two northernmost ones being also associated with the BOAC flying boats in the late 1940s. While all four are undesignated heritage assets, it has been made clear on numerous occasions that the two northernmost dolphins are of greater heritage significance than the others.

- 5.20 MV Calshot.

The scheme also proposes the removal of the MV Calshot from its current mooring. The Calshot is a part of the National Historic Fleet, and while not covered by any formal designation remains an important heritage asset, and an important part of the history of the city. Information should be provided regarding any new berth proposed for the vessel to ensure its future viability, and National Historic Ships UK (the advisory body to the Department for Culture Media and Sport) should be notified of

the proposals.

5.21 Paleoenvironmental archaeology.

One borehole (BH 212) was assessed for the survival of paleoenvironmental deposits by Wessex Archaeology, which produced a peat deposit radiocarbon dated to the Mesolithic period. While it has been agreed by Historic England that no further work is required on the samples taken, this is largely because the samples were not specifically collected for geoarchaeological data, and that a programme of deposit modelling and further data collection and analysis would be required specifically:

'What is needed is a deposit model, with the geotechnical data from the on- and off-shore boreholes (and test pits as appropriate) input to a database and used to examine the nature and distribution of deposits across the entire site footprint. This should have formed the starting point for targeting borehole samples for any palaeoenvironmental work and dating; and would still (if done now) enable a far more robust and more easily understandable assessment of the archaeological and palaeo-environmental potential of the site, against which any impact the proposed development can be viewed.

The deposit model will enable locations to be targeted for further evaluation (this might be purposive geoarchaeological boreholes on pile locations or evaluation trenches where impacts are shallow or possibly deeper shafts where lift shafts and pile concentrations are proposed).

The geoarchaeological deposit model should include:

' Inputting of recent geotechnical and any accessible previous / historic geotechnical and archaeological / geoarchaeological data relating to the deposit sequence within and immediately around the footprint of the site to a database (eg Rockworks);

' Viewing of this lithology data in transects drawn across the site and, based on their characteristics and landscape position, the deposits ascribed to the site stratigraphic sequence already proposed by Wessex (modified as appropriate);

' Modelling of the data to produce clearly illustrated contour plots and plots of thickness and distribution of key deposits and surfaces, which should include:

o The 'pre-Holocene topography' (eg top of uppermost pre-Holocene deposit / base of the Holocene sequence in any borehole) approximating the Early Mesolithic landsurface;

o Distribution and thickness of the key deposits identified in the site sequence and especially the fluvial sand (Unit 6), as this sand is likely to have potential for Late upper Palaeolithic archaeology; the peaty landsurface (Unit 7); the transgression unit (unit 8); the intertidal clay (Unit 9); and the made ground (which looks to me at least in part like historic foreshore deposits in the terrestrial boreholes and needs further investigation, as it is likely to have greater potential and significance than identified in the report).

' Cross sections/transects drawn across the site to best illustrate the thickness and distribution of the deposits and the impact on them of the proposed development (ie extent of development, depths of foundations, pile locations if known etc).

To conclude I agree that no further analysis of the samples taken from the geotechnical boreholes is justified or necessary, at this stage. Much better samples should be available for palaeo-environmental analysis at a later stage of the project. However, a deposit model, collating the data obtained from the geotechnical (and historic) boreholes is needed to provide a preliminary baseline of the distribution and archaeological potential of the buried deposits across the site, against which the development impact can be assessed.

This work can be secured through conditions.

5.22 Interpretation Strategy.

A draft Interpretation Strategy (IS) was submitted at an early stage in the process, but unfortunately work has not progressed with its development. This will be a key document for the developer to submit and get agreement on in mitigation of the harm caused by the development proposals to the heritage assets. The commitment to re-engage the interpretation consultant is welcomed, and while the final agreed IS can be subject to the condition already suggested, further work on developing the strategy is needed prior to any approval, along with a commitment by the applicants that the IS will be implemented and the interpretive elements maintained. I would expect the interpretation of the remaining open element of the Dry Dock to be included in the IS.

5.23 **SCC Environmental Health (Pollution & Safety)** - No objections subject to conditions. I note the comments by the Environment Agency in their submission regarding the potential of contaminants being released and resuspended during dredging. As a Port Health Authority we are responsible for sampling of the shellfish beds and would not want to see them being affected, so support the EA in their comments. Noise from construction on the land can be controlled by conditions. For seaward piling, the applicant wishes to work 24/7. Their levels are satisfactory for the day, but the evening levels are slightly elevated and for night time it is too high. Although the applicant has submitted a Construction Environment Management Plan, as there is no contractor in place it cannot be completed, I would therefore ask for a condition. If any material dug from the riverbed or from the land side is odourous at the site boundary and is to be stored on site and not disposed of immediately, it shall be sheeted to reduce any emissions of odour.

5.24 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses: reclaimed land (on site); docks and wharfs (on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Consequently, the site should be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. The report submitted has identified contamination on site and recommendations have been made for further investigations following demolition which can be covered by conditions.

5.25 **SCC Ecology** – The terrestrial element of the application site is predominately hard standing and buildings which have negligible biodiversity value. The Pumphouse building was surveyed for bats but none were found. There will not be any adverse impacts on terrestrial biodiversity as a consequence of the proposed development. The intertidal habitats, found mainly on structures such as the mooring dolphins, comprise common species of seaweed, barnacles, mussels and limpets. A proportion of this habitat will be lost with the removal of two of the dolphins and although this will have an adverse impact on local marine biodiversity it will not be significant. Whilst this habitat is considered to be of low significance I would still like to see measures to encourage colonisation of the new structures.

- 5.26 A number of nationally and internationally designated nature conservation sites are located within the vicinity of the application site. International sites include the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site located approximately 750m to the south and the Solent Maritime Special Area of Conservation (SAC) 3km to the south east. Atlantic salmon and otter which are features of interest of the River Itchen SAC, located 5.5km to the north east, may pass in close proximity to the application site. Nationally designated sites include the Hythe to Calshot Marshes Site of Special Scientific Interest (SSSI) 750m to the south, Lee-on-the-Solent SSSI 930m to the east, Dibden Bay SSSI 1km to the south west and Eling & Bury Marshes SSSI 3.4km. The proposed development will not result in any direct impacts on the designated sites however, there is potential for indirect impacts which include: mobilisation of sediments (dredging); mobilisation of contaminants (dredging and piling); noise disturbance (piling); contamination from spills of fuel and other chemicals. Although these impacts are likely to be restricted to the area immediately around the application site, there is potential for them to affect Atlantic salmon which pass close to the site during migration. The distance between the application site and the adjacent shore makes impacts upon over-wintering wetland birds unlikely.
- 5.27 A range of appropriate mitigation measures have been proposed and are detailed in a Construction Environmental Management Plan. These measures include quiet piling techniques, soft start procedures, temporal restrictions on piling and dredging, minimising dredging over-spill, use of oil interceptors, controls on storage and use of chemicals and controls on refuelling of vehicles and other equipment. Whilst the CEMP is broadly acceptable precise details relating to a number of the mitigation measures are contained within supplementary documents which were not attached. The information contained with the CEMP is sufficient to allow the Local Planning Authority to conclude that there will be no adverse impacts on the European designated sites. However, to ensure that these measures are carried forward into the supplementary documents a condition should be attached to the permission requiring submission of the final version of the CEMP complete with the topic specific strategies.
- 5.28 **SCC Design Advisory Panel** – The proposal constitutes a poor design response that fails to exploit the opportunity of the site to create a positive impression for those arriving and departing the city. The scheme lacks design imagination and the new terminal building in particular fails to exploit the waterside setting and the opportunity presented to maximise the drama of the public experience of the closest viewing point to ships within the western docks. The terminal building will be lost in the general ‘greyness’ of the port landscape, whereas it should stand out as a focal point drawing the viewer to the destination. The design overall fails to appreciate that this project is more than simply the functional movement of vehicles on and off the ferry, or cruise ships, but has a wider responsibility as a key ‘public’ building within the city centre.

Response

See the comments from Historic England below and the design section of this report (paragraphs 6.10 and 6.11).

- 5.29 **Historic England** - (Comments on the application as amended) The current proposal is for four decks of parking over the Red Funnel marshalling yard and surface parking laid out within the outline of the dry dock. Access to the decked parking would be via a spiral ramp, contained within a 'drum' which would be positioned alongside and

within the dry dock. This proposal is much improved and has considerably less impact on the dry dock. However, the positioning of the drum in this location would restrict the views along the dry dock making the appreciation of its overall length difficult (but not impossible). In this sense there would still be a low level of harm to the heritage asset. It should be possible to outweigh the level of harm by implementing a comprehensive scheme of interpretation. The detail of the interpretation schemes should be submitted alongside any revised proposal as it is important that a balanced assessment of the overall scheme is possible with the amount of harm and benefit to the heritage asset clearly evident. The decked parking and drum will amount to a substantial and prominent structure in and alongside the dry dock. It will be important, therefore, that the materials for cladding, the overall profile of the structure etc are all carefully designed and structure of high architectural quality is achieved. It is intended to relate the design of the new decked parking to the design of the existing Ocean Terminal building so there is a broad cohesion to the site; this is the basis of a good approach.

- 5.30 **Environment Agency** - No objection in principle. Request conditions relating to piling, dredging methodology, and construction management.
- 5.31 **Natural England** - No objections subject to conditions on piling, dredging and disposal of materials.
- 5.32 **New Forest District Council** - No objections.
- 5.33 **Southern Water** – No objections subject to conditions.
- 5.34 **Ministry of Defence** - No safeguarding objections to the proposal (in respect of the Marchwood Military base).

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
 - The principle of the development
 - Transport considerations
 - Heritage issues and impact on the setting of listed structures
 - Design
 - Regeneration issues.
 - Ecology/impact on environment

6.2 Principle of Development

The application site lies within the operational Port of Southampton. It is the long established policy of the Council to promote and facilitate the growth of the port (Policy CS 9 of the Core Strategy). Policy AP 4 of the City Centre Action Plan supports the growth and overall competitiveness of the Port of Southampton as well as the growth and enhancement of the city centre. In considering development proposals the policy states that the Council will permit certain proposals if there are unlikely to be negative impacts on the current or future Port, or its strategic/secondary access; or if they have beneficial effects to the city centre which outweigh the negative impact on the Port or its access. This proposal is the first stage of the wider regeneration project for Royal Pier Waterfront which is a long standing

aspiration of the Council and a key project promoted by Policy AP 23 of the CCAP. The policy requires, as part of a large scale redevelopment, that all ferry services should remain integrated with the city centre and other public transport, either on site or relocated close by. The application proposals comply with these policy requirements and therefore the principle of this development is acceptable.

6.3 Transport issues

i) Access

The application has been the subject of extensive discussions between the applicant, the Council's Transport Team and other stakeholders including ABP as landowner, Carnival as operator of the Ocean Cruise Terminal and Red Funnel. The application proposes the relocation of the ferry terminal facilities from a location nearby to this site. Members attention is drawn to the detailed comments of the transport team in Appendix 2 to this report. Officers have studied the applicant's Transport Assessment (TA) submitted with this application and are broadly satisfied with the findings subject to mitigation measures being implemented. In terms of the impact on the highway network, as this development is primarily relocating an existing use, no new trips are assumed to have been generated and are reassigned to the new access on to the network. As part of the TA, the A33/Town Quay/High Street junction was assessed and the impact was considered to be acceptable with some improvement following the reduction in Red Funnel traffic, some of which currently U-turns at the Mayflower roundabout. The A33/Dock Gate 5 junction was improved in 2104 as part of the 'Platform for Prosperity' scheme to provide enhanced access to the Eastern Docks at Dock Gates 4 and 5. It was designed to allow access to the relocated ferry services by providing access to the application site outside of the Port's security controls. The transport team consider that improvements are needed to allow this junction to operate satisfactorily. It is surprising that this newly completed junction is not acceptable as built, but experience has shown issues when HGVs turn left out of the site and effectively straddle both left turn lanes and limit capacity for traffic leaving the docks. Improvements will be needed to this junction which will be secured through the Section 106 agreement. Although the full details of the alignment of the junction are not currently known, it is likely that there will be a small loss of the open space which was provided in the replacement Vokes Memorial Gardens. Although this would be contrary to policy, which seeks to retain the quantity of open space in the city, the loss is quite minor, anticipated to be about 40 square metres and the area in question is not particularly useable. It is considered that this would be outweighed by the wider public benefits associated with this scheme, including improved access to the waterfront for the public.

6.4 ii) Pedestrian/cycle accessibility including riverside walkway

Two options will be available for pedestrians using the ferry facilities. One of the routes is alongside the road leading to the terminal. Part of this route is beneath the multi-level car park. The other involves improvement to an existing private access from Platform Road which serves the marina slipway and existing car parking and creates a new riverside walkway beyond. This will be an attractive route during better weather and daylight hours. It is generally about 3 metres wide which is considered adequate as a combined pedestrian and cycle route. The walkway widens out at either end to become some 6 metres wide at the southern end. The walkway incorporates areas of seating and a new 'feature fence' which will provide adequate enclosure separating this public use from the marshalling yard for the ferries. This

walkway is a significant benefit to the scheme, providing a new public access to the waterfront with views across to Town Quay and beyond. Public access along this walkway will be secured through the Section 106 agreement.

6.5 iii) Public Transport

Moving the ferry terminal could result in a less convenient location for the public to access the facilities. The existing city link bus service is subsidised by commercial partners including Red Funnel and South-west Trains - it is anticipated that this service will continue in the future. Buses will need to access the site from Dock Gate 5, travel to the ferry terminal, wait and then turn around and leave the site in the same direction. To make the arrangements acceptable it will be necessary for there to be off site works at Orchard Place/Dock Gate 5 and within the internal port access road. These works will be secured through the Section 106 agreement.

6.6 iv) The proposed car park

The new car park is to provide long stay cruise parking for the Ocean Terminal, the storage of vehicles for import/export and other port related parking. It will also provide replacement for some of the existing short stay car parking spaces. The current car parking arrangements involve 935 spaces when parked flexibly (i.e. stacked one behind the other) on the area of the marshalling yard. The current Carnival short-term car park contains 337 marked spaces giving a current car parking capacity of 1,272 spaces. This proposal provides a total of 1,236 marked parking spaces compared to the current figure of 1,272 (marked and flexible spaces). The surface level car park would respond to the plan of the dock being a linear layout of 216 spaces, including 6 spaces for disabled users. The multi-deck would provide long stay parking for 1,020 cars to the west of the dry dock. The overall footprint of the building is established by the vehicle manoeuvring requirements of the marshalling yard. The height of the car park is determined by a requirement for a clear height of 5.5 metres to the marshalling yard below the first level of the parking deck. The existing coach parking to the west side of Cunard Road is retained. The area to the north of the dock can be utilised for overflow parking with a capacity for approximately 150 car spaces. The marshalling yard has been designed to meet the operational requirements of Red Funnel. It will provide a capacity of 417 car equivalent units (CEU) which is greater than the capacity of the existing Red Funnel marshalling yard.

6.7 Heritage

The proposed development affects the special architectural and historic interest of the listed structures being the dry dock and the associated pump house. The Council, as decision maker in this case, has a statutory duty to pay special regard to the preservation of the listed structure and its setting. The significance of the dry dock as a listed structure lies in its association with early 20th Century ocean-going liners and the importance of Southampton as an historic port. In considering the heritage aspects of this application members attention is drawn to the comments of Historic England in paragraph 5.29 of this report and the comments of the Council's Heritage Team in paragraphs 5.18 to 5.22.

6.8 In deciding the application the Council must have regard to the advice in the NPPF which states that the authority should identify and assess the particular significance of the heritage asset that may be affected by a proposal including by development affecting the setting of the heritage asset. The new terminal building would result in

the loss of the remaining above ground structure of the pumphouse. The remaining part of this structure has no roof and is in poor condition. The relationship to the former dry dock remains legible but it is of limited architectural value or interest. The only elements that are considered to be of interest are within the pumpwell where the pump turbines, motors and valves used to pump and drain water from the dry dock survive. It is proposed to retain and display this pump equipment, beneath the new building, with a series of lenses/panels within the floor which would be lit and visible to the public. This will form part of an interpretation strategy which can be secured through a condition.

The reconfiguration of the short stay parking spaces will sit within the outline of the dock and will allow the historic extent of the dock to be visible on the ground.

As part of the development it is proposed to reinstate original bollards and keel blocks to help define the pedestrian routes and to reinforce the historic context.

Concern has been expressed about removal of historic vessels as a result of the new ferry works. However, the particular location of these vessels cannot be protected by planning legislation.

- 6.9 As amended the application no longer proposes to install the decked car park directly above the listed dry dock structure. The multi-deck will now be to the west of the dry dock above the Red Funnel marshalling yard. The only structure on the footprint of the dry dock will be a circular 'drum' which will provide the necessary vehicular access to the car park. Although this structure is located within the dock area, the structural support for the drum will be contained within the infill with no bearing on the listed structure below. The NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. In this case it is considered that the amended proposal would not result in significant harm. The NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. With the necessary interpretation strategy it is considered that any harm is outweighed by the wider planning benefits of the development. Given the existing nature of the Eastern Docks the proposed development would not be detrimental to the character and appearance of the Canute Road Conservation Area.

6.10 Design

The design of the proposed terminal building has been amended during the course of the application. The approach has been to design a building in a similar 'language' to that of the Ocean Cruise Terminal which is a much larger structure. The proposed external materials would be similar to the terminal building. The Council's Design Advisory Panel were critical of the design approach which they felt was a missed opportunity for a new public transport facility in a highly visible location. Whilst that may be the case, it does not mean that the current scheme is unacceptable for its context.

- 6.11 - As stated earlier in this report the new multi-deck car park would have a significant visual impact as it is a large structure to be constructed on what is currently an open part of the docks. There are several multi-deck parking structures within other parts of the Eastern Docks so this would not be out of character with the area. Other options have been considered for providing sufficient space for the necessary car parking but these options were considered to be unacceptable for heritage reasons. Overall, the car park and the terminal building would not be out of character with the wider industrial landscape of the docks and the revised layout now respects the listed

dry dock making the scheme acceptable.

6.12 Regeneration issues

The existing ferry facilities suffer from being spread out on different sites. There is no single, purpose built arrival and departure point. Passenger facilities are poor, partly due to inadequate space. The administrative offices are spread between Town Quay and the company head office at 12 Bugle Street. There is a limited marshalling yard and area for queuing traffic. At busy times, Mayflower Park is used as an overspill area which is not particularly desirable. The existing arrangements make for a poor visitor experience with a small area for waiting within the terminal. The entrance to the site is poor and often congested with a consequential impact on the adjoining highway network. The throughput of passengers is limited by the size of the marshalling yard and the terminal building. This proposal would provide benefits in terms of operational efficiency and passenger experience. Clearly, the main regeneration benefit is in terms of acting as the first stage in the Royal Pier Waterfront proposal which cannot happen until the ferry facilities are relocated.

6.13 Ecology/environment

The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. As stated in paragraph 5.25 of this report, it is not considered that there will be any adverse impacts on terrestrial biodiversity as a consequence of the proposed development. The ecological impact is potentially more significant for the marine environment. The MMO have concluded within the appended HRA that no significant effect on interest features has been identified, from either the construction or operation of the works. It is the MMO's opinion that if the mitigation measures, with reference to timing and methodology of piling and alternative disposal of contaminated dredge material are adhered to, the proposal is unlikely to have a significant effect on any SAC, SPA or Ramsar site, either individually or in-combination with other plans or projects. The Council's Planning Ecologist agrees with the findings of the HRA. To meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) the Panel are recommended to endorse the HRA.

7. Summary

7.1 This application represents the first stage of the Royal Pier Waterfront redevelopment which is a long standing aspiration of the Council to create a high class waterfront for the city. That ambitious project cannot proceed until the existing ferry facilities have been moved to a site nearby. Although there would be some disadvantages of relocating the ferry facilities to this site in terms of public transport and pedestrian accessibility, there would be many benefits to Red Funnel in terms of consolidating all its activities on one site with much improved marshalling yard facilities. The

revised planning application is considered to be acceptable in highway terms, subject to mitigation measures being undertaken both on and off-site which will be secured through the Section 106 agreement. The previous heritage concerns have now been addressed and the design of the terminal building and car park, whilst functional are considered to be acceptable.

8. Conclusion

It is recommended that planning permission is granted subject to a Section 106 agreement and conditions and that listed building consent be issued subject to conditions to be decided by officers.

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

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

RP2 for 19/01/2016 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

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

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

2. 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.

3. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

4. Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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 additional exploratory site investigation (as recommended in the Onshore Contaminated Land Site Investigation Interpretative Report, 2015), characterising the site and allowing for potential risks (as identified within the desk study report) 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 scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The

verification report shall be approved by the Local Planning Authority prior to the 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.

5. Use of uncontaminated soils and fill (Performance Condition)

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.

6. 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.

Any changes to the agreed remediation actions will require the express written consent of 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.

7. BREEAM Standards (commercial development) [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage assessment, 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).

8. BREEAM Standards (commercial development) [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 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).

9. Archaeological evaluation brief [Pre-Commencement Condition]

No development shall take place within the site until the implementation of programmes of archaeological work for both the maritime and land-based archaeological remains have been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

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

10. Archaeological evaluation work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

11. Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works for both the maritime and land-based archaeological remains in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason:

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

12. Archaeological work programme (further works) [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

13. Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To inform and update the assessment of the threat to the archaeological deposits.

14. Interpretation of the Pump House [Performance Condition]

No development shall commence until an Interpretation Strategy and Design has been submitted to and approved in writing by the Local Planning Authority. The interpretation must provide physical or intellectual access to the pumping equipment and should be integrated into the landscaping design proposals.

Reason:

To mitigate the substantial adverse harm caused by the demolition of the Pump House.

15. Structural Engineers Report [Performance Condition]

No development shall commence until a Structural Engineers report on the adequacy of the gravel fill within the dry dock to support a multi-deck car park without damage to the concrete structure has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

To ensure that the structure of the dry dock is not damaged by piling.

16. Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

17. Safety and security (Pre-Commencement Condition)

No development shall take place apart from site preparation and groundworks until a scheme of safety and security measures including on-site management, security of the car parking areas, a lighting plan, a plan showing location and type of CCTV cameras and access to the building has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the development to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of safety and security.

18. Cycle storage facilities (Pre-Commencement Condition)

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

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

19. 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 interests of amenity, safety/security and ecology.

20. Piling (Pre-Commencement)

Prior to the commencement of development hereby approved, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of neighbouring occupiers.

21. Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the Local Planning Authority. The plan shall contain method statements and site specific plans to prevent or 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. The plan shall include proposed hours of construction activities and pollution prevention measures proposed for the works. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties. The River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and cause deterioration of a Shellfish protected area.

This condition is in line with Paragraph 109 of the National Planning Policy Framework, Policy CS22 of Southampton City Council's Core Strategy Partial Review (adopted March 2015), the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Water Framework Directive.

22. Piling Measures (Performance Condition)

The following measures must be taken for all piling activities:

Piling works should be undertaken in the winter months of the year only (between 1st October and 16th March). If piling works are carried out between 16th September and 30th November an Adaptive Management Strategy as set out here must be applied:

Should the Licence holder wish to carry out piling activity between 16th September and 30th November in the area upstream of the line drawn between Hythe Pier NGR SU4278308537 and Weston Hard Buoy NGR SU4412909819) the Licence Holder must adhere to up to two 'stop' periods between those dates when the autumn salmon run has commenced. Each stop would be for a maximum of three days (a maximum of 72 hours) and the start date would be determined by the Environment Agency. 24 hours notice would be provided in writing (e-mail) by the Environment Agency. Vibration or 'silent' piling methods should be used as standard. If this is not an option then slowly increasing the power of the driving over a 5 minute period should be implemented. Any variation to the use of a vibration piling methodology should be submitted to and approved by Southampton City Council and the Marine Management Organisation in consultation with the Environment Agency and Natural England.

Reason:

Piling has been identified as having potential to impact upon migratory salmonids and other migratory fish. Salmon and Sea trout will be present within the estuary. The mitigation techniques outlined in the condition, should reduce the impact of the work on migratory fish in this area. This condition is in line with Paragraph 109 of the National Planning Policy Framework, Policy CS22 of Southampton City Council's Core Strategy Partial Review (adopted March 2015) and the Water Framework Directive.

23. Works Associated with Dredging Activities (Pre-Commencement Condition).

Prior to the commencement of works, a scheme for works associated with the proposed dredging shall be agreed with Local Planning Authority in consultation with the Marine Management Organisation, Cefas, Environment Agency and Natural England.

This scheme should include the following:

Additional Water Framework Directive Assessment - risks that the highly contaminated material poses to the status of WFD specific pollutants, priority substances, Shellfish Water Protected Area and shellfish: Location of works; Timing of works; Detailed methodology; Remediation strategy; Disposal strategy

The scheme shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority in consultation with the Marine Management Organisation, Cefas, Environment Agency and Natural England.

Reason

To prevent detrimental impact on ecology and consequent deterioration of watercourses and/or failure to achieve good ecological status or good ecological potential. The sediments to be dredged in this proposal are highly contaminated so could potentially impact ecology and water quality/environment.

This condition is in line with Paragraph 109 of the National Planning Policy Framework, Policy CS22 of Southampton City Council's Core Strategy Partial Review (adopted March 2015) and the Water Framework Directive.

24. Dredging Methodology (Performance Condition)

Only backhoe dredging is to be used and measures should be put in place to ensure there is no overspill of dredged material or water from the hopper barge receiving the dredged

material. A silt curtain should be used around the dredge site to prevent wider dispersal of contaminated sediments into the Test Estuary and Southampton Water.

Reason

To minimise environmental impacts through high suspended sediment concentrations and mobilisation of contaminated sediments from the dredge material.

This condition is in line with Paragraph 109 of the National Planning Policy Framework, Policy CS22 of Southampton City Council's Core Strategy Partial Review (adopted March 2015) and the Water Framework Directive.

25. Dredge material remediation and disposal strategy (Performance Condition)

Due to the significant levels of heavy metals, organotin compounds and hydrocarbons present within the marine sediments at Trafalgar Dock, a dredge material remediation and disposal strategy should be agreed with MMO, Cefas, EA and NE prior to any marine works commencing.

Reason: To minimise the risk of contamination to the marine environment from disposal of dredged material at the Nab Tower disposal site.

26. Piling (Performance Condition)

Vibro-piling should be used as standard, percussive piling should only be used when needed to drive a pile to its design depth. A soft-start procedure and acoustic shrouds should be used when percussive piling is required.

Reason: To minimise noise disturbance to birds and other mobile species that use the area.

27. Use of materials (Performance Condition)

The applicant shall ensure that any coatings/treatments on the materials are suitable for use in the marine environment and are used in accordance with best environmental practice. Environment Agency pollution prevention guidelines (PPG) should be followed and all reasonable precautions are undertaken to ensure no pollutants enter the water body.

Reason: To avoid contamination of the marine environment.

28. 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.